

**OFFICE OF PLANNING**  
Leiopapa a Kamehameha, Room 600  
235 South Beretania Street  
Honolulu, Hawaii 96813  
Telephone: (808) 587-2846  
Facsimile: (808) 587-2824

LAND USE COMMISSION  
STATE OF HAWAII

2017 FEB 21 A 11:09

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A16-800
	)	
ISLAND SCHOOL	)	OFFICE OF PLANNING'S WITNESS
	)	LIST AND EXHIBIT LIST; EXHIBITS 2,
To Amend the Land Use District Boundary	)	3, 4, 5, 6, 7, AND 8; CERTIFICATE OF
of Approximately 38.448 Acres of Land	)	SERVICE
from the Agricultural District into the Urban	)	
District at Puihi, Lihue, Island of Kauai,	)	
State of Hawaii, Tax Map Key No: (4) 3-8-	)	
002: 016	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

BENJAMIN M. MATUBARA, #993-0  
CURTIS T. TABATA, #5607-0  
WILSON OKAMOTO CORPORATION  
Matubara, Kotake & Tabata  
888 Mililani Street, Suite 308  
Honolulu, Hawaii 96813

DAVID PRATT, ISLAND SCHOOL  
3-1875 Kaunualii Highway  
Lihue, Kauai, Hawaii 96766-9597

MICHAEL DAHILIG, DIRECTOR  
Planning Department, County of Kauai  
4444 Rice Street  
Lihue, Kauai, Hawaii 96766

MAUNA KEA TRASK  
County Attorney  
Office of the County Attorney  
4444 Rice Street  
Lihue, Kauai, Hawaii 96766

KAUAI COUNTY PLANNING COMMISSION  
c/o Planning Department, County of Kauai  
4444 Rice Street  
Lihue, Kauai, Hawaii 96766

DATED: Honolulu, Hawaii, February 21, 2017.

OFFICE OF PLANNING  
STATE OF HAWAII

  
\_\_\_\_\_  
LEO R. ASUNCION  
Director

**LAND USE COMMISSION**

**DOCKET NO./PETITIONER:** A16-800 ISLAND SCHOOL  
**PARTY:** OFFICE OF PLANNING (OP)

LIST OF WITNESSES

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
LEO R. ASUNCION Director Office of Planning	Land Use and Environmental Planning	State position	Yes	1	20 min.
OR					
RODNEY FUNAKOSHI Land Use Division Administrator	Land Use and Environmental Planning	State Position	Yes	1	20 min.

LAND USE COMMISSION


DOCKET NO./PETITIONER: A16-800 ISLAND SCHOOL  
 PARTY: OFFICE OF PLANNING (OP)

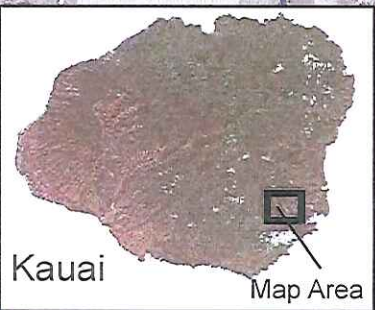
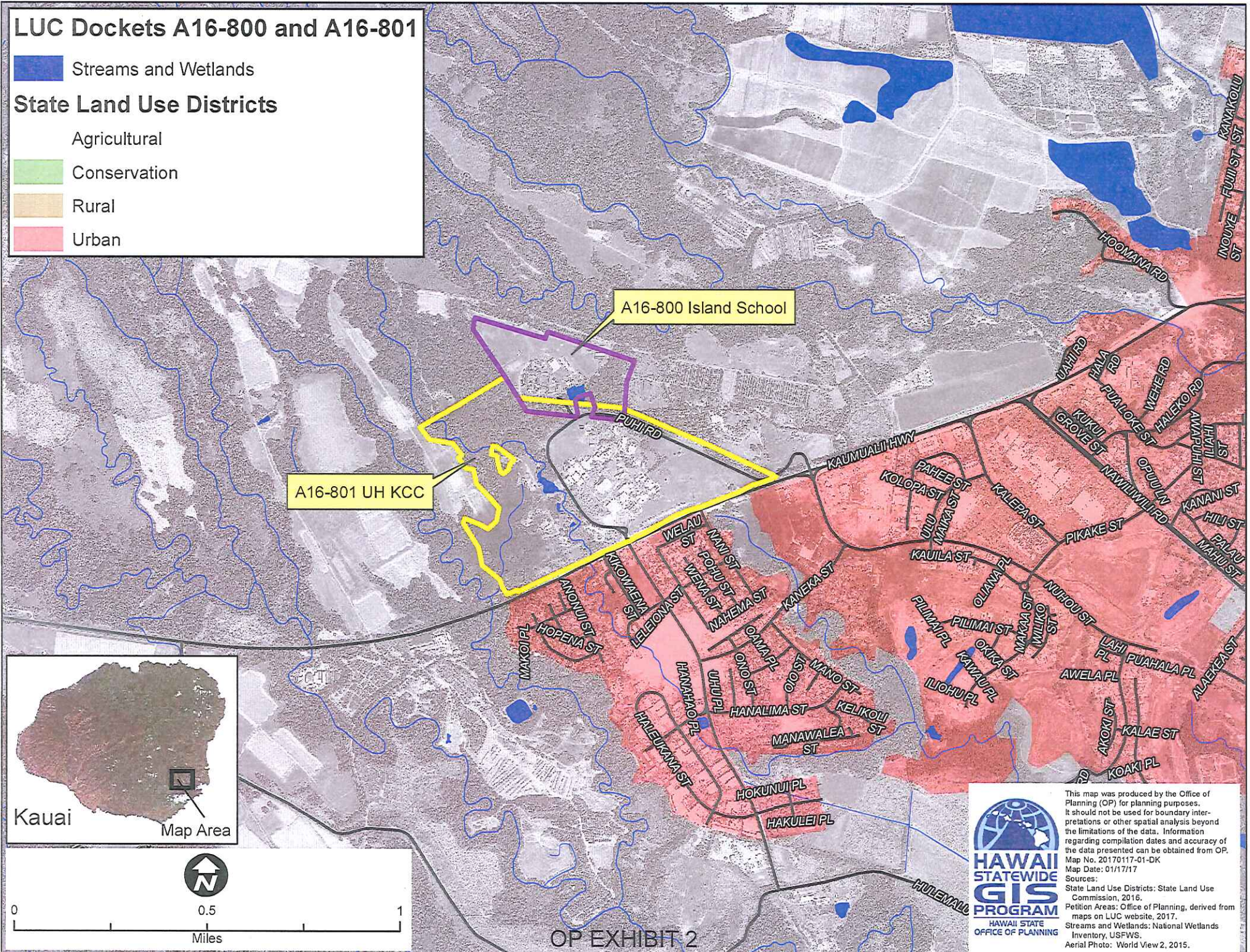
LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Office of Planning (OP) Written Testimony		
2	Map, <i>Petition Location with waterways</i> , OP		
3	State Department of Land and Natural Resources, State Historic Preservation Office Letter, dated June 8, 2016		
4	State Department of Health Letter, dated June 9, 2016		
5	State Office of Hawaiian Affairs Letter, dated June 23, 2016		
6	U.S. Fish and Wildlife Service Letter, dated June 30, 2016		
7	State Department of Transportation Letter, dated January 20, 2017		
8	Resume of Rodney Funakoshi		
9			
10			
11			

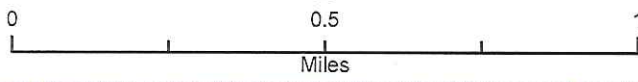


# LUC Dockets A16-800 and A16-801

-  Streams and Wetlands
- State Land Use Districts**
- Agricultural
-  Conservation
-  Rural
-  Urban



Kauai  
Map Area



OP EXHIBIT 2



This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.  
 Map No. 20170117-01-DK  
 Map Date: 01/17/17  
 Sources:  
 State Land Use Districts: State Land Use Commission, 2016.  
 Petition Areas: Office of Planning, derived from maps on LUC website, 2017.  
 Streams and Wetlands: National Wetlands Inventory, USFWS.  
 Aerial Photo: World View 2, 2015.



DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 8, 2016

Lorene Maki  
Office of Planning  
State of Hawaii  
[Lorene.k.maki@hawaii.gov](mailto:Lorene.k.maki@hawaii.gov)

LOG NO: 2016.01294  
DOC NO: 1606MN07  
Archaeology

Aloha Ms. Maki:

SUBJECT: **Chapter 6E-8 Historic Preservation Review -  
Petition for Amendment of the State Land Use District Boundaries  
Nāwiliwili Ahupua‘a, Puna District, Island of Kaua‘i  
TMK: (4) 3-8-002:016**

Thank you for opportunity to comment on the “Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A16-800 Island School”, which we received in our Kapolei office on May 27, 2016. The Office of Planning requested comments from the State Historic Preservation Division (SHPD) in regards to the petition to amend the Stand Land Use District from “agricultural” to “urban” to allow the construction and expansion of the school campus.

The petition application accurately states that an archaeological inventory survey (AIS) was conducted for the property, which resulted in the identification of two historic sites, State Inventory of Historic Places (SIHP) Site 50-30-11-2179, a plantation-era agricultural site consisting of four features, including a reservoir (Feature A), and three earthen irrigation ditches (Features B, C, and D), as well as a Hawaii Territory survey marker, Site 50-30-11-2220 (Hammatt et al. 2014). The AIS followed the preparation of a literature check/field inspection (Hammatt et al. 2013) and was approved by SHPD in a letter dated March 31, 2014 (*Log No. 2014.01235, 1403SL24*).

SHPD agreed with the recommendation for archaeological monitoring for any proposed improvements that would adversely affect the sites in the letter dated March 31, 2014, and we await submittal of an archaeological monitoring plan (AMP) for the proposed expansion. The AIS text states “The archaeological remnants of this agricultural infrastructure still contain important information...in order to mitigate the destruction of portions of SIHP 50-30-11-2179 during the proposed campus facility expansion project, a program of archaeological data recovery, in the form of an archaeological monitoring program (per the language of HAR§13-285-8) is recommended”.

SHPD has made a determination that “**effect, with proposed mitigations**” for the proposed boundary amendment. In accordance with HAR§13-275, the SHPD requests preparation of an archaeological monitoring plan (AMP) as mitigation to address the impacts to historic properties. Please contact Kaua‘i Lead Archaeologist Mary Jane Naone at (808) 271-4940 or [Maryjane.Naone@hawaii.gov](mailto:Maryjane.Naone@hawaii.gov) if you have any questions regarding this letter. Mahalo for your assistance in preserving significant historic and cultural properties.

Aloha,

A handwritten signature in cursive script that reads "Mary Jane Naone".

Mary Jane Naone  
Kaua‘i Lead Archaeologist

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

EPO 16-185

June 9, 2016

Ms. Lorene Maki  
Office of Planning  
235 South Beretania Street, 6<sup>th</sup> Floor  
Honolulu, Hawaii 96813  
Email: [lorene.k.maki@hawaii.gov](mailto:lorene.k.maki@hawaii.gov)

Dear Ms. Maki:

**SUBJECT:      Petition for Amendment of the State Land Use District Boundaries**  
**Land Use Commission Docket No. A16-800 Island School**  
**Puhī, Lihue, Kauai**  
**TMK: (4) 3-8-002: 016**

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your Petition to our office on June 1, 2016.

EPO strongly recommends that you review the standard comments and available strategies to support sustainable and healthy design provided at: <http://health.hawaii.gov/epo/landuse>. Projects are required to adhere to all applicable standard comments. EPO has recently updated the environmental Geographic Information System (GIS) website page. It now compiles various maps and viewers from our environmental health programs. The eGIS website page will be continually updated so please visit it regularly at: <http://health.hawaii.gov/epo/egis>.

EPO also encourages you to examine and utilize the Hawaii Environmental Health Portal at: <https://eha-cloud.doh.hawaii.gov>. This site provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings.

Please note that all wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please review online guidance at: <http://health.hawaii.gov/wastewater> and contact the Planning and Design Section of the Wastewater Branch at 586-4294.

A phase I Environmental Site Assessment (ESA) and site investigation should be conducted for residential development or redevelopment projects on formerly and currently zoned agricultural land used for growing sugar, pineapple or other agricultural products. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants may have occurred at the site, the site should be properly characterized through an approved Hawaii State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and/or groundwater sampling plan. Please refer to Sections 3 and 4 of the HEER Office Technical Guidance Manual <http://www.hawaiidoh.org/>. If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with Chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan. To identify HEER records related to the property, visit <http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/public-records>

OP EXHIBIT 4



Ms. Lorene Maki  
Page 2  
June 9, 2016

You may also wish to review the draft Office of Environmental Quality Control (OEQC) viewer at: <http://eha-web.doh.hawaii.gov/oeqc-viewer>. This viewer geographically shows where some previous Hawaii Environmental Policy Act (HEPA) {Hawaii Revised Statutes, Chapter 343} documents have been prepared.

We request that you utilize all of this information on your proposed project to increase sustainable, innovative, inspirational, transparent and healthy design. Thank you for the opportunity to comment.

Mahalo nui loa,



Laura Leialoha Phillips McIntyre, AICP  
Program Manager, Environmental Planning Office

LM:nn

Attachment 1: Environmental Health Management Web App Snipit of Project Area : <http://health.hawaii.gov/epo/egis>  
Attachment 2: Clean Water Branch: Water Quality Standards Map - Kauai County  
Attachment 3: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snipit of Project Area  
Attachment 4: Wastewater Branch: Recycled Water Use Map of Project Area  
Attachment 5: Historic Sugarcane Map of Project Area  
Attachment 6: OEQC Viewer Map of Project Area

c: DOH: DHO Kauai, WWB, HEER {via email only}



Legend

- Inactive Landfills
- Active Landfills
- Air Quality Monitoring Sites
- Superfund Sites
- Water Quality Monitoring Sites
- Hawaii State House Districts
- Hawaii State Senate Districts - State\_Senate\_Districts
- State Land Use Districts
  - Agricultural
  - Conservation
  - Rural
  - Urban
- Hawaii Statewide Parcels
- 2010 Census Designated Places (CDP) - CDPs\_2010
- 3 Nautical Mile Boundary
- Water Quality Classification
  - A
  - AA
- Underground Injection Control Line

(1 of 7)

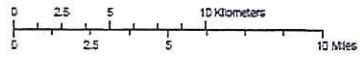
Parcels\_Statewide: 438002016

tmi: 438002016

gisacres: 29.75

Hawaii Department of Health  
**Water Quality Standards Map**

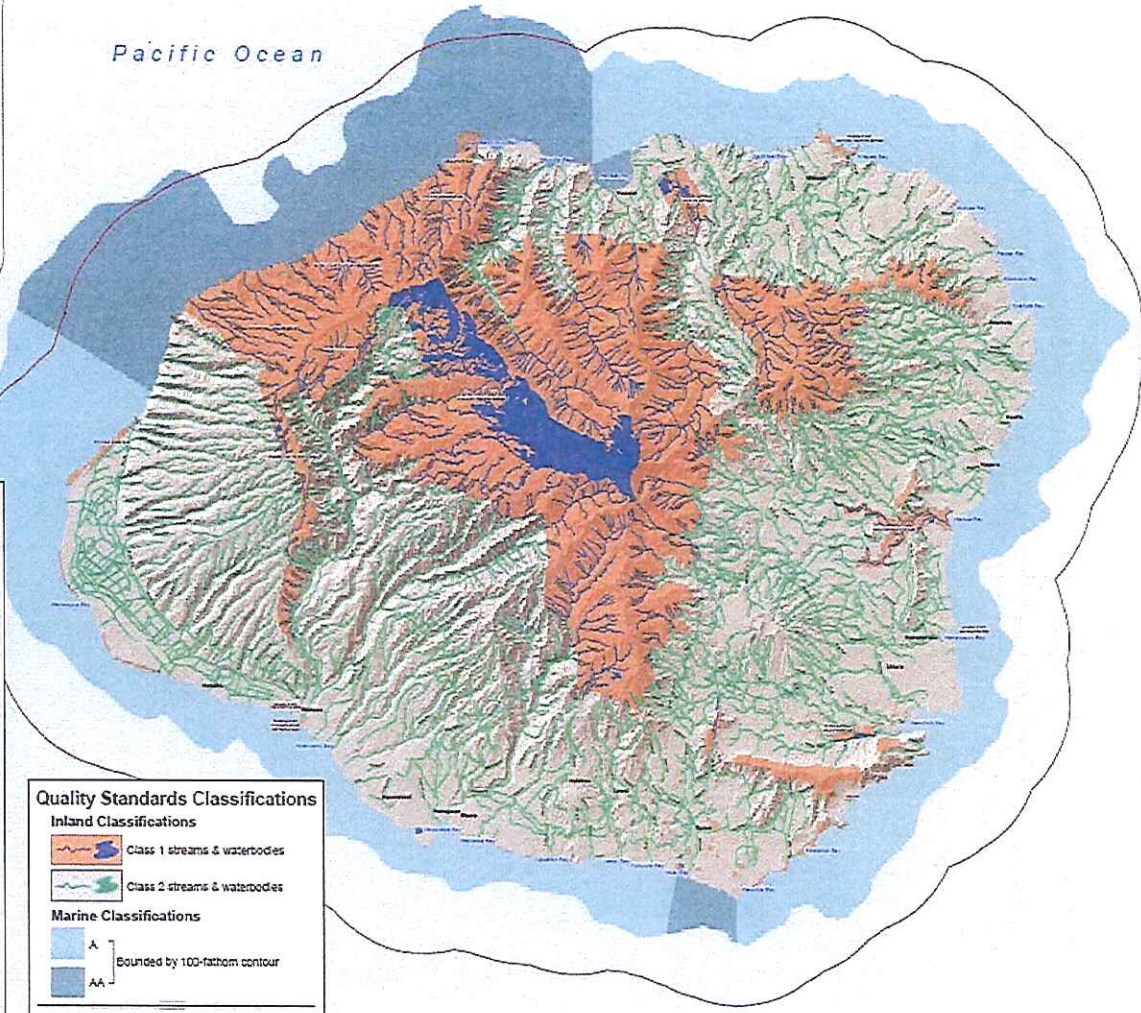
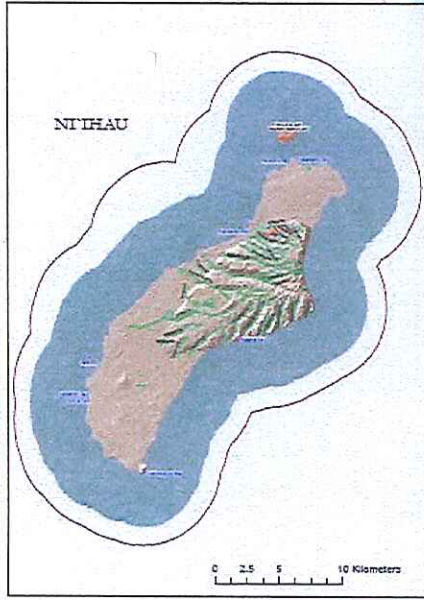
of the  
**ISLANDS OF KAUAI & NI'HAU**



June 2014



This map is a geographic representation of Hawaii State Water Quality Standards as set forth in Hawaii Administrative Rules Chapter 11-54, but is intended for reference only, not to substitute for the governing language in the Water Quality Standards.

Pacific Ocean






**Quality Standards Classifications**

**Inland Classifications**

-  Class 1 streams & waterbodies
-  Class 2 streams & waterbodies

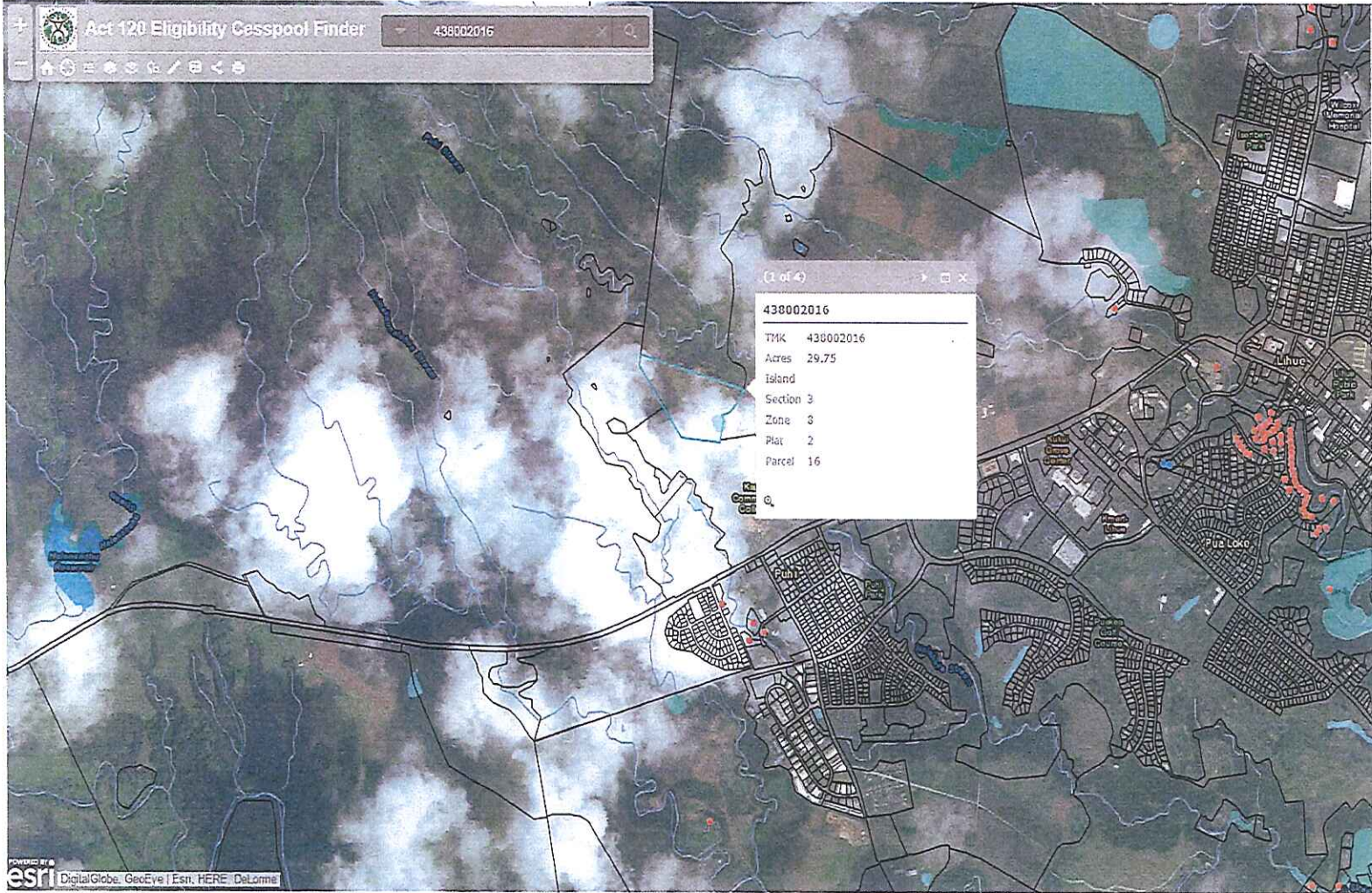
**Marine Classifications**

-  A
  -  AA
- Bounded by 100-fathom contour

 3 Mile Boundary Line: Areas situated within this line but outside of the 100-fathom contour are subject to Hawaii State Oceanic Water Quality Standards.

**DRAFT**





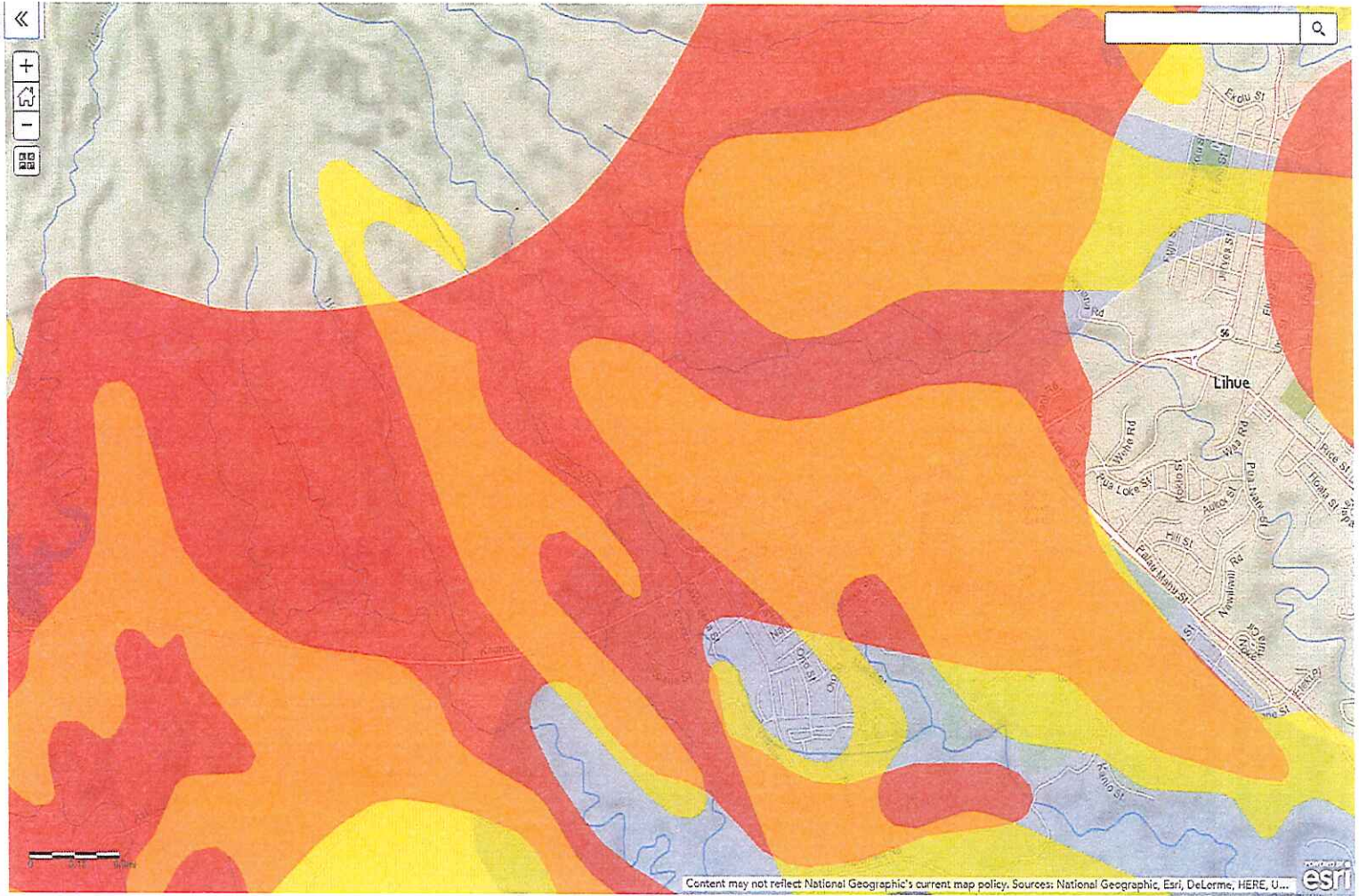
- Geocoded\_All\_Islands\_Cesspools**
  - Certification Required
  - No Certification Required
- Hawaii Statewide Parcels**
- Streams**
  - Perennial
  - Non-Perennial
- Coastline**
- Wetlands**
  - Estuarine and Marine Wetland
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Freshwater Pond
  - Lake
  - Riverine







- Legend    Details
- Sugarcane - Sugarcane\_1937
  - Sugarcane - Sugarcane\_1920
  - Sugarcane - Sugarcane\_1900
  - Statewide TMK NAD43





island school

2 sites found

Results Filter

Show sites with no location

**Island School Updated Master Plan (DEA-AFNSI)**  
Environmental Assessment (Applicant)

**Kauai Island School Updated Master Plan (FEA-FONSI)**  
Environmental Assessment (Applicant)



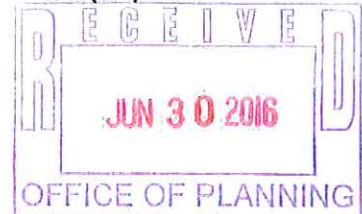


PHONE (808) 594-1888



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817

FAX (808) 594-1938



76825

HRD16-6423E

June 23, 2016

Lorene Maki  
State of Hawai'i Office of Planning  
P.O. Box 2359  
Honolulu, HI 96804

Re: Request for Comments on a Petition for Amendment of the State Land Use District  
Boundaries: Land Use Commission Docket No. A16-800 Island School  
Niumalu, Nāwiliwili Ahupua'a, Puna Moku, Kaua'i Moku  
Tax Map Key: (4) 3-8-002:016

Aloha e Lorene Maki:

The Office of Hawaiian Affairs (OHA) is in receipt of your May 24, 2016 letter requesting comments on the Petition for Amendment of the State Land Use Boundary to re-designate the parcel mentioned above from agricultural district to urban district (Petition). Island School sits on approximately 38.448 acres of land that is located in the Puhi area just west of Līhu'e town.

Island School was founded in 1977 and is one of Kaua'i's oldest and largest private schools educating grades pre-kindergarten to grade 12. According to the Petition, the school relocated to Puhi in 1990 and was established under a State Special Permit, Use Permit, Variance Permit, and Class IV Zoning Permit issued by the County Planning Commission on August 23, 1990 and subsequently updated on April 26, 2005.

The current enrollment is about 370 students and the updated master plan is to accommodate a student enrollment of 500 students, increase faculty, and expand the existing school facilities. Project improvements include:

- Renovated and expanded classroom buildings;
- Administration, visual arts facility, science buildings, and arts education building;
- Campus center, auditorium and stage, and dining facility; and
- Dormitory, faculty and employee housing, sports facility including track, football, soccer, and baseball field

OP EXHIBIT 5

Lorene Maki, Office of Planning  
June 23, 2016  
Page 2

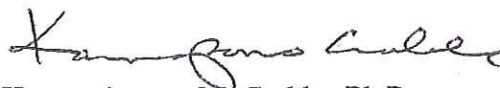
Other neighboring developments include Kilohana Plantation; two Hawaiian language immersion schools, Pūnana Leo o Kaua‘i and Kawaikini New Century; Kaua‘i Community College; and undeveloped vegetated lands.

A copy of the State of Hawai‘i Bureau of Conveyances Exhibit “4”, recorded on October 8, 1992, states the property was conveyed from the Līhu‘e Plantation Company, Limited to Island School for the sum of one dollar (\$1). On November 2, 2012, Island School filed a Petition for County General Plan Amendment to amend the Petition area from the County general plan agriculture designation to the urban center designation, which was approved on March 13, 2013. According to the Petition – Impacts and Mitigation Measures section, the project area was previously in sugar cane cultivation by the Līhu‘e Plantation Company until the late 1980’s. The project is not expected to have a significant impact on the conversion of agricultural-designated land within the Petition Area after the area was rendered unsuitable for intensive agricultural uses since it began functioning as a school. Given the existing and proposed campus expansions and improvements, it is highly unlikely that the land will revert back to agricultural use in the future.

According to Cultural Surveys Hawai‘i’s, archaeological inventory survey, no historic or traditional cultural material was observed during subsurface testing. Nevertheless, OHA does request assurances that should iwi kūpuna or Native Hawaiian cultural deposits be identified during any ground altering activities, all work will immediately cease and the appropriate agencies, including OHA, will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. Should you have any questions, please contact Kathryn Keala at (808) 594-0272 or [kathyk@oha.org](mailto:kathyk@oha.org).

‘O wau iho nō me ka ‘oia ‘i‘o,



Kamana‘opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KC:kk

C: Kaliko Santos, OHA Kaua‘i Community Outreach Coordinator (via email)





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

JUN 30 2016

In Reply Refer To:  
01EPIF00-2016-TA-0393

Mr. Leo R. Asuncion  
Office of Planning  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804

Subject: Comments on Petition for Amendment of the State Land Use District Boundaries:  
Expansion of Island School, Kauai

Dear Mr. Asuncion:

The U.S. Fish and Wildlife Service (Service) received your letter, dated May 24, 2016, requesting our comments on the subject petition. You requested we identify the following: 1) programs, facilities, or resources under the jurisdiction of our agency that will be affected by the project; and 2) any mitigation measures that may be recommended to address the above issues if the petition were to be approved. Based on our telephone discussion with the State of Hawaii Office of Planning (OP) staff, Lorene Maki, on June 29, 2016, we understand the public hearing date for the subject petition has not been set and is on hold until further notice. Island School (the Petitioner) proposes to amend the State Land Use District from the Agricultural to Urban District in order to allow construction and expansion of the school facilities. The final Environmental Assessment (EA) for the updated Master Plan which includes plans for the school expansion was completed in January 2013. The updated Master Plan for the approximately 38-acre campus includes new and expanded classrooms and facilities, recreational sports fields and facilities, outdoor pool, a loop road, 145 new parking spaces, and associated infrastructure. The property is located in the town of Lihue on the island of Kauai at TMK (4) 3-8-002:016. Our comments are provided under the authorities of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C 1531 *et seq.*).

We provided comments on the draft EA for this project in September 2012 and December 2012 (Service Files: 2012-TA-0424 and 2013-TA-0052). In our first letter, we recommended measures to avoid and minimize impacts to the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) and the endangered Hawaiian petrel (*Pterodroma sandwichensis*), the threatened Newell's shearwater (*Puffinus auricularis newelli*), and a species proposed for listing the band-rumped storm-petrel (*Oceanodroma castro*) (hereafter collectively referred to as seabirds). In our second letter, we identified additional species that are known to occur or transit through the project area, including the endangered Hawaiian stilt (*Himantopus mexicanus knudseni*), Hawaiian moorhen (*Gallinula chloropus sandvicensis*), Hawaiian coot (*Fulica alai*).

OP EXHIBIT 6

Hawaiian duck (*Anas wyvilliana*) (hereafter collectively referred to as Hawaiian waterbirds), and the endangered Hawaiian goose (*Branta sandvicensis*). In addition, we cautioned the project proponents that from the information presented it appears there will be the potential for adverse effects to several listed species or their habitats. We provided clear guidance to work with us and the State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) to determine if a Habitat Conservation Plan is warranted for this project. To date, there has been no further consultation by the project proponents with our office to address potential impacts to listed species due to construction and operation of the facilities.

According to the subject petition, Island School proposes to not clear dense vegetation, including woody plants greater than 15 feet, in the project area during the bat birthing and pup rearing season (June 1 through September 15) to avoid potential impacts to the Hawaiian hoary bat.

To minimize potential impacts to the Hawaiian goose, Island School proposes to survey the area for nesting activity if the construction activity is planned to occur between October and March. The Hawaiian goose has an extended breeding season with eggs reported between August and April. We recommend a biologist familiar with the nesting behavior of the Hawaiian goose survey the area prior to the initiation of any work, or after any subsequent delay in work of three or more days (during which birds may attempt nesting). If a nest is discovered, work should cease immediately and our office should be contacted for further guidance. Furthermore, all on-site project personnel should be apprised that Hawaiian geese may be in the vicinity of the project at any time during the year. If a Hawaiian goose (or geese) appears within 100 feet of ongoing work, all activity should be temporarily suspended until the Hawaiian goose (or geese) leaves the area of its own accord.

To minimize potential impacts to seabirds, Island School proposes to shield exterior lighting should nighttime work be required in conjunction with project construction and during the operation of the proposed project. Any increase in the use of nighttime lighting, particularly during peak fallout period (September 15 through December 15), could result in additional seabird injury or mortality. We recommend construction activities occur only during daylight hours. Exterior facility lights should be positioned low to the ground, be motion-triggered, and be shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the bulb is only visible from below. It is unclear from the petition and the final EA which school facilities and infrastructure will include exterior lighting, and if stadium-type is planned for outdoor recreational facilities.

The petition and the final EA overlook measures to minimize potential impacts to Hawaiian waterbirds. We recommend Island School implement the following measures to avoid and minimize impacts to Hawaiian waterbirds:

- A biological monitor should conduct Hawaiian waterbird and nest surveys at the proposed project site prior to project initiation, and after any subsequent delay in activities of three or more days.
- Any documented nests or broods within the project vicinity should be reported to the Service within 48 hours.
- A 100-foot buffer should be established and maintained around all active nests and/or broods until the chicks/ducklings have fledged. No potentially disruptive activities or habitat alteration should occur within this buffer.

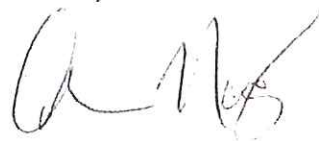


- The Service should be notified immediately prior to project initiation and provided with the results of pre-construction Hawaiian waterbird surveys.
- A biological monitor(s) should be present on the project site during all construction or earth moving activities to ensure that Hawaiian waterbirds and nests are not adversely impacted.
- If a listed Hawaiian waterbird is observed within the project site, or flies into the site while activities are occurring, the biological monitor should halt all activities within 100 feet of the individual(s). Work should not resume until the Hawaiian waterbird(s) leave the area on their own accord.
- A post-construction report should be submitted to the Service with 30 days of the completion of the project. The report should include the results of Hawaiian waterbird surveys, the location and outcome of documented nests, and any other relevant information.

Implementation of these measures will minimize impacts to listed species and species proposed for listing, but does not ensure that take associated with the proposed project will be fully avoided. Principally, based on current seabird flight heights and flyways, we are concerned that take of listed seabird species associated with operational use of exterior lighting may not be fully avoided by shielding. The Service is available upon request to assist Island School with ESA compliance. If it is not possible to avoid take, then we will recommend Island School apply for an incidental take permit under section 10(a)(1)(B) of the ESA. A section 10 permit application must include a habitat conservation plan that identifies the effects of the action on listed species and their habitats, and defines measures to minimize and mitigate those adverse effects.

The Service appreciates OP's consideration of our comments in the review of the subject petition. Based on the information included in the petition, as currently written, the proposed construction and operational activities will not minimize adverse effects to listed species and species proposed for listing. We recommend that all measures to avoid and minimize adverse effects to these species, described in this letter, are conditions of the boundary amendment, should the State Land Use Commission approve the petition. If you have questions regarding our comments, please contact Adam Griesemer, Endangered Species Biologist (phone: 808-285-8261, email: adam\_griesemer@fws.gov).

Sincerely,



Aaron Nadig  
Island Team Manager  
Oahu, Kauai, Northwestern Hawaiian  
Islands, and American Samoa

cc: Katherine Cullison, Hawaii Division of Forestry and Wildlife, Administrative Branch  
Thomas Kaiakapu, Hawaii Division of Forestry and Wildlife, Kauai Branch  
Benjamin Matusbara & Curtis Tabata, Attorneys for Petitioner

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
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01/24/17 gmm


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IN REPLY REFER TO:  
DIR 0770  
STP 8.2070

January 20, 2017

TO: LEO R. ASUNCION, DIRECTOR  
OFFICE OF STATE PLANNING

FROM: FORD N. FUCHIGAMI   
DIRECTOR OF TRANSPORTATION

SUBJECT: EXPANSION OF ISLAND SCHOOL  
PETITION FOR AMENDMENT OF THE STATE LAND USE DISTRICT  
BOUNDARIES  
LAND USE COMMISSION DOCKET NO. A16-800  
PUHI, LIHUE, KAUAI, HAWAII  
TMK: (4) 3-8-002:016

Our Department of Transportation's (DOT) comments on the subject project are as follows:

Airports Division (DOT-AIR)

1. The subject project is located approximately 3 miles westerly from the end of Runway 3 at Lihue Airport (LIH).
2. Developers should be aware that photovoltaic (PV) systems, located in or near the approach path of aircraft into an airport, can create a hazardous condition for a pilot due to possible glint and glare reflected from the PV array. The following website may assist with preparation of a glint and glare analysis: [www.sandia.gov/glare](http://www.sandia.gov/glare). It is recommended that the highest rated non-glare materials be used in the PV system installed to mitigate potential hazard to the greatest degree possible. If glint or glare from the PV array creates a hazardous condition for pilots, the owner of the photovoltaic system must be prepared to immediately mitigate the hazard, upon notification by the Department of Transportation, Airports Division (DOT-A) or the Federal Aviation Administration (FAA). Note: Other sources of glint and glare besides PV systems such as large glass or reflective surfaces must be avoided or mitigated.
3. The proposed site is located outside of the noise contours on the Lihue Airport 5-Year (2011) Noise Exposure Map and the site is not beneath flight tracks for the airport. Since the subject site is occupied by a school which may be expanded in the future there should be no noise impacts outside of an infrequent single noise event.

OP EXHIBIT 7



4. Federal Aviation Administration Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, requires a minimum distance of five (5) statute miles between the farthest edge of the Air Operations Area (AOA) and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure space. This includes using appropriate landscaping that deters bird nesting and foraging.
5. The operators of the Island School and subsequent contract developers for any expanded facilities need to be aware of the duties of the state and county agencies to implement the Technical Advisory Memo related to this project and all projects within 5 miles of an airport:

[http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports\\_08-01-2016.pdf](http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf)

Highways Division (DOT-HWY)

Access to the school is from Kaunualii Highway, State Route No. 50. The Kaunualii Highway improvement project in this vicinity widened the facility from two to four lanes. The request is not anticipated to have a significant impact to State highways facilities.

If there are any questions, please contact Mr. Norren Kato of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

EKT:gm

bc: AIR-EP, HWY-P (2016-100), STP (3-8-002-016)

## RESUME

### Rodney Funakoshi

Planning Program Administrator, Land Use Division  
State of Hawaii Office of Planning

#### Employment:

- Planning Program Administrator, Land Use Division, Office of Planning, 2011-present
- Senior Project Manager, Planning and Development, Castle & Cooke Hawaii, 2007 - 2011
- Senior Project Manager – Planning, Wilson Okamoto Corporation, 1987 – 2007
- Planner IV-VI, State of Hawaii Department of Planning and Economic Development, 1979 – 1987

#### Education:

- Master of Urban and Regional Planning, University of Hawaii at Manoa
- Bachelor of Arts, Sociology, University of Hawaii at Manoa

#### Expertise:

- Hawaii land/water use development permits
- Community master plans
- Public awareness and involvement
- Infrastructure & erosion control plans
- Environmental assessments/EISs
- Water quality and wetlands permits
- Land use development plans
- Airport and military master plans

#### Experience:

Mr. Funakoshi has managed a wide range of government and private sector planning and development projects in Hawaii and the Pacific. As a consulting planner he has represented major land owners and developers including Castle & Cooke Hawaii, Alexander and Baldwin, Stanford Carr Development, Haseko, Gentry Hawaii, Ko Olina Resort, TSA International, Outrigger Resorts, Kamehameha Schools, and Kauai Lagoons. Development approvals processed include State land use boundary amendment petitions, Conservation District Use, Special Management Area permits, county zoning, variance and subdivision approvals, and Federal and State water quality permits.

Major public sector projects managed include the Aiea-Pearl City Livable Communities Plan, Hawaii State Airport Systems Plan, Kailua-Kaneohe-Kahaluu Wastewater Facilities Plan, Waipahu Town Plan, Maui Land Use Technical Study and Infrastructure Assessment, Kawainui Marsh Master Plan, Hilo International Airport Master Plan, Camp H.M. Smith Master Plan, Hawaii Water Resources Protection Plan, Oahu Water Master Plan, Five-Year Boundary Review/Affordable Housing Study, Grading/Erosion Control Ordinance Revision for Maui and Hawaii County, and Marine Education and Training Center at Sand Island.

Mr. Funakoshi has supervised the preparation of over 50 environmental assessments and environmental impacts statements under Hawaii and Federal EIS laws for airports, highways, harbors, schools, military, land use, infrastructure, resort, commercial-industrial, residential, and master planned communities. He has coordinated hundreds of environmental technical and scientific studies including engineering, archaeology, botany, ornithology, traffic, air, noise, socio-economic and water quality.

#### Professional Associations:

- American Planning Association, Hawaii Chapter