

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A16-801
)	
UNIVERSITY OF HAWAI'I)	UNIVERSITY OF HAWAI'I
COMMUNITY COLLEGES)	COMMUNITY COLLEGES
)	
To Amend the Agricultural Land Use)	
District Boundary into the Urban District for)	
approximately 148.37 acres at Puhi, Lihu'e,)	
Island of Kaua'i, State of Hawai'i,)	
TMK: (4) 3-4-07:01, 02, 03, and 06.)	
)	

PETITION FOR LAND USE
DISTRICT BOUNDARY AMENDMENT

VERIFICATION

EXHIBITS "1" THROUGH "16"

AFFIDAVIT OF SERVICE OF PETITION
FOR LAND USE DISTRICT BOUNDARY AMENDMENT

AFFIDAVIT OF SENDING OF NOTIFICATION OF PETITION FILING

AND

CERTIFICATE OF SERVICE

Agent:
WILSON OKAMOTO CORPORATION
Earl Matsukawa

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(808) 946-2277

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TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAI'I:

COMES NOW UNIVERSITY OF HAWAI'I COMMUNITY COLLEGES ("UHCC"), Petitioner, by and through its agent WILSON OKAMOTO CORPORATION and respectfully petitions the Land Use Commission of the State of Hawai'i ("Commission") to amend the land use district boundaries of approximately 148.37 acres of land from an overall project area of approximately 199 acres of land at Puhi, Lihu'e District, Kaua'i, Hawai'i, more particularly described below, herein called the "Petition Area", from its current State Land Use Agricultural District to the State Land Use Urban District for the Kaua'i Community College campus ("KCC"). The Petition Area is shown on the map attached hereto as Exhibit "1" and made a part hereof.

Initially, UHCC proposed to redesignate the entire 199 acre KCC campus from Agriculture to Urban. Based on consultations with the County Planning Department, Land Use Commission, and Office of State Planning, the petition area was reduced to approximately

148.37 acres from 199 acres, to follow and be consistent with the County's GP "urban center" designation.

The Petition Area is currently in use by the KCC campus. A long range development plan of the entire campus (approximately 199 acres of the project area) is attached hereto as Exhibit "2" and made a part hereof.

In support of its petition, the Petitioner asserts the following:

1. Relief Sought. Petitioner desires to amend the State land use district boundaries to reclassify the Petition Area of approximately 148.37 acres of land at Puhī, Līhu'e District, Kaua'i, Hawai'i, from the State Land Use Agricultural ("A") District to the State Land Use Urban ("U") District.

2. Authority for Relief Sought. This Petition is filed pursuant to § 205-4 of the Hawai'i Revised Statutes (herein "HRS") and § 15-15-46 et seq. of Title 15, Subtitle 3, Chapter 15 of the Hawai'i Administrative Rules (herein "LUC Rules").

3. Environmental Assessment. The Final Environmental Assessment and Finding of No Significant Impact ("FEA") was published in the State of Hawai'i, Office of Environmental Quality Control, "Environmental Notice" on December 8, 2012. Attached is Exhibit "3", the Final Environmental Assessment prepared by Wilson Okamoto Corporation.

4. Legal Name of Petitioner. Petitioner's exact legal name and location of its principal place of business and mailing address is:

University of Hawai'i
Community Colleges
2327 Dole Street
Honolulu, HI 96822

Contacts:

Ms. Denise Yoshimori-Yamamoto, (808) 956-8373

Mr. Brandon Shimokawa, (808) 245-8311 ext. 230

Mr. Michael Unebesami, (808) 956-6280

5. Communications to Petitioner. The name, title and address of the person

to whom correspondence or communications in regard to this Petition are to be served are as follows:

Petitioner: University of Hawai'i
Community Colleges
2327 Dole Street
Honolulu, HI 96822
Contacts:
Ms. Denise Yoshimori-Yamamoto, (808) 956-8373
Mr. Brandon Shimokawa, (808) 245-8311 ext. 230
Mr. Michael Unebesami, (808) 956-6280

Petitioner's Agent: Wilson Okamoto Corporation
1907 S. Beretania Street, Suite 400
Honolulu, Hawai'i 96826
Contact: Mr. Earl Matsukawa, AICP (808) 946-2277

6. Description of the Petition Area and Surrounding Property. The Petition

Area is situated at Puhi, Lihu'e, Island and County of Kaua'i, State of Hawai'i and contains approximately 148.37 acres of the entire 199-acre campus. The campus is comprised of four parcels, identified as Tax Map Key (TMK) 3-4-07:01, 02, 03 and 06 (See Exhibit "4"). These parcels are comprised of 59 acres, 40 acres, 99 acres, and 1 acre, respectively. The Petition Area of approximately 148.37 acres consists of the campus core and the areas surrounding Punana Leo o Kaua'i Pre-School and Kawaikini New Century Public Charter School (TMK: 3-4-07: por. 01, 02 and 03).

Exhibit "5" is a survey map of the Petition Area to be reclassified into the State Land Use Urban District and metes and bounds description.

Exhibit “6” are deeds to the parcels evidencing ownership of the parcels by the University of Hawaii system.

The KCC campus is located in Puhī, approximately two miles west of Līhu‘e, on the island of Kaua‘i (See Exhibit “1”). Exhibit “7” identifies the location of the Petition Area and surrounding properties.

7. Reclassification Sought, Present Use of the Petition Area, Assessment of Conformity. The Petition Area is presently classified in the Agricultural District on the State Land Use District boundary map , and Agriculture District under the County’s zoning map (See Exhibits “8” and “9” respectively). As evidenced by Exhibits 8 and 9 and outlined in a heavy black line, UHCC is proposing to redesignate 148.37 acres of the 199-acre campus. This Petition seeks to redesignate the 148.37 acres of the campus which coincide and is consistent with the “Urban” land-use designation established in the Kauai General Plan. As a result, and after numerous meetings with the Kauai County Planning Department, UHCC proposes to re-designate the campus property to “Urban” designation, a more appropriate state land use classification that would be aligned and consistent with the Kauai General Plan. Development of the campus within an existing approximately 99-acre parcel (TMK 3-4-07:03) was permitted through a Special Permit granted by the State Land Use Commission on April 6, 1973. The campus is also comprised of an additional approximately 100 acres in three parcels identified as TMK 3-4-07:01, 02 and 06. While most of this land is undeveloped, the approximately 40-acre parcel identified as TMK 3-4-07:02 contains two Hawai‘i and Language Immersion schools, including the Punana Leo o Kaua‘i Pre-School and the Kawaikini New Century Public Charter School. The Punana Leo o Kaua‘i Pre-School occupies school facilities that were built before

the KCC campus was established. The Kawaikini New Century Public Charter School is a K-12 school that occupies existing buildings but was also granted a Special Permit, Use Permit and Class IV Zoning Permit by the County of Kaua'i on May 26, 2009.

The Petitioner submits that the Petition Area and its proposed reclassification conform to the standards contained in Chapter 205, HRS, and §15-15-18 of the LUC Rules. The Petition Area conforms to the Kaua'i General Plan, which shows the properties as "Urban Center." A copy of the Kaua'i General Plan for the area is attached hereto as Exhibit "10".

The Petition Area is outside of the 100-year floodplain (Zone X) according to the Flood Insurance Rate Map ("FIRM"). The area is also outside of the Special Management Area, as established by the County of Kaua'i, and not subject to unstable soil conditions and other adverse environmental effects. See the FEA Exhibit "3" for further discussion and/or information.

Re-designation of the KCC campus from the State Land Use Agricultural District to the Urban District would be more consistent with its existing and planned uses and would complete conveyance of land-use jurisdiction to the County, which would regulate uses through its zoning code. Further discussions will be pursued with the County as to which zoning designation and/or permits would be appropriate for the KCC campus.

8. Petitioner's Property Interest. The Petitioner is the fee owner of the Petition Area, as evidenced by deeds attached hereto as Exhibit "6".

9. Type of Use or Development Proposed. The Petition Area will be used and developed in the future in accordance with the KCC Long Range Development Plan ("LRDP") which proposes the development of the existing KCC campus site to accommodate a population of 3,000 full time equivalent ("FTE") students with an interim phase of 1,500 FTE

students. Development of the existing campus was permitted through a Special Permit granted by the State Land Use Commission. However, the County Planning Department informed KCC that future expansion of the campus would not be permitted through another Special Permit as the County prefers a more comprehensive permitting system for the KCC campus. Re-designating the KCC campus from the State Agricultural District to the Urban District would be appropriate for existing and planned campus programs.

In accordance with the County's position, UHCC proposes to re-designate a portion of the KCC campus from Agricultural to Urban in preparation of future projects and need for County approvals.

The proposed project is the eventual development of the KCC campus, generally following land-use allocations recommended by the Ultimate Site Plan presented in the KCC's LRDP (See Exhibit "2"). KCC is presently updating its LRDP and in the process has developed a draft Preferred Site Plan based on a student population of 1,500 FTE (See Exhibit "2"). This plan has yet to be finalized and adopted.

10. Projected Number of Lots, Lot Sizes, Number of Units, Densities, Selling Price, Intended Market and Development Timetables. The Project does not include any marketable units or lots.

11. Financial Condition of Petitioner. Petitioner's financial statement is not attached pursuant to the provisions of Hawaii Administrative Rules ("HAR") 15-15-50 (8). The Petitioner may submit additional financial information during the course of the hearings, as appropriate, at the request of the LUC.

12. Description of the Petition Area, Surrounding Areas and Use of Land. The majority of the existing campus facilities within the Petition Area are centrally located in TMK:

3-4-07: 03, as shown in Exhibits “11 and 11A. The campus consists of approximately 43 buildings, internal roadways, parking, tennis courts, open lawn areas, landscaping, and a pedestrian pathway system that provides access between various areas of the campus. A ditch along the eastern boundary extends eastward from the area north of the existing roadway into an off-site reservoir located adjacent to Island School. This ditch connects to a reservoir on Grove Farm Company Inc.’s (“Grove Farm”) property makai of Kaumuali’i Highway.

Access to the KCC campus is provided by two roadways, the first of which runs along the perimeter of the campus and intersects with Kaumuali’i Highway, and the second of which runs along Kilohana Plantation. The campus has two main parking lots, as well as a lawn area to the west of the entrance that is used for overflow parking. There are two bus stops serving the campus. One is located near the entrance to the property, and the other is located near the Administration Building alongside the main parking lot.

The KCC Diversified Agriculture Program uses approximately 14 acres of land (TMK 3-4-07: 02) southwest of the existing main campus. The Puhi Reservoir, located along the boundaries of parcel 02 and 03, provides irrigation water through an irrigation ditch system for the cultivation of diversified crops, which include taro and a number of lo‘i. The ditch system extends mauka in a northwesterly direction through to agricultural lands mauka of the KCC property.

Two Hawaiian Language Immersion schools, including the Punana Leo o Kaua‘i Pre-School and the Kawaikini New Century Public Charter School are also located within parcel 02. The Punana Leo o Kaua‘i Pre-School occupies school facilities that were built before the KCC campus was established. The Kawaikini New Century Public Charter School is a K-12 school that occupies existing buildings but was also granted a Special Permit, Use Permit and

Class IV Zoning Permit by the County of Kaua'i on May 26, 2009. Both schools have a 25 year lease with the KCC and are considered separate entities from KCC.

TMK 3-4-07: 01 is heavily vegetated with the northern portion used for sugar cane cultivation. Puhi Stream and a wooded gulch are located along the western boundary. A university-owned parcel, identified as TMK 3-4-07: 06, is used for a water tank. TMK 3-4-07: 05, which is amid but not part of the KCC campus, consists of Puhi Camp Cemetery which is owned by Grove Farm. A small parcel (TMK 3-4-07: 07), located within parcel 01 is owned by the County of Kaua'i, and also is not part of the KCC campus.

Agricultural lands used for sugar cane production are located adjacent to the project site on the north, west, and southwest, as shown in Exhibit "7". Grove Farm owns agricultural lands located to the north of the project site as well as lands to the west and southwest.

The Island School, a 38.4 acre private school with student grades pre-K to 12, and Kilohana Plantation are also located to the north and northeast of the project site, respectively. Kaumuali'i Highway borders the campus to the south and serves as the main access road for the project site. Makai of the Kaumuali'i Highway are lands owned by Grove Farm. These lands include commercial uses, a 3-acre county park, the Klussman Reservoir, some vacant land and residential land uses. Across Kaumuali'i Highway from Kaua'i Community College to the south is the town of Puhi, with retail businesses, residences and light industrial uses. Further east along the highway, opposite the access road to Kaua'i Community College, is the YMCA and, adjoining it to the south is Chiefess Kamakahelei Middle School, which fronts Nuhou Street.

About a half-mile further east along the highway, on the south side, are a number of commercial properties that comprise the Puhi Regional Shopping Complex, including Kukui

Grove Shopping Center, Hokulei Village Shopping Center, Home Depot, Costco and K-Mart. Kukui Grove is the largest retail center on the island and serves as a major destination for local residents and visiting tourists. The county seat of Kauai and central business district is located in Līhu‘e, the center of which is located approximately 2 miles to the north-east of the petition area and serves as the island’s primary employment center. Within Līhu‘e, Wilcox Memorial Hospital and Kaua‘i Medical Clinic provide comprehensive inpatient, outpatient and same-day services for Kaua‘i residents and visitors. Various medical offices are also located in the general vicinity of Līhu‘e which serve the greater populace of the island of Kaua‘i. Collectively, the Puhi regional shopping complex and the nearby county seat of Līhu‘e, which includes Wilcox hospital are Kaua‘i’s largest commercial and employment centers.

13. Assessment of the Impacts of the Proposed Use or Development Upon the Environment. The existing environment as well as project impacts and mitigation measures were assessed under the Final Environmental Assessment (FEA) see Exhibit “3”. The findings of the FEA are summarized below.

a. Agricultural: The proposed future expansion of KCC will extend out from the main campus. Areas along the streams and drainage ways are proposed for diversified agriculture and education. In the event that future development occurs near these sensitive resources, impacts will be evaluated. Future development of the campus will implement best management practices, where appropriate. Additional information related to agriculture is found in the FEA, Section 3.3, Soils, and describes the various land classifications by the Land Study Bureau and the State Department of Agriculture’s *Agricultural Lands of Importance*. The aforementioned content (Section 3.3, Soils) is inserted below:

Soils:

According to the U.S. Department of Agriculture Natural Resources Conservation Service, the project site is comprised of soils within the Puhi series and rough broken land (see Exhibit 12). The Puhi series consists of deep, well drained soils found on uplands at elevations of 175 to 500 feet with slopes of 3 to 40 percent. The soils are formed in material weathered from basic igneous rock and have surface layer of brown to very dark brown, friable silty clay loam and silty clay. Puhi soils are used for the production of sugar cane, orchards, and truck crops. The natural vegetation consists of guava, Java plum, pangolagrass, kikuyugrass, elephantopus, joe, yellow foxtail and rhodomyrtus.

Rough broken land soils consist of very steep land broken by numerous intermittent drainage channels. These soils occur on mountainsides and in gulches statewide. Elevations range from nearly sea level to about 8,000 feet with slopes of 40 to 70 percent. The local relief is between 25 and 500 feet. The soils are 20 to more than 60 inches deep over soft, weathered rock which are mixed with the soil in many places. The annual rainfall amounts to 25 to more than 200 inches. The soils have rapid runoff and active geologic erosion. Rough broken land is primarily used for watershed and wildlife habitat. It is also used for pasture and woodland.

The Detailed Land Classification – Island of Kauai published by the University of Hawaii Land Study Bureau (LSB) evaluates the quality or productive capacity of certain lands on the island for selected crops and overall suitability in agricultural use. A five-class productivity rating system was established with “A” representing the class of highest productivity and “E” the lowest. The productivity ratings were based on statewide standards of crop yields and levels of management at the time the classification

was made. Majority of the project site is rated “B”, with the remaining area rated “C”, “E” or not classified (see Exhibit 13).

The State Department of Agriculture’s Agricultural Lands of Importance in the State of Hawaii (ALISH) classify lands into four agricultural types, Prime Lands, Unique Lands, Other Lands, and Unclassified. Majority of the project site is not classified, with the remaining area classified as “Prime Lands” or “Other Lands” (see Exhibit 14).

Members of the 1978 Constitution Convention recognized the growing pressure of urbanizing agricultural lands and directed the legislature to devise laws to preserve agriculture as an economic base by, among other things, ensuring the availability of agricultural lands. That year Article XI, Section 3 of Hawaii’s State Constitution was amended. The amendment obligated legislature to: 1) provide standards and criteria for identifying which lands would be considered IAL; and 2) provide standards and criteria for rezoning and reclassifying lands designated as IAL.

After nearly 30 years Hawaii’s State Legislature passed SLH 2005 Act 183 in 2005 which defined and established eight criteria to designate IAL and authorized each of the counties to create maps identifying IAL and to submit those maps to the State Land Use Commission (LUC) for designation of those lands as IAL. The new law also created incentives to both encourage landowners to have their lands designated as IAL and to counteract what the legislature expected to be adversity to such a designation.

Pursuant to the Act 183 SLH 2005 and Act 233 SLH 2008, the County of Kauai conducted a study (County of Kauai Important Agricultural Lands Study, Second Draft, August 2011) to identify potential Important Agricultural Lands (IALs) on the island of Kauai. From August 2009 to September 2011, the County of Kauai with assistance from

the University of Hawaii at Manoa consulted with the Stakeholder and Technical Advisory Committee (STAC) and community. The County integrated community input with technical data to map IAL in Kauai. Based on criteria definitions and weights, GIS maps of each IAL criterion were produced. The final IAL scores of agricultural lands were calculated by combining weights and indices of all eight criteria.

All of the agricultural lands were evaluated and scores ranged from a low of 0 to a high of 40 points. The higher the score, the more a land area meets the eight criteria. According to the draft IAL study, the recommended threshold for lands to be considered IAL is 25 points. At this threshold, 65, 680 acres of land on Kauai would be designated IAL.

A majority of the KCC campus does not have an IAL score since the area is designated as Urban Center in the County of Kaua'i General Plan 2000. The northern portion (TMK 3-4-07: por. 01) of KCC campus is designated as Agriculture in the General Plan with IALs score ranging from 23.60 to 25.73 (Personal communication with Lea Kaiakamalie, County of Kauai, June 2012). Surrounding areas are also in Agriculture with IALs score ranging between 24.31 and 25.50.

b. Recreational: Park facilities on Kaua'i are operated by the State and the County. The State's Department of Land and Natural Resources Division of State Parks operates nine parks that offer outdoor recreation and heritage resources. The nearest State park to the project site is Ahukini State Park which is located at the end of Ahukini Road in Līhu'e, approximately 4.25 miles northeast of the project site. Ahukini State Park includes Ahukini Pier, a concrete pier situated at the mouth of Hanamaulu Stream, which offers views of Hanamaulu Bay. The County of Kaua'i's Department of Parks & Recreation operates 17 parks in the Līhu'e

area including 13 neighborhood parks, three beach parks, and one stadium. The County also operates eight neighborhood centers that offer recreational and educational programs for the communities of Kaua'i. The Līhu'e Neighborhood Center is approximately two miles northeast of the project site.

The proposed expansion of the KCC campus is not expected to affect in-migration to Kaua'i County and the project area and, therefore, is not anticipated to create additional demands on existing recreational facilities.

c. Cultural and Historic: KCC is not proposing any major projects at this time. In the longer term, implementation of major projects is not anticipated to have significant individual or cumulative impacts on cultural resources. Should cultural or burial sites be identified during future ground disturbance in the project area, all work will immediately cease and the appropriate agencies notified pursuant to applicable laws.

Pursuant to *Ka Pa'akai O Ka'Aina v. Land Use Commission et al.*, 94 Haw. 31, 7 P.3d 1068, KCC respectfully states based on work done by Cultural Surveys Hawai'i reviewed by SHPD that there are no: 1) valued cultural, historical, or natural resources in the Petition Area, and therefore no traditional and customary native Hawaiian rights being currently exercised in the Petition Area; 2) as a result of the lack of those resources, there are no traditional and customary native Hawaiian rights which will be affected or impaired by the request contained in this Petition; and, 3) because of the foregoing, there is no action to be taken by this Commission to reasonably protect native Hawaiian rights. The Petition Area has been developed as a campus since 1965 and prior to that had been heavily cultivated for decades by sugar plantations.

Cultural Surveys Hawai'i, Inc. ("CSH") conducted a Cultural Impact Assessment ("CIA"). The assessment is included in its entirety in the FEA (See Exhibit "3") and a summary of the report is included in the FEA, Section 3.11. The purpose of the CIA is to consider the project's effect on cultural practices. This assessment provides information pertinent to the assessment of the proposed project's impacts to cultural practices and resources. The impacts may include Traditional Cultural Properties (TCPs) of ongoing cultural significance that may be eligible for inclusion on the State Register of Historic Places.

An archaeological literature review and field inspection of the project site was also conducted by Cultural Surveys Hawai'i, Inc. in August 2010. The nine historic features which were identified were plantation era features including five irrigation ditches, three reservoirs one of which is abandoned, an abandoned wooden flume and the Puhi Camp Cemetery. The CSH archaeological literature review is included in its entirety in the FEA (See Exhibit "3"), and a summary of the report is included in the FEA, Section 3.10. Subsequently, in consultation with SHPD, a campus-wide Archaeological Inventory Survey (AIS) encompassing approximately 199 acres was conducted and approved by SHPD/DLNR on April 15, 2016 (See Exhibit "16").

d. Scenic: The project site is located in Puhi, which is characterized largely by agricultural lands. Scenic resources that are visible from the edges of the project site include Haupu (Hoary Head) Mountain Range to the southwest and Kilohana crater and Mount Waialeale to the north. Because of the relatively flat topography on the existing campus, the most significant views can be experienced along the periphery of the campus as views from the central portion of the campus are often blocked by existing buildings. The limited vegetation

along the edge of the campus fronting Kaumuali'i Highway makes the KCC campus highly visible from the highway.

No significant impacts on visual resources in the project area are anticipated. The campus is composed of mostly one-story buildings, except for the performing arts center and One-Stop Center. In the longer term, implementation of major projects shown in the updated LRDP will individually and cumulatively affect the visual characteristic of the campus. The new buildings are envisioned to be generally one- or two-story structures. The new buildings will adhere to the Design Guidelines in KCC's LRDP, which addresses the overall design direction, materials, and standards for new building projects (See Exhibit "12").

The future expansion of the campus will minimize the intrusion of buildings on the visual environment through architectural design criteria and extensive landscaping. The proposed parking lots will be screened and beautified with consistent landscaping.

e. Flora and Fauna: A Biological Survey was conducted by Rana Biological Consulting, Inc. The report is included in its entirety in the FEA (See Exhibit "3") and is summarized below. In addition, the FEA, Section 3.7 also provides a summary of the report.

f. Flora: No significant impacts on flora species are anticipated. The KCC campus and the partly developed and undeveloped surrounding lands lack botanical resources that would merit special concern, with some exceptions. In the undeveloped areas, the species present are common to lowland windward Kaua'i, and are nearly all non-native species (except one or two *koa* trees), and not requiring or deserving of preservation on this property. A number of unusual trees (including native species) within the former agriculture station at the southwest corner of the campus have been planted over a long period of time and now constitute a botanical resource worth preserving.

No plant species currently listed as endangered, threatened, or proposed for listing under either federal or the State of Hawai'i endangered species programs were recorded as growing naturally on the KCC property. One listed species was observed as an ornamental in a Hawai'i native plant garden. Therefore, it is not expected that proposed expansion of the campus will result in deleterious impacts to any plant species currently listed as endangered, threatened, or proposed for listing under either Federal or State of Hawai'i endangered species statutes.

g. Fauna: No significant impacts on fauna within the project site are anticipated. UHCC is not proposing any major projects at this time. Any improvements would be minor in scope as discussed in Section 2.5 of the FEA.

In the longer term, implementation of major projects shown in the updated LRDP will not adversely affect any rare, threatened, or endangered species of animal or its habitat. Future construction of facilities will require the removal of some of the existing plant species that provide a small habitat for various bird and mammal species that commonly occur in sub-tropical environments, however, when landscaping is completed, many of these displaced species are anticipated to return.

There is no federally delineated Critical Habitat present within the project site or adjacent to the property. Thus, the further development of KCC will not result in impacts to federally designated Critical Habitat.

During construction of facilities, an endangered species awareness program will be developed which includes general information on the endangered species act and protected species, specific restrictions that will be in force on the job site to protect endangered species, and a set of protocols on who, and how job site personnel will respond to any downed or injured

endangered species that may occur. All construction personnel will be required to be familiar with the program and protocols that will need to be followed.

If construction activities occur during *Nēnē* nesting season, which typically runs from October through March, the project site should be surveyed by a qualified biologist before the onset of the construction, to determine if any active *Nēnē* nesting activity is occurring on the site. If active *Nēnē* nesting occurs while construction activities are ongoing, it may be advisable to have a *Nēnē* monitor on site to ensure the birds are not harmed.

The primary potential impact the proposed project poses to the nocturnally flying Hawaiian Petrels and Newell Shearwaters (*Puffinus newelli*) is the increased threat that individual birds will be downed after becoming disoriented by new exterior lighting associated with possible night-time construction activity, and structures that are built on the property. To reduce this possibility, all exterior lighting within the proposed project will be shielded or of the cut-off luminaire or indirect lighting types, and/or directed downward, or separately circuited to reduce the potential for interaction with exterior lights and man-made structures.

The principal potential impact that further development of the site poses to Hawaiian hoary bats is during the clearing and grubbing phases of the project. If heavy vegetation of the periphery of the existing developed school facilities needs to be cleared, that clearing should not occur during the pupping/rearing season between May 15 and August 31. Woody plants greater than 15 feet tall should not be removed during this period. Hawaiian hoary bats roost in both exotic and native woody vegetation and leave their young unattended in “nursery” trees and shrubs when they forage.

h. Groundwater: The project site is located within the Lihu‘e Aquifer Sector Area which is comprised of five Aquifer System Areas identified as Kilauea, Anahola, Wailua,

Hanamaulu, and Koloa. The project site is located within the Hanamaulu Aquifer System (20102) area which has a total area of 55 square miles and extends from the Wailua drainage divide in the north to the Haupu Ridge in the south and from the Hanapepe drainage divide in the west to the coast in the east.

The Hanamaulu Aquifer System yields 36 million gallons per day (“mgd”). The aquifer is predominantly composed of high-level aquifers perched on beds of weathered soil, ash, and dense lavas and constrained at high levels by the relatively low permeability of the aquifer. The aquifer experiences annual rainfall of 83 inches. The aquifer also consists of basal groundwater contained deep below the surface in Koloa lava formations near the coast.

No significant impact to groundwater underlying the project site is anticipated. UHCC is not proposing any major projects at this time. Any improvements would be minor in scope as discussed in Section 2.5 of the FEA. These improvements are not likely to introduce to, nor release from the soil any materials that could adversely affect groundwater, including groundwater sources for domestic use. Therefore, no short or long-term impacts related to such minor improvements are anticipated.

In the longer term, implementation of major projects shown in the updated LRDP could potentially have individual and cumulative impacts due to a cumulatively larger scale of land disturbance. By developing and implementing appropriate mitigation measures in design and through best management practices to control soil runoff, however, individual projects and cumulative impacts on groundwater are not anticipated to be significant. As more definitive plans for these major projects are developed, they would be subject to Chapter 343, HRS, and require preparation of an environmental assessment. At that time, more specific information on appropriate mitigation measures could be provided.

Construction material wastes will be appropriately disposed of and must also be prevented from leaching into receiving bodies of water. Dewatering activity is not anticipated.

Improvements involving land disturbing activities that may result in soil erosion will incorporate mitigation measures to minimize potential impacts. Construction would inevitably involve land-disturbing activities that may result in some soil erosion. Various mitigation measures will be incorporated in the project's design to minimize potential short-term erosion impacts during construction activities.

A full range of erosion and sediment controls will be instituted during grading and excavation operations of the project, and in compliance with the County's Grading Ordinance and the State Department of Health's (DOH) National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities. The future development of individual facilities or improvements to existing facilities may or may not involve land disturbances exceeding 1.0 acre. For those that exceed the 1.0 acre threshold, a NPDES Permit for Storm Water Associated with Construction Activities will be required prior to construction. Moreover, if hydrotesting or dewatering is required, separate NDPES will be submitted. Mitigation measures will be instituted following site-specific assessments, incorporating structural and non-structural Best Management Practices ("BMP"), as deemed appropriate. All discharges related to the project construction or operation activities will comply with the State's Water Quality Standards.

i. Air and Noise Quality. Air quality in the vicinity of the Petition Area is generally good, with prevalent northeasterly tradewinds during most of the year. Within the nearby vicinity of the Petition Area, air quality is primarily affected by vehicular-related emissions in the form of carbon monoxide ("CO") generated from traffic traveling along

Kaumuali'i Highway and other nearby roadways. There are no major projects proposed at this time. In the future, potential air quality impacts during construction of a project will be mitigated by complying with the State DOH Administrative Rules, Title 11, Chapter 60, "Air Pollution Control". The construction contractor(s) will be responsible for complying with the State DOH regulations that prohibit visible dust emissions at property boundaries. Compliance with State regulations will require adequate measures to control fugitive dust by methods such as water spraying and sprinkling of loose or exposed soil or ground surface areas and dust-generating equipment during construction. Exhaust emissions from construction vehicles are anticipated to have negligible impact on air quality in the vicinity of the Petition Area as the emissions would be relatively small and readily dissipated. In the long-term, no significant impacts on ambient air quality are anticipated with the development of the proposed project. The ambient air quality levels would be most affected by vehicular emissions in the form of CO generated by project-related traffic, although the elevated concentrations are anticipated to be nominal and will readily dissipate.

Ambient noise in the vicinity of the Petition Area is predominantly attributed to vehicular traffic along Kaumuali'i Highway. Unavoidable short-term construction noise impacts will be mitigated to some degree by complying with the provisions of the State DOH Administrative Rules, Title 11, Chapter 46, "Community Noise Control" regulations, which require a noise permit if the noise levels from construction activities are expected to exceed the allowable noise levels stated in the Rules. It shall be the contractor's responsibility to minimize noise by properly maintaining noise mufflers and other noise-attenuating equipment, and to maintain noise levels within regulatory limits. Also, the guidelines for the hours of heavy equipment operation and noise curfew times, as set forth by the State DOH noise control

regulations, must be adhered to. In the long-term, no significant impacts on ambient noise levels are anticipated from the development of the proposed project. Ambient noise levels in the vicinity of the Petition Area will increase slightly as a result of the associated minimal increase in vehicular traffic generated by the proposed project. Operation of the proposed project will potentially generate slightly increased noise during school hours due to additional students, faculty, and school and service-related activities.

14. Availability of Public Services and Facilities. The availability of public services and facilities are summarized below. Additional information can be found in Sections 3.15 and 3.16 of the FEA (See Exhibit “3”).

a. Schools: The State Department of Education (DOE) operates four public schools in the Līhu‘e area. Public school students in grades K to 5 attend King Kaumuali‘i Elementary School and Elsie H. Wilcox Elementary School. King Kaumuali‘i Elementary School is located at 4380 Hanamaulu Road, approximately 3.5 miles northeast from the project site. Elsie H. Wilcox Elementary School is located at 4319 Hardy Street, approximately 2.15 miles east from the project site. Public school students in grades 6 to 8 attend Chiefess Kamakahelei Middle School which is located at 4431 Nuhou Street, approximately 0.5 miles southeast from the project site. Public school students in grades 9 to 12 attend Kaua‘i High School, which is located at 3577 Lala Road, approximately 2.4 miles southeast of the project site. The public library serving the Līhu‘e area is the Līhu‘e Public Library and is part of the State of Hawai‘i Library System. The Līhu‘e Public Library is located at 4344 Hardy Street.

The Island School is located mauka and adjacent to KCC. It is Kaua‘i’s largest private, non-sectarian, independent school accommodating Grades Pre-Kindergarten (Pre-K) through 12, and has a current enrollment of approximately 370 students.

b. Wastewater: An aerobic sewage treatment plant, constructed when the campus was established is no longer in service. Existing campus sewer system is connected to an off-site Puhi Wastewater Treatment Plant operated by Grove Farm since April 2001.

c. Solid Waste: Solid waste disposal is provided by a private waste disposal company. Solid waste is picked up twice a week and taken to Kekaha Landfill for disposal. A recycling bin is also picked up once a week and taken to Nawiliwili for recycling.

d. Water: Water service for the KCC campus is provided by the County Department of Water's system. There are two water tanks with pipelines running through the KCC campus to Kaumuali'i Highway. A water tank with an overflow elevation of 510 feet and a supply well are located to the northwest of the campus and a second water tank with an overflow elevation of 393 feet, with a pump station is located within the exterior boundary of the project site. KCC uses a three-inch water meter from the County Department of Water to service its facilities.

e. Recreational Facilities: Park facilities on Kaua'i are operated by the State and the County. The State's Department of Land and Natural Resources Division of State Parks operates nine parks that offer outdoor recreation and heritage resources. The nearest State park to the project site is Ahukini State Park, which is located at the end of Ahukini Road in Lihu'e, approximately 4.25 miles northeast of the project site. Ahukini State Park includes Ahukini Pier, a concrete pier situated at the mouth of Hanamaulu Stream, which offers views of Hanamaulu Bay. Ahukini Pier is also an excellent place for pole fishing and netting. The County of Kaua'i's Department of Parks & Recreation operates 17 parks in the Lihu'e area including 13 neighborhood parks, three beach parks and one stadium. The County also operates eight neighborhood centers that offer recreational and educational programs for the communities of

Kaua'i. The Līhu'e Neighborhood Center is located 3353 Eono Street, approximately two miles northeast of the project site.

f. Traffic & Transportation: A Traffic Impact Report for the proposed project was conducted by Wilson Okamoto Corporation in December 2010. Because KCC is not proposing any major projects at this time, the Traffic Impact Report ("TIR") was prepared to identify and assess the traffic impacts based on projected student enrollment. The TIR involved: the evaluation of existing roadway and traffic operations in the vicinity; analysis of future roadway and traffic conditions without the proposed project; analysis and development of trip generation characteristics for the proposed project; superimposing site-generated traffic over future traffic conditions; identification and analysis of traffic impacts resulting from the proposed project; and recommendations of improvements, if appropriate, that would mitigate the traffic impacts resulting from the proposed project. The results are summarized below and the study is included in its entirety in the FEA (See Exhibit "3").

The primary access for KCC is provided via an access road at the intersection of Kaumuali'i Highway and Puhi Road. In the vicinity of the community college, Kaumuali'i Highway is a predominantly two-lane, two-way roadway generally oriented in the east-west direction. At the signalized intersection with Puhi Road, both approaches of Kaumuali'i Highway have exclusive turning lanes and one through lane. Puhi Road is a predominantly two-lane, two-way roadway generally oriented in the north-south direction. At the intersection of Kaumuali'i Highway, the northbound approach of Puhi Road has a shared left-turn and through lane, and an exclusive right-turn lane. The southbound approach of the intersection is comprised of the access road for the community college which has a shared left-turn and through lane, and an exclusive right-turn lane. An additional westbound departure lane is provided along

Kaumuali'i Highway at this intersection to allow southbound right-turning vehicles to proceed freely through the intersection.

In 2012, the State of Hawai'i Department of Transportation ("DOT") completed the widening of Kaumuali'i Highway from a two-lane undivided highway to a four-lane divided highway between Anonui Street and the Lihu'e Mill Bridge. At the time that the TIR was prepared, on-going widening of Kaumuali'i Highway from two to four lanes had not been completed. Hence the TIR is based on conditions at the intersections of Kaumuali'i Highway with Nuhou and Puhi Roads and Nani Street at the time it was conducted. The highway now has two travel lanes in each direction with auxiliary lanes provided at the intersections along this segment.

The cumulative traffic volumes consist of site-generated traffic superimposed over Year 2020 projected traffic demands. The updated LRDP entails the development of new facilities that will allow the expansion of existing programs at the college. In conjunction with the expansion of these programs, enrollment at KCC is expected to increase. Enrollment projections published by the University of Hawai'i for KCC currently extend only to 2015. However, in coordination with KCC and utilizing standard linear regression techniques, the enrollment projections were extended to the Year 2020 when the full time equivalent course enrollment at KCC is expected to increase from 864 students to 1,038 students.

It is acknowledged that the TIAR used in the FEA will need to be reviewed and re-examined by DOT at a future date when development moves forward.

g. Electrical and Communications: The existing a primary metered 12.47 KV system is provided by Kaua'i Island Utility Cooperative (KIUC). KIUC serves the campus from overhead utility lines along Kaumuali'i Highway. This service then runs underground to

the Electrical Switchgear Building that houses the primary meter. Each building or group of buildings on the campus is linked to the primary meter via an underground conduit system, has its own pad mounted transformer that converts the 12.47 KV service to an appropriate voltage system. Telephone service is provided by Hawai'i and Telecom which is routed along Kaumuali'i Highway. The main communications switchboard for the telephone system is located in the One -Stop Center.

h. Police: Police protection is provided by the Kaua'i Police Department, which has stations located in Līhu'e, Princeville, Kapa'a, and Waimea. The Kaua'i Police Department is divided into three Patrol Service Bureaus, the Hanalei District in the north, the Līhu'e District in the southeast, and the Waimea District in the southwest. The Līhu'e District provides service for the Kapa'a and Līhu'e communities, including the areas of Puhi, Nawiliwili, Hanamaulu, and Wailua. The Līhu'e District's office is located on the first floor of the Kaua'i Police Department's Headquarters in Līhu'e approximately 2.5 miles east of the project site.

i. Fire: Fire protection services are provided by the Kaua'i County Fire Department, which is located in Līhu'e, approximately 1.7 miles east of the project site. The Kaua'i County Fire Department operates eight fire stations throughout the island: located in Hanalei, Kapa'a, Līhu'e, Koloa, Kaiakea, Kalaheo, Hanapepe, and Waimea. The project site will be serviced by the Līhu'e Fire Station which is located approximately two miles east of the project site.

j. Health Care Services: Wilcox Memorial Hospital and Kaua'i Medical Clinic are located in Līhu'e approximately 2.5 miles from the project site. This facility provides comprehensive inpatient, outpatient and same-day services for Kaua'i residents and visitors. Various medical offices are also located in the Līhu'e area to the serve the residents of the area.

No significant impacts on public services in the project area are anticipated.

UHCC is not proposing any major projects at this time. Any improvements would be minor in scope as discussed in Section 2.5 of the FEA. These minor improvements are not anticipated to significantly impact police and fire protection, medical services, public schools, and recreational facilities.

In the longer term, implementation of larger projects shown in the updated LRDP could individually and cumulatively increase demand for police and fire protection and medical services. It would likely not represent a significant increase relative to the overall regional demand. The proposed project will be staffed with security officers on site. The proposed project will be designed and built in compliance with the applicable county fire code requirements. Additional fire prevention and suppression measures will be provided by installing sprinkler systems and fire alarm systems in all buildings within the project.

The proposed expansion of the KCC campus is not expected to affect student enrollment at public school facilities in the area. Therefore, it will not hinder the educational services provided to residents in the area.

15. Location of the Proposed Use or Development in Relation to Adjacent Land Use Districts. As shown in Exhibit “8” the Petition Area is currently surrounded on the west, north and southwest by lands in the State Agricultural District. To the south of the area are lands primarily in the State Urban District. Currently, on the north and northeast sides of the project area is Island School, and to the east is the Kilohana Plantation; both are still in the Agricultural District.

16. Economic Impacts of the Proposed Reclassification.

HAR 15-15-50 (c)(13) “*Economic impacts of the proposed reclassification, use, or development including, without limitation, the provision of any impact on*

employment opportunities, and the potential impact to agricultural production in the vicinity of the subject property, and in the county and state."

The proposed project will generally have positive social and economic impacts in the region.

In the short-term, the project will confer some positive benefits in the local area. Future projects will add construction jobs in the vicinity, thereby stimulating that sector of the economy. Indirect economic impacts may include benefits to local retail businesses resulting from construction activities. Construction activities associated with the proposed project will create some adverse impacts such as minor disruptions of traffic, potentially affecting motorists, residents and businesses near the project site, and increased noise nuisances in the immediate vicinity of the project site.

In the longer term, implementation of the major projects shown in the updated LRDP would individually and cumulatively confer positive benefits in the local areas, as discussed above. Additionally, an increased student and faculty population will further stimulate the housing and retail economy. Economic impacts and job creation forecasts were not assessed in detail as part of the EA process.

17. Assessment of Need for the Reclassification.

The UHCC KCC campus is presently designated as Agricultural District on the State Land Use District boundary map, and Agricultural District under the County's zoning map. As a result, UHCC proposes to redesignate the campus property to Urban District, a more appropriate land use classification. Development of the campus within an existing approximately 99-acre parcel (TMK 3-4-07:03) was permitted through a Special Permit granted by the State Land Use Commission on April 6, 1973. The campus is also comprised of an additional approximately 100 acres in three parcels identified as TMK 3-4-07:01, 02, and 06.

While most of this land is undeveloped, the approximately 40-acre parcel identified as TMK 3-4-07:02 contains two Hawaiian Language Immersion schools, including the Punana Leo o Kauai Pre-School and the Kawaikini New Century Public Charter School. The Punana Leo o Kauai Pre-School occupies school facilities that were built before the KCC campus was established. The Kawaikini New Century Public Charter School is a K-12 school that occupies existing buildings but was also granted a Special Permit, Use Permit and Class IV Zoning Permit by the County of Kauai on May 26, 2009.

Reclassification of the Petition Area from the State Land Use Agricultural District to the Urban District is consistent with County's General Plan designation of the area as "Urban Center" (See Exhibit "10").

According to the County of Kaua'i General Plan (2000), the Lihu'e Planning District Land Use Map places a "Public Facilities" symbol for a community college at the KCC campus. The proposed project is consistent with the "community college" public facilities symbol.

The campus is also designated by the county as Urban Center. The proposed project is consistent with the Urban Center designation, which provides for centers of government, commerce and transportation that serve the entire county or a large region. Uses within the Urban Center include shopping centers, government offices, churches and other institutions, office complexes and industrial facilities. As mentioned previously, since the publication of the Final EA, the State Land Use Boundary Amendment Petition Area has been reduced from 199 acres to 148.37 acres. The petition area follows the County's GP "urban center" designation. In the future, if UHCC decides to develop the northern portion of the campus, another SLUB amendment and a GP amendment would be submitted.

The State Land Use Law is intended to preserve, protect, and encourage the development of lands in the State for uses which are best suited to the public health and welfare of Hawai'i's people. The Hawai'i Land Use Law in Chapter 205, Hawai'i Revised Statutes (HRS), classifies all land in the State into four land use districts: Urban, Agricultural, Conservation, and Rural.

The project site lies within the State Land Use Agricultural District (See Exhibit "8"). Development is permitted through a Special Permit granted by the State Land Use Commission on April 6, 1973. Further expansion of the campus will require either a Special Permit or an amendment to the State Land use District boundaries from "Agriculture" to "Urban" depending on the size and type of development.

The KCC re-designation to Urban District Project proposes to amend the State Land Use Boundary to re-designate approximately 148.37 acres of the KCC campus from Agricultural District to Urban District. Re-designation of the KCC campus would convey land-use jurisdiction to the County, which would regulate uses through its zoning code. A neighboring landowner, Island School, is also filing a petition for a State Land Use Boundary Amendment in concert with this petition.

18. Assessment of the Conformity to State Planning Policies. The State Planning Policies are contained in Chapter 226 of the Hawai'i Revised Statutes. Related to this Petition, a discussion of the proposed development's conformance to the applicable goals, objectives and policies of the Hawai'i State Plan and the applicable priority guidelines and functional plan policies are included in the FEA, Section 4.1.1.

The Hawai'i State Plan (Chapter 226, Hawai'i Revised Statutes, as amended) provides the overall theme, goals, objectives, policies and priority guidelines for statewide

planning. The Hawai'i State Plan also directs the appropriate State agencies to prepare functional plans for their respective program areas. The proposed project supports and is consistent with the following State Plan objectives:

Section 226-11 Objectives and policies for the physical environment—land-based, shoreline, and marine resources.

(b)(3) Take into account the physical attributes of areas when planning and designing activities and facilities.

(b)(8) Pursue compatible relationships among activities, facilities, and natural resources.

Sec. 226-21 Objectives and policies for socio-cultural advancement – education.

(a) Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement to the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.

(b)(2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs;

(b)(5) Provide higher educational opportunities that enable Hawaii's people to adapt to changing employment demands;

(b)(6) Emphasize equality in educational programs in Hawaii's institutions to promote academic excellence; and

(b)(9) Support research programs and activities that enhance the education programs of the State.

Comment: No significant impacts on geology and topography in the project area are anticipated. UHCC is not proposing any major projects at this time. Any improvements would be minor in scope. Therefore, no short or long-term impacts related to such minor improvements are anticipated. Any land disturbing activities would not result in significant impacts on the geology or topography of the petition area.

In the longer term, implementation of major projects shown in the updated LRDP could potentially have individual and cumulative impacts on the topography – particularly in regard to drainage improvements. By developing and implementing appropriate mitigation measures in design, however, individual projects and cumulative impacts on topography are not anticipated to be significant. As more definitive plans for

these major projects are developed, they would be subject to Chapter 343, HRS, and preparation of an environmental assessment. At that time, more specific information on appropriate mitigation measures could be provided.

Potential impacts on drainage patterns resulting from alteration of the topography within the KCC campus will be addressed through appropriate engineering design to prevent excessive surface flows or ponding. Construction activities would inevitably involve land-disturbing activities that may result in some soil erosion. Various mitigation measures will be incorporated in the project's design to minimize potential short-term erosion impacts during construction activities.

The proposed future expansion will extend out from the main campus. Areas along the streams and drainage ways are proposed for diversified agriculture and education. In the event that future development occurs near these sensitive resources, impacts on aquatic habitat and native stream species will be evaluated. Future development of the campus will implement best management practices, where appropriate.

A full range of erosion and sediment controls will be instituted during grading and excavation operations of the project, and in compliance with the County's Grading Ordinance and the State Department of Health's (DOH) National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities. The future development of individual facilities or improvements to existing facilities may or may not involve land disturbances exceeding 1.0 acre. For those that exceed the 1.0 acre threshold, a NPDES Permit for Storm Water Associated with Construction Activities will be required prior to construction. Moreover, if hydrotesting

or dewatering is required, applications for separate NDPES permits will be submitted. Mitigation measures will be instituted following site-specific assessments, incorporating structural and non-structural Best Management Practices (BMPs), as deemed appropriate. All discharges related to the project construction or operation activities will comply with the State's Water Quality Standards.

Section 226-12 Objectives and policies for the physical environment—scenic, natural beauty, and historic resources.

(b)(3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.

(b)(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawai'i's ethnic and cultural heritage.

(b)(5) Encourage the design of developments and activities that complement the natural beauty of the islands.

Comment: UHCC is not proposing any projects at this time. Any improvements would be minor scope. Therefore, no significant visual or aesthetic impacts are anticipated as a result of the project. Existing public viewpoints of the project include Haupu (Hoary Head) Mountain Range to the southwest and Kilohana Crater and Mount Waialeale to the north.

No significant impacts on visual resources in the project area are anticipated. The campus is composed of mostly one-story buildings, except for the performing arts center and one stop center. In the longer term, implementation of major projects shown in the updated LRDP will individually and cumulatively affect the visual characteristics of the campus. The new buildings are envisioned to be generally one- or two-story structures. The new buildings will adhere to the Design Guidelines in KCC's LRDP, which addresses the overall design direction, materials, and standards for new building projects.

The future expansion of the campus includes additional parking lots to accommodate student population. The proposed parking lots will be screened and beautified with consistent landscaping.

The future expansion of the campus will minimize the intrusion of buildings on the visual environment through architectural design criteria and extensive landscaping.

As more definite plans for major projects are developed, they would be subject to Chapter 343, HRS and require preparation of an environmental assessment. At that time, more specific information on appropriate mitigation measures could be provided.

Pursuant to consultation with SHPD/DLNR, a campus wide Archaeological Inventory Survey (AIS) was conducted and approved by SHPD/DLNR (see Exhibit “16”). This document was intended to support the proposed project, and the AIS investigation fulfills the requirements of HAR §13-276 to identify, document, and assess significance of any historic properties. This document is intended to support the proposed project’s historic preservation review under Hawai‘i Revised Statutes (HRS) §6E-8 and HAR §13-275, as well as the amendment of land use boundaries as discussed in this petition.

In the event that any burials are found during construction activities, all work will immediately cease pending consultation with the Department of Land and Natural Resources State Historic Preservation Division. The treatment of any remains will be in accordance with procedures approved by the Kaua‘i Island Burial Council and the State Historic Preservation Division. Since KCC is not proposing any major projects at this time additional archaeological studies would be conducted at the appropriate time.

Section 226-21 Objectives and policies for socio-cultural advancement—education.

(b)(2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.

(b)(5) Provide higher educational opportunities that enable Hawai'i's people to adapt to changing employment demands.

Comment: Kaua'i Community College is a post-secondary institution which provides an expansive continuum of opportunities in academic, technical, vocational and cultural programs. KCC provides education/training which contributes to the development of life-long learners who think critically, appreciate diversity, and lead successful, independent, socially responsible, and personally fulfilling lives.

Development of the KCC campus will further the College's mission of providing education/training for students going on to further education and into the workforce.

19. Assessment of Conformity to Objectives of the Coastal Zone Management Program, Chapter 205A, HRS. The State's Coastal Zone Management policies and regulations are prescribed under Chapter 205A, Hawai'i Revised Statutes. The coastal zone management area is defined to include all lands of the State and the area extending seaward from the shoreline to the limit of the State's management authority. As a result, the project is within the CZM area and subject to being consistent with the CZM program objectives and policies. The Hawai'i Coastal Zone Management Program focuses on ten policy objectives:

1. Recreational Resources. To provide coastal recreational opportunities accessible to the public and protect coastal resources uniquely suited for recreational activities that cannot be provided elsewhere.

Comment: The project will not affect access to the shoreline as it is not a shoreline property, nor is it in the vicinity of the island's shoreline.

2. Historic Resources. To protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawai'i and American history and culture.

Comment: UHCC is not proposing any major projects at this time. Any improvements would be minor in scope as discussed in Section 2.5 of the FEA (See Exhibit “3”). Therefore, no significant impact on archaeological and historical resources is anticipated as a result of the project.

In the longer term, implementation of major projects shown in the updated LRDP could individually and cumulatively impact the historic features identified during survey. Specifically, some projects may have an adverse effect on historic features related to plantation era infrastructure. While no additional work appears to be necessary for the majority of features, consultation with SHPD/DLNR is recommended regarding the tentative evaluations of these features and to determine what, if any, mitigation may be appropriate. Since KCC is not proposing any major projects at this time additional archaeological studies would be conducted at the appropriate time. SHPD/DLNR recommends an archaeological inventory survey specific to the future proposed plans to provide additional documentation of the nine plantation infrastructure features. See Section 3.10 of the FEA for further discussion.

3. *Scenic and Open Space Resources. To protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.*

Comment: The project will be developed to ensure visual compatibility with the surrounding environment. The project is not located along the shoreline and is not anticipated to negatively impact coastal and scenic and open space resources.

4. *Coastal Ecosystems. To protect valuable coastal ecosystems, including reefs, from disruption and to minimize adverse impacts on all coastal ecosystems.*

Comment: The project site is not located along the shoreline and will not impact coastal ecosystems.

5. *Economic Uses. To provide public or private facilities and improvements important to the State's economy in suitable locations; and ensure that coastal dependent development such as harbors and ports, energy facilities, and visitor facilities are located, designed, and constructed to minimize adverse impacts in the coastal zone area.*

Comment: The project would allow for KCC to expand its facilities when appropriate providing educational opportunities. The project is not a coastal dependent development.

6. *Coastal Hazards. To reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.*

Comment: The project is not located in a tsunami, erosion or subsidence area. According to the Flood Insurance Rate Map (FIRM) (Community Panel Number 150020307E, Effective Date: September 16, 2005, and Community Panel Number 150020309E, Effective Date: September 16, 2005) prepared by the Federal Emergency Management Agency (FEMA), the project site is located within Zone "X", defined as "Areas determined to be outside the 0.2% annual chance floodplain" as shown in Figure 3-6 Flood Zone Map of the FEA. The project site is located outside the tsunami inundation zone.

According to the UH Multi-Hazard Mitigation Plan (2009), KCC is located in an area where potential flooding is primarily the result of runoff and overland flows and is relatively less prone to extensive flood damage. The three major streams that have recorded floods in the Lihu'e area are Hanamaulu, Nawiliwili, and Huleia Streams.

The nearest coastal water offshore of the project site is Nawiliwili Bay which is located approximately 3.15 miles to the east. The State DOH classifies this coastal water as Class A. The objective of this class is that "their use for recreational purposes and

aesthetic enjoyment be protected. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for this class.” (Water Quality Standards, Title 11, Chapter 54, Hawaii Administrative Rules). The natural drainage course for the project site is Puali Stream, which is designated Class 2 Inland.

No significant impacts to surface waters located near or within the project site are anticipated. UHCC is not proposing any major projects at this time. Any improvements would be minor in scope. Therefore, no short or long-term impacts related to such minor improvements are anticipated. Improvements involving land disturbing activities that may impact surface waters will incorporate mitigation measures to minimize potential impact.

In the longer term, implementation of major projects shown in the updated LRDP could potentially have individual and cumulative impacts on surface waters due to a cumulatively larger scale of land disturbance. Construction activities with future larger projects, however, will not alter existing streams.

Potential impacts to the quality of surface water in the project area during excavation and grading activities associated with construction will be regulated by the County grading ordinance and the NPDES permit administered by the DOH. Construction activities would inevitably involve land-disturbing activities that may result in some soil erosion. Various mitigative measures will be incorporated in the project’s design to minimize potential short-term erosion impacts during construction activities.

A full range of erosion and sediment controls will be instituted during grading and excavation operations of the project, and in compliance with the County’s Grading

Ordinance and the State Department of Health's (DOH) National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities. The future development of individual facilities or improvements to existing facilities may or may not involve land disturbances exceeding 1.0 acre. For those that exceed the 1.0 acre threshold, a NPDES Permit for Storm Water Associated with Construction Activities will be required prior to construction. Moreover, if hydrotesting or dewatering is required, separate NPDES will be submitted. Mitigation measures will be instituted following site-specific assessments, incorporating structural and non-structural Best Management Practices (BMPs), as deemed appropriate. All discharges related to the project construction or operation activities will comply with the State's Water Quality Standards.

UHCC is not proposing any major project near or along Puali Stream. Any improvements would be minor in scope and most likely occur within the campus core. Since the current plan lacks definitive detail required to address concerns such as drainage and impacts to aquatic resources, it is anticipated that subsequent Environmental Assessment (EA) or Environmental Impact Statement (EIS) will need to be prepared pursuant to Chapter 343, HRS for the development of individual projects when more concrete plans for such projects become available.

7. *Managing Development. To improve the development review process, communication, and public participation in the management of coastal resources and hazards.*

Comment: Opportunities for public participation in the management of project related coastal resources and hazards are provided through the Environmental Assessment public comment process.

8. *Public Participation. To stimulate public awareness, education, and participation in coastal management; and maintain a public advisory body to identify coastal management problems and provide policy advice and assistance to the CZM program.*

Comment: Opportunities for public participation are provided through the Environmental Assessment public comment process.

9. *Beach Protection. To protect beaches for public use and recreation; and locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion.*

Comment: KCC is located approximately 2.5 miles from the ocean at an average elevation of 300 feet above mean sea level (UH Multi Hazard Plan, 2009).

10. *Marine Resources. To implement the State's ocean resources management plan.*

Comment: The project is not located on or near the shoreline and is not anticipated to significantly impact marine resources.

20. Assessment of Conformity to of the Reclassification Applicable County Development Plans Policies.

- a. County of Kaua'i General Plan. The County General Plan (2000) provides broad policy statements to guide land use regulations, new developments and facilities, and planning for County facilities and services. Relevant sections of the General Plan and their consistency with the project are as follows:

General Plan Policies: *The proposed project is consistent with the following policies:*

3. *Caring For The Land, Water And Culture*
3.2 *Scenic Views*
3.2.1 *Policy*
(a) *In developing public facilities and administering land use regulations, the County shall seek to preserve scenic resources and public views.*

Public views are those from a public place, such as a park, highway, or along the shoreline.

(b) The County shall observe the following general principles in maintaining scenic resources:

(1) Preserve public views that exhibit a high degree of intactness or vividness.

- Intactness" refers to the integrity of visual patterns and the extent to which the landscape is free from structures or other visually encroaching features.*
- Vividness" relates to the memorability of a view, caused by contrasting landforms which create striking and distinctive patterns. (Examples are the silhouette of Mt. Haupu against the horizon, views of Nounou Mountain from the valley and the coast, and the view of Hanalei Valley from the overlook.)*

(2) Preserve the scenic qualities of mountains, hills and other elevated landforms, qualities such as the silhouette against the horizon and the mass and shape of the landform.

(3) Preserve the scenic qualities of lowland/open spaces features, such as the shoreline, the edge of a coastal bluff, a marsh, a fishpond, or a historic or cultural property. Structures should not impede or intrude upon public views of the feature and should not alter the character of the immediate area around the land feature, historic or cultural property.

Comment: UHCC is not proposing any major projects at this time. Any improvements would be minor in scope. Therefore, no significant visual or aesthetic impacts are anticipated as a result of the project. Existing public viewpoints of the project include Haupu (Hoary Head) Mountain Range to the southwest and Kilohana Crater and Mount Waialeale to the north. The Heritage Resources Map for Līhu'e Planning District designates portions of Kaumuali'i Highway located to the east and west of the project site as a Scenic Roadway Corridor. Scenic Roadway Corridors conserve open space, scenic features, and

views within and along Kaua‘i’s major roadways and lands visible from these roadways to preserve Kaua‘i’s rural character.

The campus is composed of mostly one-story buildings, except for the performing arts center and One-Stop Center. In the longer term, implementation of major projects shown in the updated LRDP will individually and cumulatively affect the visual characteristic of the campus. New buildings are envisioned to be generally one- or two-story structures. New buildings will adhere to the Design Guidelines in KCC’s LRDP, which addresses the overall design direction, materials, and standards for new building projects.

3.4 *Watersheds, Streams and Water Quality*

3.4.2 *Policy*

(a) Site Development. Plan, design and develop sites to:

- (1) Protect areas that provide important water quality benefits – i.e., wetlands;*
- (2) Protect areas that are particularly susceptible to erosion and sediment loss – i.e., stream banks;*

Comment: UHCC is not proposing any major projects at this time. Any improvements would be minor in scope. Therefore, no short or long-term impacts related to such minor improvements are anticipated. Any land disturbing activities would not result in significant impacts on geology, topography, and soils of the petition area.

In the longer term, implementation of major projects shown in the updated LRDP could potentially have individual and cumulative impacts on topography – particularly in regard to drainage improvements. By developing and implementing appropriate mitigation measures in design, however, individual projects and cumulative impacts on topography are not anticipated to be

significant. As more definite plans for these major projects are developed, they would be subject to Chapter 343, HRS and require preparation of an environmental assessment. At that time more specific information on appropriate mitigation measures could be provided.

The proposed project will result in some alteration of the topography within the project site; however, any impacts on drainage patterns will be addressed through appropriate engineering design to prevent excessive surface flows or ponding.

Construction activities would inevitably involve land-disturbing activities that may result in some soil erosion. Various mitigation measures will be incorporated in the project's design to minimize potential short-term erosion impacts during construction activities.

A full range of erosion and sediment controls will be instituted during grading and excavation operations of the project, and in compliance with the County's Grading Ordinance and the State Department of Health's ("DOH") NPDES Permit for Storm Water Associated with Construction Activities. The future development of individual facilities or improvements to existing may or may not involve land disturbances exceeding 1.0 acre. For those that exceed the 1.0 acre threshold, an NPDES Permit for Storm Water Associated with Construction Activities will be required prior to construction. Moreover, if hydrotesting or dewatering is required, separate NDPEs will be submitted. Mitigation measures will be instituted following site-specific assessments, incorporating structural and non-structural Best Management Practices (BMPs),

as deemed appropriate. All discharges related to the project construction or operation activities will comply with the State's Water Quality Standards.

6.0 *Enhancing Towns & Communities and Providing for Growth*

6.3 *Līhu'e*

6.3.4.2 *Policies*

(a) *Regional Growth and Public Facilities*

- (1) *New growth shall be concentrated in the Puhi-Līhu'e-Hanamaulu urban center.*

Comment: The proposed project is situated within the Puhi-Līhu'e-Hanamaulu urban center. UHCC is not proposing any major projects at this time. Any improvements would be minor in scope, as discussed in Section 2.5 of the FEA (See Exhibit "3"). In the short-term, development of the KCC campus will have positive benefits in the local area by adding construction jobs in the vicinity, thereby stimulating that sector of the economy. Indirect economic impacts may include benefits to local retail businesses resulting from construction activities. In the long-term, implementation of major projects shown in the updated LRDP would individually and cumulatively confer positive benefits in the local area. KCC will provide academic, technical, vocational and cultural programs to a population of 3,000 FTE students.

8. *Improving Houses, Parks and Schools*

8.3 *Education*

8.3.1 *Policy*

- (a) *Strive for a strong education system which provides Kaua'i's children, teens, college students, and adults with the knowledge and skills needed to obtain a well-paying job on Kaua'i.*
- (d) *Consider schools as community resources for learning about specialized environmental, cultural, and historic subjects related to Kaua'i and each of its communities. Schools should also assume*

important community functions such as recreational centers, meeting facilities, and emergency shelters.

Comment: KCC is a post-secondary institution providing an expansive continuum of opportunities in academic, technical, vocational and cultural programs.

The KCC re-designation to Urban District project proposes to amend the State Land Use Boundary to re-designate a portion of (approximately 148.37 acres) the KCC campus from Agricultural District to Urban District. Re-designation of the KCC campus would convey land-use jurisdiction to the County, which would regulate uses through its zoning code. Development of the KCC campus would generally follow land use allocations recommended by the Ultimate Site Plan presented in the KCC Long Range Development Plan. Additional facilities will further the College's mission of providing education/training for students going on to further education and into the workforce.

In the long-term, implementation of major projects shown in the updated LRDP would individually and cumulatively confer positive benefits in the local area.

b. General Plan Land-Use Map Designation . The Land-Use Map of the County of Kaua'i General Plan Līhu'e Planning District designates the project site as Urban Center. The County of Kaua'i policies for Urban Center Designations are as follows:

(a) *Lands included within the Urban Center designation shall be centers of government, commerce and transportation that serve the entire county or a large region. Uses may include shopping centers, government offices, churches and other institutions, office complexes, and industrial facilities. Residential or resort uses may also be located within the Urban Center designation, where compatible.*

- (b) *Urban Center areas are typically served by wastewater collection and treatment facilities and major roads. Urban Center lands may be zoned for any type of use, including General Commercial, General Industrial, Resort, and Residential.*

Comment: According to the County of Kaua'i General Plan (2000), the Līhu'e Planning District Land Use Map places a "Public Facilities" symbol for a community college at the KCC campus. The proposed project is consistent with the "community college" public facilities symbol. This state land use petition seeks to be consistent with the Kauai General Plan

The campus is also designated Urban Center. The proposed project is consistent with the Urban Center designation, which provides for centers of government, commerce and transportation that serve the entire county or a large region. Uses within the Urban Center include shopping centers, government offices, churches and other institutions, office complexes, and industrial facilities. As mentioned previously, since the publication of the Draft EA, the State Land Use Boundary Amendment Petition Area has been reduced from 199 acres to 148.37 acres. The petition area follows the County's GP "urban center" designation. In the future, if UHCC decides to develop the northern portion of the campus, another SLUDB amendment and a GP amendment would be required.

c. Līhu'e Development Plan. The County's Līhu'e Development Plan, adopted by County ordinance in 1976, provides physical, social and economic measures which relate specifically to these communities. The Līhu'e Development Plan land use designation for the project site is "Public". A small portion of TMK 3-4-07:03 and the remaining property (TMKs 3-4-07:02, 01 and 06) are designated as "Open" and "Agriculture". The plan recommends revising

the present zoning to accommodate the KCC by changing the zoning from an agriculture zone to an R-1 Special Treatment-Public zone.

d. County Comprehensive Zoning Ordinance. The Kaua'i County Comprehensive Zoning Ordinance ("CZO") sets forth standards for land development and construction of buildings and other structures in the County. The CZO establishes land use districts and delineates the respective types of permitted uses and development that can take place in those districts.

The zoning designations for the project site are "Agricultural District" and "Open District". UHCC may apply for a Zone Change however UHCC will further consult with the County Planning Department.

e. Special Management Area. The Coastal Zone Management Act contains the general objectives and policies upon which all counties within the State have structured specific legislation which created Special Management Areas (SMA). Any development within the Special Management Area boundary requires a SMA Use permit which is administered by the County of Kaua'i . The KCC campus is not located within the County's SMA.

As described above, the proposed Project is in conformity with the County of Kaua'i General Plan, which designates the Petition Area as "Urban Center", and the Līhu'e Development Plan land use designation for the project site is "Public" and therefore consistent with the County of Kaua'i development plans and policies.

21. Assessment of Need for Incremental Reclassification. The UHCC is not proposing any major projects at this time. The preferred site plan for KCC's Updated LRDP

updates the KCC's preceding 1999 LRDP. The updated plan is not based on a planning process such as that used in preparing the 1999 LRDP, but on the status of projects proposed in the 1999 LRDP. KCC does not envision implementing any major projects such as the recently completed One Stop Center and bookstore within the next 10 years.

Because the plan does not include definitive detail required to address concerns such as drainage plans or sustainability plans, it is anticipated that a subsequent Environmental Assessment (EA) or Environmental Impact Statement (EIS) will need to be prepared pursuant to Chapter 343, Hawai'i Revised Statutes (HRS) for individual development of projects when more plans for such project become available.

UHCC will be filing a petition for a declaratory ruling from the LUC to waive the requirements of 15-15-50(c)(20).

22. Assessment of Impacts on Hawai'i an Customary and Traditional Rights.

Hawai'i State Constitution: Article XII, TRADITIONAL AND CUSTOMARY RIGHTS,

"Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawai'i and who inhabited the Hawai'i an Islands prior to 1778, subject to the right of the State to regulate such rights."


As described in the above Section 13 (c), a Cultural Impact Assessment was prepared for the Project to determine potential impacts of the Project on native Hawaiian customary and traditional rights under Article XII, Section 7, of the Hawai'i State Constitution. A copy of the report is included in the FEA.

Petitioner is aware of and sensitive to the existence and practice of native Hawaiian customary and traditional rights. Based on research into the history of the area, there are no known traditional gathering activities or cultural practices affecting the Property.

23. Written Comments to the Petition. The Petitioner has attached a Final Environmental Assessment to this Petition.

24. Conclusion. Based on the foregoing, the Petitioner respectfully requests that pursuant to HAR §15-15-18, the Land Use Commission amend the land use district boundaries of the Petition Area from the State Land Use Agricultural District classification to the State Land Use Urban District classification, respectfully, for the purposes and in the manner proposed in this Petition.

DATED: Honolulu, O'ahu, Hawai'i _____.


Earl Matsukawa, AICP
Agent for Petitioner

UNIVERSITY OF HAWAI'I COMMUNITY COLLEGES

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of) DOCKET NO. A16-801
)
UNIVERSITY OF HAWAI'I) UNIVERSITY OF HAWAI'I
COMMUNITY COLLEGES) COMMUNITY COLLEGES
)
To Amend the Agricultural Land Use)
District Boundary into the Urban District for)
approximately 148.37 acres at Puhi, Lihu'e,)
Island of Kaua'i, State of Hawai'i,)
TMK: (4) 3-4-07:01, 02, 03, and 06.)
_____)

VERIFICATION

STATE OF HAWAI'I)
) ss.:
COUNTY OF KAUA'I)

Michael Unebesami, being first duly sworn, on oath, deposes and says that:

1. I am Michael Unebesami, Associate Vice President for Administrative Affairs, UNIVERSITY OF HAWAI'I COMMUNITY COLLEGES ("Petitioner"), and in this capacity I am familiar with matters relating to the land which is the subject of Docket No. A16-801 and knowledgeable to testify on behalf of the Petitioner.

2. I have personal knowledge of the matters set forth in the foregoing Petition in Docket No. A16-801 and am qualified and competent to make this verification.

3. I make this verification pursuant to HAR § 15-15-39, Land Use Commission Rules.

4. I have read the foregoing document and the contents therefore are true and correct to the best of my knowledge and belief.

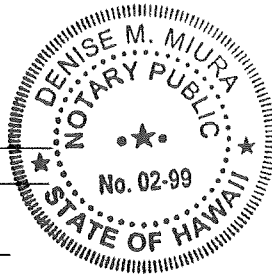
Dated: Honolulu, O'ahu, Hawai'i, _____.

Michael Unebesami

Michael Unebesami
Associate Vice President for
Administrative Affairs, UHCC

Subscribed and sworn to me
this 20th day of October 2016

Denise M. Miura
Name Denise M. Miura
Notary Public, State of Hawai'i
My commission expires: 3.17.18



NOTARY CERTIFICATE (Hawai'i Administrative Rules § 5-11-8)

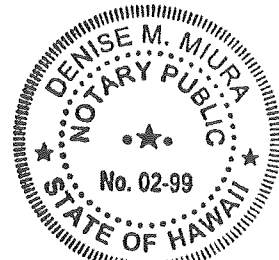
Document Identification or Description: Verification

Doc. Date: undated at time of notarization No. of Pages: 51

Jurisdiction: First Circuit
(in which notarial act is performed)

Denise M. Miura OCT 28 2016
Signature of Notary Date of Certificate

Denise M. Miura
Printed Name of Notary



(Official Stamp or Seal)