Earl Matsukawa, AICP
Wilson Okamoto Corporation
1907 S. Beretania St., Suite 400
Honolulu, HI 96826
Telephone: (808) 946-2277

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 COMMUNITY COLLEGES	)	UNIVERSITY OF HAWAI'I 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.	)	CERTIFICATE OF SERVICE RE. WRITTEN TESTIMONIES (ALL EXPERT WITNESSES)

CERTIFICATE OF SERVICE RE.
WRITTEN TESTIMONIES (ALL EXPERT WITNESSES)

I hereby certify that a file-marked copy of the foregoing documents was duly served upon the following via PRE-PAID MAIL on MARCH 3, 2017.

LEO ASUNCION, Director
Office of Planning, State of Hawai`i
235 South Beretania Street
6th Floor, Leiopapa A Kamehameha
Honolulu, Hawai`i 96813

BRIAN C. YEE, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai`i 96813

MICHAEL DAHILIG, Director
Planning Department, County of Kaua`i
4444 Rice Street
Lihue, Kaua`i, Hawai`i 96766

MAUNA KEA TRASK
County Attorney
Office of the County Attorney
4444 Rice Street, Suite 220
Lihue, Kaua`i, Hawai`i 96766

KAUA`I COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
4444 Rice Street
Lihue, Kaua`i, Hawai`i 96766

KAUA'I COUNTY DEPARTMENT OF WATER
P.O. BOX 1706
Lihue, Kaua`i, Hawai`i 96766

LEIALOHA KAUAHI
Kawaikini New Century Public Charter School
P.O. BOX 662014
Lihue, Kaua`i, Hawai`i 96766-7093

EKEKELA AIONA, Executive Director
Punana Leo O Kauai
P.O. BOX 662093
Lihue, Kaua`i, Hawai`i 96766

WARREN HARUKI, Chief Executive Officer
Grove Farm
3-1850 Kaumuali'i Highway
Lihue, Kaua`i, Hawai`i 96766

ROBERT SPRINGER
Island School
3-1875 Kaumuali'i Highway
Lihue, Kaua`i, Hawai`i 96766

CITIZENS UTILITIES COMPANY
4392 Waialo Road
P.O. Box 278
Eleele, Kaua`i, Hawai`i 96705

KAUA'I KILOHANA PARTNERS
P.O. Box 3121
Lihue, Kaua`i, Hawai`i 96766

WILCOX FAMILY LTD. PARTNERSHIP
111 Royal Circle
Honolulu, Hawai'i 96816

KAUAI ISLAND UTILITY COOPERATIVE
c/o Belles Graham Proudfoot Wilson & Chun, LLP
4334 Rice Street, Suite 202
Lihue, Kaua`i, Hawai`i 96766-1388

HAWAIIAN TELCOM, INC.
Legal Department
P.O. Box 2200
Honolulu, Hawai`i 96841

LPC CORPORATION fka THE LĪHU'E
PLANTATION COMPANY, LIMITED
c/o KLC Land Company, LLC
212 Merchant Street, Suite 227
Honolulu, Hawai`i 96813

DATED: Honolulu, Hawaii March 3, 2017

Earl Matsukawa, AICP
Agent for Petitioner UNIVERSITY OF HAWAII
COMMUNITY COLLEGES

WRITTEN TESTIMONIES:

EARL MATSUKAWA
ERIC GUINTHER
HALLET HAMMATT
PETE PASCUA
REGINALD DAVID

Testimony of
EARL MATSUKAWA
Wilson Okamoto Corporation
SLUC Docket No. A16-801 University of Hawai‘i Community Colleges

In the Matter of the Petition of University of Hawai‘i 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, TMKs: 3-4-07:01, 02, 03 and 06

My name is Earl Matsukawa and I am a Vice President and Director of Planning with Wilson Okamoto Corporation. I participated in the preparation and/or supervision of the Final Environmental Assessment and Finding of No Significant Impact, KAUAʻI COMMUNITY COLLEGE REDESIGNATION TO URBAN DISTRICT, dated November 2012 (“FEA”). A copy of my resume is attached.

I would like to summarize our FEA for the subject project and to discuss the project’s conformance with applicable Urban District standards.

The FEA was prepared pursuant to Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200, Hawaii Administrative Rules to assess the impacts of the redesignation of the Kaua‘i Community College Campus from the Agricultural District to the Urban Distrct. The FEA discussed the project impacts, including but not limited to climate, geology, hydrology, natural hazards, flora, fauna, agricultural resources, air quality, noise, hazardous materials, historic and archaeological resources, cultural resources, visual resources, traffic, socio-economic characteristics, and public services and facilities.

The University of Hawai‘i Community Colleges approved the FEA and issued its Finding of No Significant Impact (“FONSI”) by letter dated November 27, 2012, and the Notice of the FONSI was published in *The Environmental Notice* by the Office of Environmental Control, Department of Health, State of Hawaii on December 8, 2012.

The standards for determining the boundaries for the Urban District include eight areas which are listed and discussed below:

(1) It shall include lands characterized by “city-like” concentrations of people, structures, streets, urban level of services and other related land uses;

The proposed reclassification of the Petition Area from the State Agricultural District to the Urban District is more consistent with its current urban character as a school campus, as well as with the existing urban lands and developments in the vicinity makai of Kaumualiʻi Highway. The Petition Area is located in close proximity to the Līhuʻe and Puhi areas, which provide urban levels of services and related land uses, including schools, civic, retail/commercial, residential, light industrial, golf courses, and parks/recreational facilities.

(2) It shall take into consideration the following specific factors: (A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment; (B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection; and (C) Sufficient reserve areas for foreseeable urban growth;

The Petition Area is located within Puhi and in close proximity to Līhuʻe, areas of trading and employment. Līhuʻe is the government center of Kauaʻi with areas of trading and employment, including Līhuʻe Airport, Nāwiliwili Harbor, Kalapaki commercial area, Līhuʻe Industrial Park, U.S. Post Office, judiciary complex, Kauaʻi Lagoons Resort, and Kauaʻi Marriott Resort and Beach Club. Areas of trading and employment within Puhi include the adjacent Kauaʻi Community College, Chiefess Kamakahelei Middle School, Punana Leo o Kauaʻi Preschool, Kawaikini New Century Public Charter School, Kukui Grove Center, Kukui Grove Village West commercial area, Puhi Industrial Park, and various retail and commercial establishments.

The County's Department of Parks and Recreation operates 17 parks and recreational facilities in the Līhuʻe/Puhi region, including 13 neighborhood parks, three beach parks, and Vidinha Memorial Stadium located to the east of the Petition Area near Līhuʻe Airport, which is used as a venue for public sporting events. State parks and recreational facilities in the Līhuʻe/Puhi region include Ahukini Recreation Pier State Park at Ahukini Landing located to the northeast of the Petition Area, and Nāwiliwili Small Boat Harbor located to the southeast of the Petition Area in Niumalu. Kalapaki Beach and Running Waters Beach are located to the southeast of the Petition Area, adjacent to the Kauaʻi Marriott Resort and Beach Club and Kauaʻi Lagoons Resort, respectively. The Petition Area is in close proximity to public transportation systems, utilities and services. Vehicular access to the Petition Area is via a paved loop road from Kaumualiʻi Highway, a State road located approximately 0.4-mile to the south. Other public roads intersecting Highway on its makai side include Puhi Road, Nani Street, and Nuhou Street. Traffic operations in the vicinity of the campus with the implementation of its updated master plan are expected, in general, to operate at levels of service similar to Year 2020 without project conditions despite the addition of site-generated traffic to the surrounding roadways.

The County Police Department's Līhuʻe Headquarters is located approximately 2.7 miles east of the Petition Area on Kāʻana Street, and the County's Līhuʻe Fire Station is located approximately 2.1 miles to the east on Rice Street.

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 Nāwiliwili for recycling.

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 Kaumualiʻi Highway. A water tank with overflow elevation of 510 feet and a well is located to the northwest of the campus and a water tank with overflow elevation of 393 feet with pump

station is located within the exterior boundary of the project site. KCC uses a 3 inch water meter from the County Department of Water to service its facilities.

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 treatment plant operated by Grove Farm since April 2001. New drainage improvements, which may include drain lines, grass swales, and culverts, will be provided in conjunction with the proposed project.

The Petition Area is contiguous with existing urban areas to the south across Kaumualiʻi Highway. The reclassification of the KCC campus in the Petition Area to the Urban District is deemed appropriate due to its current developed character as a campus.

(3) It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil conditions, and other adverse environmental effects;

The topography of the project area is relatively flat with slopes ranging from 1.0 percent to 5.0 percent. Elevations in the project area range from 310 feet mean sea level (msl) at the lowest point near Kaumualiʻi Highway to 380 feet msl at the highest level at the northern, mauka boundary.

A detention basin, located east of the main campus facilities is a prominent topographical feature on the campus. In addition to the detention basin are two large drainageways, characterized by steeper slopes that are located on either side of the main campus. The drainageway to the detention basin extends southeastward to lands makai of Kaumualiʻi Highway.

The other drainageway is located to the west of the main campus facilities and extends northward, connecting up to the Puhi Reservoir. The Puhi Reservoir and its associated drainageway form the border between TMK 3-4-07:03 and 02. A lowland drainage area, characterized by steeper topography, extends from the reservoir to the area mauka of Kaumualiʻi Highway. A higher flat area, once an old plantation housing is now used by the KCC Diversified Agriculture Program, is sandwiched between this drainage feature and the gulch of Puhi Stream. The wooded gulch of the Puhi Stream, which is characterized by greater slope gradations, is estimated to occupy over 50 percent of TMKs 3-4-07:01 and 02.

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”. 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 flooding is primarily due to runoff and overland flows which is relatively less prone to extensive

flood damage. The three major streams that have recorded floods in the Līhuʻe area are Hanamāʻulu, Nāwiliwili, and Hulēʻia Streams. Appropriate mitigation measures will be implemented to mitigate storm water runoff associated the project.

According to the FIRM prepared by FEMA, the Petition Area is designated Zone "X", "Areas determined to be outside the 0.2% annual chance floodplain". The Petition Area is not within a tsunami inundation area as it is located approximately 2.7 miles inland (northwest) from the shoreline, and at elevations ranging from approximately 350 to 400 feet above msl.

(4) Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;

The Petition Area is contiguous with existing urban areas to the south across Kaumualiʻi Highway. The reclassification of the portion of the KCC campus to the Urban District is deemed appropriate due to its current developed character as a campus.

(5) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans;

The Petition Area is an appropriate location for new urban concentration and growth given its locality within Puhi and close proximity to Līhuʻe. The petitioned Urban designation will be consistent with the Urban Center designation of the Kauaʻi General Planand will be contiguous to existing urban lands to the south, makai of Kaumualiʻi Highway.

(6) It may include lands which do not conform to the standards in paragraphs (1) to (5): (A) When surrounded by or adjacent to existing urban development; and (B) Only when those lands represent a minor portion of this district;

The Petition Area conforms to the referenced paragraphs (1) to (5) as described above.

(7) It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services; and

The Petition Area is contiguous with existing urban areas to the south across Kaumualiʻi. The reclassification of the portion of the KCC campus to the Urban District is deemed appropriate due to its current developed character as a campus

The proposed project will include all required on- and off-site infrastructure improvements to minimize the burden on public systems. The project is not anticipated to have any significant impacts on public services in the area as discussed in paragraph (2) above.

(8) It may include lands with a general slope of twenty per cent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction of controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

The topography of the project area is relatively flat with slopes ranging from 1.0 percent to 5.0 percent. Elevations in the project area range from 310 feet mean sea level (msl) at the lowest point near Kaumualiʻi Highway to 380 feet msl at the highest level at the northern, mauka boundary.

CURRICULUM VITAE

EARL K. MATSUKAWA, AICP
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

Education:

Masters Urban and Regional Planning, University of Hawaii, 1985

Bachelor of Science, Environmental Planning, Huxley College, University of Western Washington, 1975

Certification:

American Institute of Certified Planners, 1993

Planning Experience:

40 years (30 years with Wilson Okamoto & Associates, Inc.)

Employment:

1986 - Present	Wilson Okamoto & Associates, Inc.(29 years as Director of Planning)
1986	City and County of Honolulu, Department of Land Utilization (Environmental Branch)
1981-1986	State of Hawaii, Department of Planning and Economic Development, Hawaii Coastal Zone Management (CZM) Program
1976-1981	Research Corporation University of Hawaii, Department of Urban and Regional Planning (CZM Program Development)
1976-1977	State of Hawaii, Department of Planning and Economic Development (Land and Water Conservation Fund Program)
1976	Denver Regional Council of Governments, Colorado (Regional Transportation Planning)

Major Project Management Experience
at Wilson Okamoto Corporation

On-Going:

Proposed Lease (Water Lease) for the Nahiku, Keanae, Honomanu, and Huelo License Areas EIS

Kealakehe Wastewater Treatment Plant R-1 Upgrade EIS

Kapalama Catalytic Project EIS

Kukaniloko Master Plan EIS

Completed:

University of Hawaii Cancer Research Center, JABSOM NEPA EA

Innovation Block at “Lot C” Master Plan EA

Kona International Airport EA and NEPA EA

Hawaii Pacific University at Aloha Tower Market Place EA

Kaneohe to Kailua Wastewater Facilities and Conveyance Project EIS, SMA, CDUA and community outreach.

Kona Community Development Plan

Waikiki Livable Community Project

Schofield Barracks Wastewater Effluent Disposal NEPA EIS, CZM Certification

Waianapanapa State Park Master Plan & EIS

Kalanianaole Highway at Makapuu Rockfall Protection EA & permits

West Mamala Bay Wastewater Facilities Plan and EIS

Hawaii Convention Center EIS and development permits

Ewa Marina (Ocean Pointe) Community EIS, Development Plan Amendment, SMA Permit

Waterfront at Aloha Tower EIS

Kaiwi State Park Master Plan and EIS

Hanauma Bay Master Plan and EA

Testimony of
ERIC B. GUINTHER
AECOS INC.
SLUC Docket No. A16-801 University of Hawai‘i Community Colleges

In the Matter of the Petition of University of Hawai‘i 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, TMKs: 3-4-07:01, 02, 03 and 06

My name is Eric Guinther and I am Senior Ecologist with AECOS Inc. I participated in the preparation and/or supervision of the flora report in the Biological Surveys of the subject project dated September 2010. I have been conducting botanical field surveys in Hawaii and the Pacific since 1972. A copy of my resume is attached.

A botanical survey of the Petition Area was conducted by AECOS Consultants in September 2010. The Petition Area supports two basic vegetation areas: 1) the landscaped KCC campus and adjoining agriculture station; 2) abandoned agricultural fields; and 3) a gulch and riparian forest. In all, one mushroom, ten ferns, and 203 species of flowering plants were recorded within the Petition Area. Of those flowering plants and ferns found outside of the landscaped areas (88 species), only five are natives (6 percent) and all are indigenous to the Hawaiian Islands and relatively common in the lowlands. No endemic species were recorded, except as part of the landscaped areas. The vegetation within the undeveloped areas of the Petition Area consists of mixed areas of moderately open to closed forest, shrubland, and grassland. Forest tends to predominate, with mostly mature macaranga (Macaranga tanarius) and albizia (Falcataria moluccana) trees. Other species include Christmas berry (Schinus terebinthfolius), octopus plant (Schefflera actinophylla), and Java plum (Syzygium cuminii). Groundcover and understory shrubs and vines varied considerably from area to area. No plant species currently listed as endangered, threatened, or proposed for listing under either the Federal or State of Hawai‘i endangered species programs were recorded as growing naturally within the Petition Area. Several listed species observed were ornamentals in a Hawaiian native plant garden.

<u>Impacts and Mitigation Measures</u>

As the Petition Area does not contain a unique botanical habitat, no significant impacts on flora are anticipated from the construction and development of the proposed project. The proposed campus expansion areas are devoid of botanical resources that would merit special concern. All species are common to lowland windward Kaua‘i, nearly exclusively non-native, and not requiring or deserving of preservation within the Petition Area. Therefore, it is not expected that development of the proposed project improvements will result in deleterious impacts to any plants species currently listed as endangered, threatened, or proposed for listing under either the Federal or State of Hawai‘i endangered species statutes. Although the botanical field survey was conducted in August 2010 (dry season), the Petition Area is within a relatively wet area in the lowlands of Kaua‘i. The Petition Area has been, and is further proposed to be, modified by campus improvements and activities. There is no habitat within the Petition Area

that would support native or rare plants. All of the native species recorded within the Petition Area were found around the Hawaiian cultural pavilion within the south-central portion of the site where the school has re-vegetated the area with native species.

Eric B. Guinther

SENIOR ECOLOGIST

Eric Guinther is president of *AECOS* Inc. and has been conducting environmental studies
throughout the Pacific since 1972. His responsibilities at *AECOS* include corporate and project management, consulting on water quality and ecological issues, production and editing of environmental reports, conducting wetland delineations, and conducting botanical field surveys. His educational background emphasized ecology, and included geography, geology, and botany in addition to his declared major in invertebrate zoology.

Mr. Guinther received a degree in biology from the University of the Pacific in 1965 and undertook graduate studies in zoology at the University of Hawai‘i at Manoa. These studies focused on non-marine aquatic environments (including anchialine features) on atolls in the central Pacific. He has conducted coastal zone, terrestrial, stream, and marine surveys for *AECOS* clients at many locations throughout the Hawaiian Islands and in the western and central Pacific, including American Samoa, Kwajalein, Canton, Tarawa, Christmas Atoll, Fanning Atoll, Guam, Saipan, Tinian, Yap, Palau, and Japan. In addition to project-related travels throughout the Pacific, during a three-year period when *AECOS* was affiliated with a Saudi Arabian company conducting environmental studies in the western Arabian Gulf, Mr. Guinther managed personnel and material procurement for onsite operations.

Eric has turned over most responsibilities for marine surveys and assessments to the several younger biologists on staff. Over a decade ago, he revived his early interest in non-marine aquatic environments (streams, anchialine ponds, wetlands) to focus his field efforts on streams and wetlands. Gaining experience in wetland delineation, he combined a long-time interest in plants and taxonomy to develop a successful career as a field botanist. He has conducted dozens of botanical surveys throughout the Hawaiian Islands and the Mariannas (Guam and Tinian). He maintains an Associate of Science relationship with the Bernice P. Bishop Museum herbarium. In his spare time, he operates a small native plant nursery at is home in Kane‘ohe, and spends part of every weekend planting native plants at Na Pohaku o Hauwahine.

At *AECOS*, Eric maintains editorial (quality control) control over reports, but now limits his field work to wetland/stream delineations (with Susan Burr) and botanical surveys. His decades of experience preparing reports and assessing impacts on the natural environment for client projects is an invaluable resource that the company calls upon for all nature of projects. He has training and certification in wetland delineation, HAZMAT, maritime security, first aid, and CPR.

Testimony of
HALLETT H. HAMMATT, PH.D.
CULTURAL SURVEYS HAWAI`I, INC.
SLUC Docket No. A16-801 University of Hawai‘i Community Colleges

In the Matter of the Petition of University of Hawai‘i 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, TMKs: 3-4-07:01, 02, 03 and 06

My name is Hallett Hammatt and I am the Proprietor and Principal Archaeologist of Cultural Surveys Hawaii Inc. (CSH), an archaeological and cultural resources consulting firm. I supervised the preparation of the archaeological inventory survey (AIS) and cultural impact assessment (CIA) for the subject project. I have been directly involved in managing archaeological projects in Hawaii since 1976 and have been the principal investigator and president of Cultural Surveys Hawaii since 1982. A copy of my resume is attached.

Archaeological Inventory Survey

A campus-wide Archaeological Inventory Survey (AIS) encompassing approximately 199 acres was conducted by CSH and approved by SHPD/DLNR on April 15, 2016. This AIS was conducted to identify, document, and make Hawaii Register of Historic Places (Hawaii Register) eligibility recommendations for the subject parcel's historic properties. The investigation includes a project-specific effect recommendation and treatment/mitigation recommendations for the parcel's historic properties that are recommended Hawai‘i Register eligible. This document is intended to support the proposed project's historic preservation review under Hawai‘i Revised Statutes (HRS) Chapter 6E-42 and HAR Chapter 13-13-284. It is also intended to support any project-related historic preservation consultation with stakeholders, such as state and county agencies and interested Native Hawaiian community groups.

Cultural Impact Assessment

A Cultural Impact Assessment was conducted for the subject project. Through document research and ongoing cultural consultation efforts, this report provides information pertinent to the assessment of the proposed Project's impacts to cultural practices and resources (per the *Office of Environmental Quality Control's Guidelines for Assessing Cultural Impacts*), which may include Traditional Cultural Properties (TCP) of ongoing cultural significance that may be eligible for inclusion on the State Register of Historic Places. The document is intended to support the project's environmental review and may also serve to support the project's historic preservation review under HRS §6E-42 and Hawaii Administrative Rules (HAR) §13–284.

Hawaiian organizations, agencies and community members were contacted in order to identify potentially knowledgeable individuals with cultural expertise and/or knowledge of the project area and the vicinity. Outreach included efforts to contact 32 individuals and agencies. The

organizations consulted included the State Historic Preservation Division (SHPD), the Office of Hawaiian Affairs (OHA), the Kaua‘i/Ni‘ihau Island Burial Council (KNIBC), Kaumuali‘I Hawaiian Civic Club, and community members of the Līhu‘e District.

In Ka Pa`akai v. Land Use Commission, 94 Hawai`i 31, 74, 7 P.3d 1068, 1084 (2000), the Court held the following analysis be conducted:

(1) The identity and scope of valued cultural, historical, or natural resources in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;

(2) The extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and

(3) The feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist.

The CIA found that there are no known traditional and customary native Hawaiian rights exercised in the petition area. Under the Ka Pa`akai Case, the required analysis therefore ends after the determination that there are no known traditional and customary native Hawaiian rights exercised in the 148.37 acre Project Area.

While the project site is located within the proximity of the Old Puhi Camp and Puhi Cemetery, these areas are beyond the 148.37 Area. of Potential Effect (APE). Therefore, no impacts to these sites are anticipated as a result of the proposed project.

Should cultural or burial sites be identified during future ground disturbance in the Project Area, all work will immediately cease and the appropriate agencies will be notified pursuant to applicable law.

Hallett H. Hammatt, Ph.D.
Principal / President

Education:

1976 Ph.D. - Anthropology, Washington State University
1967 M.A. - Archaeology (with Honors), University of Edinburgh, Scotland
1963 B.A. - History (with Honors), University of Pennsylvania

Qualifications:

- Founded CSH in 1982, has been active in the field of archaeology and historic preservation for over 40 years, and has been at the forefront of shaping state historic preservation practices
- Consults on historic preservation matters with many government agencies and private companies and is widely experienced in handling multidisciplinary studies, large and complex projects including intensive surveys, data recovery and site protection, and interpretation
- Proficient in and conducts training on federal historic preservation regulations including Section 106 and NAGPRA and has presented testimony as an expert witness in Hawaiian archaeology at more than 30 public hearings and legal proceedings
- Successfully completed over 800 projects in the Hawaiian Islands

Special Training, Honors, and Certifications:

- Served, by Governor Appointment, on the State of Hawai'i Review Board of Historic Places for eight years
- HART's Safety/Environmental Orientation Training
- First Aid / CPR (Current)

Representative Experience:

- Historic preservation services for Construction Sections 1, 2 3, and 4 for the Honolulu High-Capacity Transit Corridor Project, Island of Oʻahu

  Dr. Hammatt's involvement in the project included development of cultural resource management strategies designed to meet the needs of multiple interest groups. He was instrumental in effectively communicating with the community during the Section 4 AIS phase of the project.

- Archaeological inventory survey for Kamehameha Schools Kakaʻako Blocks B and I, Honolulu Ahupuaʻa, Honolulu (Kona) District, Island of Oʻahu
- Archaeological inventory survey for the Howard Hughes Corporation Block I Project, Kakaʻako Ahupuaʻa, Honolulu (Kona) District, Oʻahu
- Archaeological monitoring and report for the Waihonua at Kewalo (Koʻolani Phase II) Project, Kakaʻako, Waikīkī Ahupuaʻa, Honolulu (Kona) District, Island of Oʻahu
- Archaeological inventory survey, burial treatment plan, archaeological monitoring plan, and archaeological monitoring and report for the International Market Place Redevelopment Project, Waikīkī Ahupuaʻa, Honolulu (Kona) District, Island of Oʻahu
- Burial treatment plan for SIHP # 50-80-14-7435, for the Nimitz Highway and Ala Moana Boulevard Resurfacing and Highway Lighting Replacement Project, Honolulu Ahupuaʻa, Honolulu (Kona) District, Oʻahu
- Archaeological inventory survey for the Central YMCA Redevelopment/Aloha Kai Project, Waikīkī Ahupuaʻa, Honolulu (Kona) District, Island of Oʻahu

Testimony of
PETE PASCUA
Wilson Okamoto Corporation
SLUC Docket No. A16-801 University of Hawai‘i Community Colleges

In the Matter of the Petition of University of Hawai‘i 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, TMKs: 3-4-07:01, 02, 03 and 06

My name is Pete Pascua and I am a Vice President and Director of Traffic Engineering with Wilson Okamoto Corporation. I participated in the preparation and/or supervision of the Traffic Impact Report for the Kauai Community College (KCC) Long Range Development Plan (LRDP), dated December 2010. A copy of my resume is attached.

A Traffic Impact Report (TIR) for the proposed project was prepared by Wilson Okamoto Corporation in December 2010. The purpose of the TIR is to assess the traffic impacts resulting from the implementation of the subject project, and to identity recommendations of improvements, if appropriate, that would mitigate any traffic impacts.

Existing roadways within the vicinity of the Petition Area include Kaumuali‘i Highway, Puhi Road, Nani Street, and Nuhou Street. At the time that the TIR was prepared, the ongoing widening of Kaumuali‘i Highway from two to four lanes had not reached the segment fronting the Petition Area. Hence, the TIR is based on conditions at the intersections of Kaumuali‘i Highway and Nuhou Street, Kaumuali`I Highway and Puhi Road, and Kaumuali`I Highway and Nani Street.

In the vicinity of the Petition Area, Kaumuali‘i Highway is a predominantly two-lane, two-way State 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 County roadway generally oriented in the north-south direction. At the intersection with 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 western access road for Kaua‘i Community College and Island School, 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.

Northeast of the intersection with Puhi Road, Kaumuali‘i Highway intersects Nani Street. At this unsignalized T-intersection, the eastbound approach of the highway has one lane that serves through and right-turn traffic movements, while the westbound approach has one lane that

serves left-turn and through traffic movements. Nani Street is a two-lane, two-way County roadway generally oriented in the north-south direction. At the intersection with the highway, the Nani Street approach has one lane that serves left-turn and right-turn traffic movements.

Further northeast, Kaumualiʻi Highway intersects Nuhou Street. At this signalized intersection, the eastbound approach of the highway has exclusive turning lanes and one through lane, while the westbound approach has one through lane and a shared through and right-turn lane. Nuhou Street is a four-lane, two-way County roadway generally oriented in the north-south direction. At the intersection with the highway, the northbound approach of Nuhou Street has a shared left-turn and through lane, and an exclusive right-turn lane. The southbound approach of the intersection is comprised of the eastern access for Kauaʻi Community College (KCC) and Island School, which has one lane that serves all traffic movements.

The analysis is based on the concept of Level of Service (LOS) to identify the traffic impacts associated with traffic demands during the peak hours of traffic. LOS is a quantitative and qualitative assessment of traffic operations. LOS are defined by LOS "A" through "F", with LOS "A" representing ideal or free-flow traffic operating conditions and LOS "F" representing unacceptable or potentially congested traffic operating conditions.

Existing Traffic Conditions: Existing peak hour traffic conditions at the study intersections are as follows:

Kaumualiʻi Highway and Puhi Road: At the intersection with Puhi Road, Kaumualiʻi Highway carries higher traffic volumes during the PM peak period versus the AM peak period. The left-turn traffic movement on both the eastbound and westbound approaches of the highway operate at LOS "D" and LOS "E" during the AM and PM peak periods, respectively, while the right-turn traffic movements operate at LOS "B" during both peak periods. The eastbound through traffic movement operates at LOS "C" during both peak periods, while the westbound through traffic movement operates at LOS "C" and LOS "D" during the AM and PM peak periods, respectively.

The northbound left-turn and through traffic movement on the Puhi Road approach of the intersection operates at LOS "D" and LOS "E" during the AM and PM peak periods, respectively, while the right-turn traffic movement operates at LOS "C" and LOS "D" during the AM and PM peak periods, respectively.

The southbound left-turn and through traffic movement on this approach of the intersection operates at LOS "C" and LOS "E" during the AM and PM peak periods, respectively.

Kaumualiʻi Highway and Nani Street: At the intersection with Nani Street, Kaumualiʻi Highway carries higher traffic volumes during the PM peak period versus the AM peak period. The critical traffic movement along the highway at the intersection is the westbound approach which operates at LOS "A" during both peak periods.

Kaumualiʻi Highway and Nuhou Street: At the intersection with Nuhou Street, Kaumualiʻi Highway carries higher traffic volumes westbound during the AM peak period versus the PM peak period, and higher traffic volumes eastbound during the PM peak period versus the AM peak period. The left-turn traffic movement on both approaches of the highway operates at LOS "E" during both peak periods, while the eastbound through and westbound through and right-turn traffic movements operate at LOS "C" during both peak periods. The eastbound right-turn traffic movement along the highway operates at LOS "B" during both peak periods.

The traffic movements on the Nuhou Street (northbound) approach of the intersection operate at LOS "D" during both peak periods. The southbound approach of the intersection operates at LOS "E" and LOS "D" during the AM and PM peak periods, respectively.

Year 2020 Without Project: Kaumualiʻi Highway is assumed to be widened to a four-lane divided highway by the Year 2020, with a westbound left-turn bay provided at the intersection with Nani Street. Projected traffic operations in the vicinity of KCC without the implementation of their LRDP are expected to improve during both peak hours of traffic due to the widening of Kaumualiʻi Highway to a four-lane-divided highway. The traffic movements at the intersection of Kaumualiʻi Highway with Puhi Road are expected to operate at LOS "C" or better during the AM peak period and LOS "D" or better during the PM peak period, while those at the intersection with Nani Street are expected to operate at LOS "B" or better during both peak periods. At the intersection with Nuhou Street, the traffic movements are expected to operate at LOS "D" or better during both peak periods.

Year 2020 With Project: Traffic operations in the vicinity of KCC with the implementation of its LRDP are expected, in general, to operate at levels of service similar to Year 2020 without project conditions despite the addition of site-generated traffic to the surrounding roadways. The southbound left-turn and through traffic movement at the intersection of Kaumualiʻi Highway with Puhi Street is expected to operate at similar levels of service during the AM and PM peak periods without and with the implementation of the project. Similarly, at the intersection of Kaumualiʻi Highway with Nuhou Street, the movements at the intersection are expected to operate at similar levels of service during both peak periods without and with the implementation of the project. The westbound left-turn movement at the intersection of Kaumuali'I Highway and Nani Street is expected to operate at slightly lower levels at service during the projected PM peak period from without to with project conditions. The remaining movements at the intersection are expected to continue operating at levels of service similar to without project conditions. In addition, the total traffic volumes entering the study intersections are expected to increase by less than 2 percent during both peak periods with the proposed project. These increases in the total traffic volumes are in the range of daily volume fluctuations along Kaumualiʻi Highway and represent a minimal increase in the overall traffic volumes.

Recommendations: Based on the analysis of the traffic data, the following are the recommendations of the TIR with the proposed project: 1. Maintain sufficient sight distance for

motorists to safely enter and exit all project roadways. 2. Maintain adequate on-site loading and off-loading service areas and prohibit offsite loading operations. 3. Maintain adequate turn-around area for service, delivery, and refuse collection vehicles to maneuver on-site to avoid vehicle-reversing maneuvers onto public roadways. 4. Maintain sufficient turning radii at all project roadways to avoid or minimize vehicle encroachments to oncoming traffic lanes. 5. If the implementation of Island School's updated master plan is not completed by the Year 2020, prepare an updated Traffic Impact Report that incorporates a revised project completion year.

CURRICULUM VITAE

Pete G. Pascua, P.E

Education:

B.S. in Civil Engineering, 1987, University of Hawaii at Manoa
Traffic Engineering Academy, Institute of Transportation Engineers/Georgia Institute of Technology, 1989

Registration:

Professional Engineer: Hawaii (1991) - Civil Engineering

Employment History:

2006 – Present	Wilson Okamoto Corporation ***Vice President*** ***Director****, Traffic and Transportation Engineering Group*
2003 – 2006	Wilson Okamoto Corporation ***Director****, Traffic and Transportation Engineering Group*
1995 – 2003	Wilson Okamoto & Associates, Inc. ***Project Manager****, Civil Engineering Department*
1992 – 1995	Austin, Tsutsumi & Associates, Inc. ***Project Engineer/Manage****r*
1991 – 1992	The Traffic Management Consultant ***Project Traffic Engineer***
1986 – 1991	Austin, Tsutsumi & Associates, Inc. ***Project Engineer***
1985 – 1986	Pacific Naval Facilities Engineering Command ***Engineering Aid/Intern***

Miscellaneous Affiliations:

State of Hawaii Commission on Transportation
Commissioner, Appointment, 2006-2014

Institute of Transportation Engineers
Section President-elect, 2001,2014

Institute of Transportation Engineers
Section Appointed Director, 2002

Institute of Transportation Engineers
Section Appointed Director, 2004

Testimony of
REGINALD E. DAVID
RANA BIOLOGICAL CONSULTING, INC.
SLUC Docket No. A16-801 University of Hawai‘i Community Colleges

In the Matter of the Petition of University of Hawai‘i 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, TMKs: 3-4-07:01, 02, 03 and 06

My name is Reginald David and I am the president of Rana Biological Consulting, Inc. I participated in the preparation and/or supervision of the faunal report in the Biological Surveys of the subject project dated September 2010. Since 1975 I have worked as a terrestrial vertebrae biologist in Hawaii and Tropical Pacific, have conducted over 1000 faunal surveys, and am experienced in preparing biological assessments. A copy of my resume is attached.

A total of 526 individual birds of 21 species, representing 15 separate families, were recorded during the survey. One species recorded during station counts the Pacific Golden-Plover (*Pluvialis fulva*), is an indigenous migratory shorebird species that nests in the high Arctic during the late Spring and Summer months, returning to Hawai`i and the tropical Pacific to spend the Fall and Winter months each year. Three additional species were recorded as incidental sightings while transiting the property, Hawaiian Goose or Nēnē (*Branta sandvicensis*), Common Moorhen (*Galinula chloropus sandvicensis*), and Black-crowned Night-Heron (*Nycticorax nycticorax hoactli*), are all native to the Hawaiian Islands. The goose and moorhen are listed as endangered species under both Federal and State of Hawai‘i endangered species statutes. The night-heron is an indigenous resident breeding species. The remaining 17 species recorded are all considered to be alien to the Hawaiian Islands. Avian diversity and densities were in keeping with the habitat present on the site and its location in the lowlands of Kaua`i. Four species, Common Myna (*Acridotheris tristis*), Zebra Dove (Geopelia striata), Japanese White-eye (*Zosterops japonicus*) and Red Junglefowl (*Gallus gallus*), accounted for 57 - percent of all birds recorded during the station counts. The most commonly recorded species was the Common Myna which accounted for slightly more than 20 percent of the total number of individual birds recorded. Although not detected during the survey, it is probable that the Hawaiian endemic sub-species of the Short-eared Owl, or Pueo (*Asio flammeus sandwichensis*) use resources in the general project area, as they are regularly seen foraging over open fields in the low- to mid-elevation areas on the Island. Two other species not detected during the survey, the endangered Hawaiian Petrel (*Pterodroma sandwichnesis*) and the threatened endemic sub-species of the Newell’s Shearwater (*Puffinus auricularis newelli*) have been recorded flying over the Petition Area between April and the end of November each year. Additionally, the Save Our Shearwaters Program has recovered both species from the general Petition Area on an annual basis over the past three decades. There are no nesting colonies or appropriate nesting habitat for either of these listed seabird species within or close to the Petition Area.

Six mammalian species were detected during the course of this survey. We saw several dogs (*Canis familiaris*) on leashes being walked by their owners, additionally; dog tracks and sign were encountered in numerous locations within the site. We saw three cats (*Felis catus*) within the site, and encountered cat tracks along most of the unpaved roadways and trails within the study area. Numerous domestic cattle (*Bos Taurus*) were seen grazing pastures to the northwest of the developed site. One pig (*Sus scrofa*) was encountered caught in a pig snare at the edge of the gulch to the west of the diversified agricultural facility, additionally pig tracks, sign, and scat were encountered within the site, especially within the thickly vegetated gulch located to the west of the main campus. Scat and sign of goats (*Capra hircus*) and horse (*Equus cabbalus*) were encountered in one location along the unpaved road leading to the County of Kauaʻi water tank on the west edge of the site. No mammalian species protected or proposed for protection under either the Federal or State of Hawaiʻi endangered species programs were detected during the course of this survey.

The endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), or *ʻōpeʻapeʻa* as it is known locally, was not detected during the survey, although bats have been recorded within the general Petition Area on a regular basis. Hawaiian hoary bats are widely distributed in the lowland areas on Kauaʻi, and have been documented in and around almost all areas that still have some dense vegetation. Although no rodents were detected during the survey, it is likely that the four established alien muridae found on Kauaʻi, the Roof rat (*Rattus rattus*), Norway rat (*Rattus norvegicus*), European house mouse (*Mus musculus domesticus*), and possibly Polynesian rat (*Rattus exulans hawaiiensis*) use various resources found within the general Petition Area. All of these introduced rodents are deleterious to native ecosystems and the native faunal species dependent on them. No mammalian species protected or proposed for protection under either the Federal or State of Hawaiʻi endangered species programs were detected within the Petition Area during the survey.

Impacts and Mitigation Measures

No significant impacts on fauna within the Petition Area are anticipated from the construction and operation of the proposed project.

The principal potential impact that the proposed project improvements poses to Hawaiian Petrels, Newell's Shearwaters, and Band-rumped Storm-Petrels is the increased threat that birds will be downed after becoming disoriented by outdoor lighting associated with possible nighttime construction activity, and following build-out with exterior lighting associated with the structures and appurtenances that are built within the Petition Area. Should nighttime work be required in conjunction with the project construction, and during operation of the proposed project, all exterior lighting will be shielded to reduce the potential for interactions of nocturnally flying Hawaiian Petrels, Newell's Shearwaters, and Band-rumped Storm-Petrels with external lights and man-made structures. The principal potential impacts that the proposed project improvements pose to Nēnē are during construction, and following build-out with the increased student enrollment and associated school activities.

If construction activity is planned to occur within the Petition Area during the Nēnē nesting season, which typically runs from October through March on Kauaʻi, the Petition Area should be surveyed by a qualified biologist prior to the start of construction, to determine if any active

Nēnē nesting activity is occurring on the site. If such nesting does occur during construction, it is recommended that a Nēnē monitor be on site during such activity to ensure that no harm occurs to the birds. Due to the likelihood that the endangered Nēnē will utilize resources within the Petition Area, and the Hawaiian Petrels, Newell's Shearwaters, and Band-rumped Storm-Petrels could potentially fall onto the Petition Area during the construction phase of the project, it is recommended that an endangered species awareness program be developed to include 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 protocol on who, and how job site personnel will respond to any downed or injured endangered species that may occur on the site. All construction personnel should be required to be familiar with the program, and its guidelines, restrictions and protocols to be followed.

The principal potential impact that the proposed project improvements pose to Hawaiian hoary bats is during the clearing and grubbing phases of the project. Areas of dense vegetation are likely used to some degree by roosting bats. The principal threat that clearing potential roosting habitat poses to this species is between June and September when female bats may be carrying pups and potentially may not be able to flee vegetation clearing activities quickly enough to avoid harm. Following build-out of the project, lighting associated with the school facilities, and landscaping vegetation will likely attract volant insects to the site, which in turn will provide bats with additional foraging opportunities. To avoid potential impacts to the Hawaiian hoary bat, the clearing of dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area should not occur between June 1 to September 15 when bats may be carrying young and potentially could be at risk by such clearing activities.

As there is no Federally delineated Critical Habitat present within or adjacent to the Petition Area, development of the proposed project improvements will not result in impacts to any Critical Habitat.

Reginald E. David — Terrestrial Vertebrate Biologist

Years of Professional Experience

Over the past 30 years I have worked as a terrestrial vertebrate biologist in Hawai‘i and the Tropical Pacific. I specialize in avian and mammalian species with an emphasis on endangered species.

Experience Summary

Between 1986 and the present I have conducted over 1000 faunal surveys for the USFWS, the State of Hawaii, and numerous private concerns, on all of the main Hawaiian Islands as well as on Midway, Nihoa, Necker, and Kure Atolls. I have extensive field experience in New Zealand, Tahiti, Kiritimati, Guam, Saipan, Tinian, Gilbert Islands, Vanuatu, Republic of Palau, Eastern Siberia, Korea and the western United States. I am also experienced in the radar tracking of seabirds and bats as well as ultrasonic and thermal imaging censusing of bats. I have authored/co-authored over 30 peer-reviewed papers, one book and over 750 technical reports on birds and mammals. I am also the co-discoverer of a seabird new to science, which has recently been described at Bryan’s Shearwater (*Puffinus bryani*).

I have a good working knowledge of USFWS, State of Hawai‘i, and the Federal Department of Transportation environmental laws and regulations. I am experienced in preparing Biological Assessments (BA’s) required under Section “7” of the Endangered Species Act (ESA) and in negotiating mitigation under Section “7” of the ESA with the USFWS as well as under section “10” of the ESA and Hawaii State Statute 195D. I also have experience in preparing Natural Resource Management Plans (NRMP’s) and DoD, Integrated Natural Resource Management Plans (INRMP’s) as well as State of Hawai’i Section 343 Environmental Assessments.

Over the past 18 years I have functioned as the senior biologist on several large projects, responsible for overseeing all biological work performed by scientists covering the full spectrum of biological disciplines from geology to wetlands and marine sciences. I have also performed as the lead biologist representing federal clients before state and federal regulatory agencies on complex projects like the Federal Highways Administration, Saddle Road Project.

Related Activities:

- Vice-chair Hawaii Bird Records Committee 2013- present
- US Fish & Wildlife & DLNR, Newell’s Shearwater Working Group
- US Fish & Wildlife & DLNR, Hawaiian hoary bat Technical Working Group
- State of Hawaii Department of Land and Natural Resources, Natural Areas Reserve Commission (NARS) Commissioner: 1999 – 2004
- Moderator – HawaiiBirding internet chatline and website 1999-present
- Hawai‘i Natural Heritage Program, Ornithological Advisory Committee.
- The Mauna Kea Management Board – Environmental Committee.
- US Fish & Wildlife Service, 'Alala Recovery Team Member: 1994 – Present.
- National Audubon Society: Board of Directors member: 1993-1996
- Hawaii Audubon Society: Board of Directors member: 1989 - 1996, 1998
- Hawai‘i Audubon Society: Treasurer 1998
- Hawai‘i Audubon Society: President 1990-1994
- US Fish & Wildlife & DLNR, Hawaii Endangered Waterfowl Recovery Team Advisory Committee

Professional Experience

A 45-page list of my publications, and technical reports is available upon request.