BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of

COUNTY OF KAUA'I,
HOUSING AGENCY

To Be Filed for Reclassification of
Land in the State Land Use
Agriculture District Boundaries to
State Land Use Urban District of
Approximately 75 acres of Land at
Elelele, Kaua'i, Hawaii,
Tax Map Key No. (4) 2-1-001:054

DOCKET NO. A17-802
INTervenor JEn Nishida Souza'S ERRATA CORRECTIONS TO WRITTEN TESTIMONY;
CERTIFICATE OF SERVICE

INTervenor JEn Nishida Souza'S ERRATA CORRECTIONS TO WRITTEN TESTIMONY

Intervenor JEAN NISHIDA SOUZA, an individual ("Intervenor Souza"), submits these replacement pages to her written testimony dated May 25, 2017.

To summarize, the sequential numbering of the conditions for approval, starting on page 9, was in error. Number 10 was missing, so all of the subsequent numbers through 16 on page 11, were off by one. I have provided the replacement pages with the corrections in Ramseyer Format with underscoring of new material and bracketing of material to be deleted.
To the extent practicable and consistent with applicable laws, the Petitioner shall design storm and surface runoff PBPs to treat the first-flush runoff volume, to remove pollutants from storm and surface-water runoff, and to prevent pollutants from reaching the water table or coastal waters.

To the extent practicable and consistent with applicable laws, Petition shall implement landscaped areas, such as grassed or vegetated swales, grass filter strips, vegetated open space areas, check dams, and other compatible BMPs engineered to treat the first flush runoff volume including the removal of suspended solids and oils and greases from all streets and parking lots, and debris catch basins to allow the detention and periodic removal of rubbish and sediments deposited by runoff using current industry and engineering standards.


Petitioner shall educate potential residents in the Petition Area of the hazards associated with Kapa Reservoir and shall work with the Kauai Emergency Management Agency and the owner of Kapa Reservoir on an acceptable protocol to ensure residents’ safety and minimizing environmental damage from potential flooding attributable to Kapa Reservoir.

10.[11.] Best Management Practices. Petitioner shall implement applicable BMPs to minimize infiltration and runoff from construction and vehicle operations, reduce or eliminate the potential for soil erosion and ground water pollution, and
formulate dust control measures to be implemented during and after the
development process in accordance with State Department of Health guidelines.

11.[12.] Compliance with Representations to the Commission. Petitioner
shall develop the Petition Area in substantial compliance with the representations
made to the Commission. Failure to develop the Petition Area in accordance
with representations may result in reversion of the Reclassification Area to its
former classification, or change to a more appropriate classification.

12.[13.] Petitioner shall give notice to the Commission of any intent to sell,
lease, assign, place in trust, or otherwise voluntarily alter the ownership interests
in the Petition area, at any time prior to completion of development of the
Reclassification Area. The sale or lease of individual house lots/housing units to
individual homeowners/occupants are exempted from this condition.

13.[14.] Automatic Order to Show Cause. If Petitioner fails to comply with the
conditions and deadlines contained herein, the Commission shall issue and
serve upon the Petitioner and Order to Show Cause as required by law and
Petitioner shall appear before the Commission to explain why the Petition Area
should not revert to its previous State Land Use Agricultural District classification,
to be changed to a more appropriate classification.

14.[15.] Annual Reports. Petitioner shall timely provide without prior notice,
annual reports to the Commission OP, County and Intervenor, and their
respective successors, in connection with the status of the development of the
Petition Area and Petitioner’s progress in complying with the conditions imposed
herein. The annual report shall be submitted in a form prescribed by the
Executive Officer of the Commission. The annual report shall be due on or before
the anniversary date of the Decision and Order for the reclassification of the
Petition Area.

15.[16.] Release of conditions. The Commission may fully or partially
release the conditions provided herein as to all or any portion of the
Reclassification Area upon timely motion and upon the provision of adequate
assurance of satisfaction of these conditions by Petitioner or its successors and
assigns.

Dated: Hanapepe, Hawaii: May 25, 2017
Errata Corrections Dated: Hanapepe, Hawaii, June 2, 2017

Respectfully submitted,

[Signature]
JEAN NISHIDA SOUZA
Intervenor
BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of
COUNTY OF KAUAII, HOUSING AGENCY

To Be Filed for Reclassification of Land in the State Land Use Agriculture District Boundaries to State Land Use Urban District of Approximately 75 acres of Land at Eleeele, Kauai, Hawaii, Kauai, Tax Map Key No. (4) 2-1-001:054

DOCKET NO. A17-802
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing documents have been duly served upon the following by mailing said copy in a US Post Office ("Mail") or by hand delivery ("HD") on May 25, 2017 and the Errata Corrections by HD, Mail or E-mail on June 2, 2017:

PETITIONER
County of Kauai, Housing Agency
444Rice Street, Suite 330
Lihue, Hawaii  96766

ATTORNEYS FOR PETITIONER
McCorriston Miller Mukai MacKinnon LLP
David J. Minkin, Esq.
Peter J. Hamasaki, Esq.
Kelsey S. Yamaguchi, Esq.
Five Waterfront Plaza, 4th Floor

HD
E-mail
500 Ala Moana Boulevard
Honolulu, Hawaii  96813

STATE OF HAWAII                             Mail
Leo Asuncion, Director
Office of Planning
Leiopapa a Kamehameha, Room 600
235 South Beretania Street
Honolulu, Hawaii  96813

ATTORNEY FOR STATE                           E-mail
Dawn Takeuchi-Apana, Esq.
Deputy Attorney General
Hale Auhau
425 Queen Street
Honolulu, Hawaii  96813

COUNTY OF KAUAI                              HD
Michael A. Dahilig, Planning Director
County of Kauai
4444 Rice Street, Suite 453
Lihue, Hawaii  96766

ATTORNEY FOR COUNTY OF KAUAI                HD
Mauna Kea Trask, Esq.
County Attorney
Office of the County Attorney
County of Kauai
4444 Rice Street, Suite 220
Lihue, Hawaii  96766

LAND USE COMMISSION                         Mail and E-mail
State of Hawaii
Daniel Orodenker, Executive Officer
PO Box 2359
Honolulu, Hawaii  96804-2359

DATED: Hanapepe, Hawaii, May 25, 2017
ERRATA CORRECTIONS DATED: Hanapepe, Hawaii, June 2, 2017

JEAN NISHIDA SOUZA
Intervenor