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LAND USE COMMISSION
STATE OF HAWAII

2016 DEC 22 A 9:24

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A17-802
)	
COUNTY OF KAUAI,)	JEAN NISHIDA SOUZA'S
HOUSING AGENCY)	PETITION TO INTERVENE;
)	CERTIFICATE OF SERVICE
To Be Filed for Reclassification of)	
Land in the State Land Use Agriculture)	
District to the State Land Use Urban)	
District of Approximately 75 Acres)	
of Land at Eleele, Kauai, Hawaii, Kauai,)	
Tax Map Key No. (4) 2-1-001:054)	
_____)	

JEAN NISHIDA SOUZA'S PETITION TO INTERVENE
IN COUNTY OF KAUAI, HOUSING AGENCY'S PETITION
FOR STATE LAND USE DISTRICT BOUNDARY AMENDMENT

COME NOW JEAN NISHIDA SOUZA, an individual (hereafter "Proposed Intervenor Souza"), hereby respectfully files her Petition to Intervene in the County of Kauai, Housing Agency's (hereinafter referred to as "Petitioner") anticipated Petition for State Land Use District Boundary Amendment. This petition is submitted pursuant to Section 15-15-97 of the Land Use Commission Hawaii Administrative Rules of October 11, 2013 ("HAR").

I. INTRODUCTION

The County of Kauai, Housing Agency intends to file its Petition for a Land Use District Boundary Amendment with the Land Use Commission of the State of Hawaii on February 6, 2017, pursuant to Sections 205-4 and 201H-38, Hawaii Revised Statutes, as amended, and Section 15-15-97(b) of HAR, Title 15, Subtitle 3, Chapter 15, Subchapter 13, as amended.

Proposed intervenor Souza is interested that a complete record is established during the Land Use Commission's deliberations on the petition such that direct and indirect impacts, on-site and off-site impacts, and short-term and cumulative impacts of the proposed project are adequately disclosed and addressed, and that appropriate conditions of approval are considered and imposed on the Petitioner by the Land Use Commission.

Proposed intervenor Souza is a concerned and long-time resident of Hanapepe within the Hanapepe-Eleele community where the petition area is located.

Proposed intervenor Souza has decades-long professional experiences and education related to land uses, resources assessments, public sector regional and project planning, public policy development, park planning, public access issues, education and outreach, and agency, public, and event coordination.

Proposed intervenor Souza is an active member of the Hanapepe-Eleele community and has been involved in coordinating many community forums, meetings, and activities specifically related to Hanapepe-Eleele's land uses, planning projects, natural hazards awareness, natural and cultural resources, resiliency, and other community interests.

The mailing address for proposed intervenor Souza is P.O. Box 450, Hanapepe, Hawaii 96716. Her physical address is 4767 Alii Road, Hanapepe, Hawaii 96716.

II. STANDARD FOR INTERVENTION

HAR § 15-15-97(f) states that petitions for intervention shall make reference to the following:

- A. Nature of the proposed intervenor's statutory or other right;
- B. Nature and extent of the proposed intervenor's interest, and if an abutting property owner, the tax map description of the property; and
- C. Effect of any decision in the proceeding on the proposed intervenor's interest.

HAR § 15-15-97(g) further provides that if applicable, the petition shall also make reference to the following:

- A. Other means available whereby the proposed intervenor's interest may be protected;
- B. Extent the proposed intervenor's interest may be represented by existing parties;
- C. Extent the proposed intervenor's interest differs from that of the other parties;
- D. Extent the proposed intervenor's participation can assist in development of a complete record;
- E. Extent the proposed intervenor's participation will broaden the issues; and
- F. Extent the proposed intervenor's intervention would serve the public interest.

III. ARGUMENT: PROPOSED INTERVENOR SOUZA MEETS THE STANDARD FOR INTERVENTION

A. NATURE OF THE INTERVENOR'S STATUTORY OR OTHER RIGHT

Section 15-15-97(d) indicates that persons, other than departments and agencies and other than those with a property interest in the land, who demonstrate interest that is clearly distinguishable from the general public, shall be freely granted intervention.

Proposed intervenor Souza has no property interest in the petition area or an abutting property.

For over 20 years, proposed intervenor Souza has lived in Hanapepe-Eleele, and has travelled almost daily along the public roadways that abut the petition area and has observed the petition area.

Having been intensely engaged in community activities and issues for the past two years in Hanapepe-Eleele through the Hanapepe-Eleele community association, and more casually for over twenty years as a resident of Hanapepe-Eleele, proposed intervenor Souza is interested in the development of a complete record on this petition so that appropriate conditions can be formulated, adopted, and imposed by the Land Use Commission on the proposed reclassification to mitigate all significant negative impacts.

Proposed intervenor Souza's nine years of past work experience with the Office of Planning (then known as the Office of State Planning) as a representative of the State assisting in numerous petitions and other actions before the Land Use Commission, ensures that she has no interest or intent in rendering the proceedings inefficient and unmanageable through her

participation as an intervenor.

**B. NATURE AND EXTENT OF THE INTERVENOR'S INTEREST, AND
IF AN ABUTTING PROPERTY OWNER, THE TAX MAP
DESCRIPTION OF THE PROPERTY**

The Lima Ola development in the petition area will be the largest, new urban development in the Hanapepe-Eleele in over 20 years. As such, proposed intervenor Souza advocates recognition and disclosure of a complete suite of impacts that include short-term and long-term impacts, on-site and off-site impacts, and direct and cumulative impacts of the proposed development in the petition area. The petition area's location is an important factor in contributing adverse impacts to the residents of the neighboring community and region, and those who traverse near the petition area.

The proceedings can benefit by proposed intervenor Souza's participation as a party due to her knowledge of the community, land use, planning, and the Land Use Commission's reclassification proceedings.

Proposed intervenor Souza's interests are distinguishable from the other parties in terms her residency in the community and her study and almost daily observations of and involvement in the Hanapepe-Eleele community. The current absence of written testimonies of the Office of Planning and the Kauai County Planning Department contributes to the absence of evidence that proposed intervenor Souza's interests are represented by the parties.

Proposed intervenor Souza's interests are distinguishable from the general public in that she has made the effort to submit this Petition for Intervention. Approval of this Petition for Intervention will allow Ms. Souza to

receive timely notices and materials pertaining to the petition now and into the future. This, at a time when timely notices and materials from the Petitioner to the general community have been lacking.

C. EFFECT OF ANY DECISION IN THE PROCEEDING ON THE
INTERVENOR'S INTEREST

Proposed intervenor Souza will be among the public harmed by the proposed project in the petition area if adequate mitigation measures are not imposed on the proposed reclassification.

IV. CONCLUSION

Based on the above Intervenor Souza respectfully requests that the Commission grant this Petition to Intervene.

DATED: Hanapepe, Hawaii: December 21, 2016

Respectfully submitted,


JEAN NISHIDA SOUZA

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STATE OF HAWAII

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Tax Map Key No. (4) 2-1-001:054)	
_____)	

CERTIFICATE OF SERVICE

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

PETITIONER

County of Kauai, Housing Agency
4444 Rice Street, Suite 330
Lihue, Hawaii 96766

ATTORNEY FOR PETITIONER

James M. Mee, Esq.
Ashford & Wriston
999 Bishop St. Suite 1400
Honolulu, HI 96813

STATE

Leo Asuncion, Director
Office of Planning
P. O. Box 2359
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ATTORNEY FOR STATE

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Deputy Attorney General
Hale Auhau
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Honolulu, Hawaii 96813

COUNTY of KAUAI

Michael A. Dahilig, Planning Director
County of Kauai
4444 Rice St. Suite 453
Lihue, HI, 96766

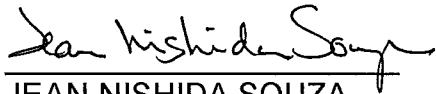
ATTORNEY FOR COUNTY

Mauna Kea Trask, Esq.
County Attorney
Office of the County Attorney
County of Kauai
4444 Rice Street, Suite 220
Lihue, Hawai'i, 96766

LAND USE COMMISSION

Daniel Orodener, Executive Officer
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

DATED: Hanapepe, Hawaii, December 21, 2016.


JEAN NISHIDA SOUZA