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LAND USE COMMISSION
STATE OF HAWAII

2017 JAN 19 A 10: 50

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

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

PROPOSED INTERVENOR JEAN NISHIDA SOUZA'S RESPONSES
TO THE OFFICE OF PLANNING'S, PETITIONER COUNTY OF KAUAI
HOUSING AGENCY'S, AND COUNTY OF KAUAI PLANNING
DEPARTMENT'S POSITIONS ON SOUZA'S PETITION TO INTERVENE
IN COUNTY OF KAUAI, HOUSING AGENCY'S PETITION
FOR STATE LAND USE DISTRICT BOUNDARY AMENDMENT

NATURE AND EXTEND OF INTEREST AND RIGHT

Proposed Intervenor Souza started work as a professional planner in the State of Hawaii in 1997. She has taken graduate level classes in Land Use Analysis and graduated with a Masters Degree in Geography from Arizona State University. She has been a public planner based in Honolulu for over 15 years with the State of Hawaii Department of Land and Natural Resources (Heritage

Conservation and Recreation Service and Division of State Parks), Department of Transportation (Harbors Division), Governor's Office, Department of Planning and Economic Development and Department of Business, Economic Development and Tourism (Land Use Division, Office of State Planning now known as the Office of Planning). In these positions, she has participated in policy, regional planning, park planning, evaluations of properties for park, recreation or small boat harbor potential, environmental and regulatory reviews, preparation of agency comments, land use analysis, and preparation of State positions on Land Use Commission deliberations.

On Kauai, Ms. Souza had a planning consultant firm for over five years assisting public agencies with projects and programs on Kauai, and worked with communities around Kauai on regional plans, park plans, and as a liaison in the community.

Ms. Souza has been a founding commissioner of the County of Kauai Public Access, Open Space and Natural Resources Preservation Fund Commission, appointed by the County Council. During her 8-year tenure, she has served multiple terms as commission chair and vice chair. She and other commissioners analyzed public access, open space, natural and cultural resource areas, community concerns and suggested sites for acquisition. She co-wrote and co-edited the annual commission reports to the County Council and Mayor consisting of recommendations of sites for acquisition and articulated issues related to public access, open space, and preservation of lands. She and

other commissioners also testified on their reports to the County Council and briefed the Mayor.

Proposed Intervenor Souza is a founding member of the Hanapepe-Eleele Community Association (HECA), an informal community group formed in June 2015 and continues to meet 3-4 times a month to discuss matters of community interest. Ms. Souza serves as the facilitator and co-coordinator for HECA meetings, special forums, special events, and HECA comments on various projects and plans affecting Hanapepe-Eleele and surrounding areas. Ms. Souza also serves as the volunteer liaison between the State of Hawaii, Hawaii Hazard Awareness and Resilience Program (HHARP) leadership in the Hawaii Department of Defense and the community and public. Ms. Souza also established and maintains HECA's email account (Hanapepe-Eleele.Kauai@gmail.com). She is the designated point of contact for the association and is the public's contact for HHARP on Kauai.

The informal boundaries of the community association generally extends westward from Kalaheo to a point beyond Kaumakani. These lands include the ahupuaa of Wahiawa, ahupuaa of Hanapepe, the ili of Eleele, and the eastern portion of the ahupuaa of Makaweli.

The association's work continues to focus on: the betterment of the Hanapepe-Eleele community; identifying the community's interests and concerns; participating in the County's general plan and other processes and programs; promoting a collective understanding of the resources, history,

services, projects, and actions that affect the community; and expanding the capacity, skills, and resiliency of its residents.

One of the complaints that led to the formation of the community association was that Hanapepe-Eleele was overlooked because of not being organized or lacking a community association.

The organization met for an average of 2 hours nearly every week from June 2015 for one year, and for the last 6 months has met an average of 2 hours three to four times a month. As the meeting facilitator and co-coordinator of events and activities, Ms. Souza has extensive understanding of the resources, issues, and concerns of the Hanapepe-Eleele area.

The association has a website in progress. Many of the association's meeting agendas are on:

<http://www.hanapepe-eleele.org>

The accomplishments of and topics explored by HECA since June 2015 include:

- A. Hosting representatives of the Koloa Community Association and the Solarize Kekaha group to understand their associations' histories, organizational structure, and operations (summer 2015)
- B. Conducted field trips to North Shore (Kilauea, Hanalei, Waipa) and South Kauai (Lawai, Koloa, Poipu, Mahaulepu) to meet with community leaders to learn from their experiences and projects, and to receive words of wisdom for a fledgling community organization (11/07/2015, 12/12/2015)

- C. Conducted field trip around Hanapepe, Hanapepe Valley, Eleele and Port Allen (11/22/2015)
- D. Conducted workshops on appreciative inquiry for community members to promote interpersonal relationships, identify the places of value, and identify interests and concerns (06/23/2015)
- E. Co-hosted a panel presentation "History and Culture of the Ahupuaa of Wahiawa, Hanapepe and eastern Makaweli" featuring Aletha Kaohi, Janet Kahalekomo, and Nancy McMahon (09/29/2015)
- F. Hosted a presentation on planning and county zoning by a retired County Planner
- G. Hosted a meeting with the County Planning Department planner on the South Shore Development Plan
- H. Hosted a meeting with the County Public Works Acting Director on the status of public works facilities in the area and community concerns. Included roads, bridges, sewer system, drainage
- I. Hosted a meeting with Mayor Bernard Carvalho and his departmental staff on county initiatives
- J. Initiated a visit to Eleele Elementary School and a conversation with its Principal. Appointed two members to the Principal's community outreach committee
- K. Hosted a meeting with the County of Kauai Public Access, Open Space and Natural Resources Preservation Fund Commission on suggested projects for acquisition

- L. Co-hosted a panel of experts on “Hurricanes and Other Disasters: Is Your Family Prepared?” Panelists included NOAA Central Pacific Hurricane Center, Hawaii Emergency Management Agency, County of Kauai Civil Defense Agency, Kauai Fire Department Community Emergency Response Team, Simpson Strong Tie Co., American Red Cross, Radio Civil Emergency Service (08/04/2015)
- M. Hosted a public discussion “In Case of Natural Disasters: Does Your Community Want to be More Prepared and Resilient?” Presenters were Brigadier General Bruce Oliveira of Hawaii National Guard and Kevin Richards of State of Hawaii Emergency Management Agency (01/19/2016)
- N. Initiated a partnership with the State of Hawaii for Hanapepe-Eleele Community Association to participate in the Hawaii Hazards Awareness and Resilience Program (HHARP) to undertake a community-based disaster resilience plan (05/10/2016 to present). Sponsored community presentations on “HHARP”, “Flooding Basics” (07/12/2016), “Hurricane Basics”, “Tsunami Basics” by Dr. Gerard Fryer of NOAA Pacific Tsunami Warning Center (09/13/2016), “Earthquakes and Related Potential Geological Phenomena that Threaten Kauai and the Hawaiian Island Chain” by geologis/oceanographer/earth scientist Dr. Chuck Blay (10/11/2016), “Mosquito-Borne Infectious Diseases” by Lauren Guest of Dept. of Health (11/01/2016), “Preparing Yourself and Family for Natural Disasters” by Bart Abbott of Kauai Civil Defense Agency (12/13/2016)

- O. Coordinated and co-sponsored an all-day public event in Hanapepe featuring information booths and speaker series: "Be Hurricane Safe & Tsunami Ready" (07/23/2016)
- P. Coordinated and co-sponsored "Homeowner's Clinic on Hurricane Strengthening Options for Your Home" featuring Dr. Dennis Hwang of UH Sea Grant College Program and Tim Waite of Simpson Stront-Tie Co., Inc. (09/21/2016)
- Q. Assisted organizers for Community Emergency Response Team (CERT) training conducted by the Kauai Fire Department (01/04-02/08/2016)
- R. Co-hosted a public lecture on Hanapepe River estuary "The Muliwai: The Lifeblood of Hawaii's Fisheries". Featured Dept. of Land and Natural Resources aquatic biologists Troy Sakihara and Dr. Kim Peyton (03/08/2016)
- S. Participated in the State Dept. of Transportation, Highways Division public meeting on replacement of Hanapepe Kaumualii Highway Bridge. Reviewed and commented on draft environmental assessment
- T. Reviewed and commented on Lima Ola draft environmental impact statement (06/06/2016)
- U. Participated in Kauai General Plan Review place-typing activity for Hanapepe, Eleele and Port Allen (11/2015). Prepared comments on the final presentation of the Nov. 2015 workshop (02/2016)
- V. Reviewed and helped prepare HECA comments on the draft General Plan, including the submittal of a 26 pages of comments (12/2016)

Proposed Intervenor Souza has long-standing interest in land use analysis and planning. Proposed Intervenor Souza has specialized knowledge about the proposed project and the surrounding community that is not represented by the petitioner or parties, or general public. She is a 20+ year resident of Hanapepe who has commuted to Lihue almost daily on roadways adjacent to the petition area and surrounding lands for the last 15 years; she has extensive knowledge, professional experience and community service in land use analysis, resource and land use planning, community organizing, planning issues, regional resources, Hanapepe and Eleele infrastructure, Hanapepe-Eleele issues and concerns, and potential impacts on the greater community of the Lima Ola project.

Lima Ola is the largest urban development project in Hanapepe-Eleele in the past 20 years, as such Proposed Intervenor Souza is interested in the following:

- Traffic impacts and mitigation measures
- Impacts and mitigation measures affecting Eleele Elementary School
- Drainage and flooding impacts and mitigation measures
- Impacts and mitigation measures for offsite recreation facilities
- Impacts and mitigation measures related to emergency shelters
- Relationship of the Lima Ola project to development plans for adjacent properties
- Timely public notice and opportunities to testify and comment on the proposed Lima Ola project

INTERVENTION NEED NOT OPPOSE THE RECLASSIFICATION PETITION

The LUC's administrative rules do not specify that petitions for intervention must oppose the petition. The LUC has allowed intervenors who do not oppose petitions for reclassification of Agricultural District lands to the Urban District. In the case of LUC Docket No. A03-738 Gentry Investment Properties, Haseko (Ewa), Inc.'s petition to intervene was approved by the LUC on June 26, 2003.

APPROVAL OF RECLASSIFICATION WITHOUT APPROPRIATE CONDITIONS OF APPROVAL WOULD ADVERSELY AFFECT THE PROPOSED INTERVENOR'S INTERESTS

Approval of the petition to reclassify 75 acres of Agricultural District lands to the Urban District without adequate disclosure of impacts and necessary mitigation measures related to traffic, public school facilities used for education and emergency sheltering, drainage, onsite and offsite flooding, offsite recreation facilities, and continued conversion of agricultural lands to urban development would directly and indirectly affect pedestrian and traffic safety, will cause risks of environmental damage to surrounding properties, risks accommodation of public school students, risks accommodation of the public in an approved shelter during disasters.

Proposed Intervenor Souza would be directly and indirectly affected as a commuter on public roadways surrounding the petition area by creating deteriorated highway and roadway traffic safety, and by exposing her and her

family to dangerous road conditions caused by inadequate storm drainage in the petition area. As a resident of Hanapepe, she and her family may be turned away from the only designated shelter at Eleele Elementary School during natural disasters due to limited space at the Eleele Elementary School shelter and by the overcrowding caused by the substantial population increase associated with the development of the petition area. As a community leader with an interest in community safety, and a track record of working with fellow community association members in dealing with community issues and public planning processes affecting the greater Hanapepe-Eleele area and its residents, the number of complaints and issues needing attention and fixes will only increase.

NO OTHER MEANS TO PROTECT INTERESTS

There are no other mechanisms by which Proposed Intervenor Souza can cross-examine the petitioner and its witnesses to establish facts; present detailed testimony; or ensure that a decision is based on a record established by the parties, with no ex parte communications.

INTERVENTION WILL HELP IN DEVELOPING A COMPLETE RECORD

By asking questions, presenting witness(es), pointing out inadequacies in impact analysis and mitigation measures, Proposed Intervenor Souza will help the Commission to make a more fully-informed decision.

INTERVENTION WILL NOT UNREASONABLY BROADEN THE ISSUE

Proposed Intervenor Souza will not render the proceedings inefficient or unmanageable. She will present no more than two witnesses and will not attempt to delay the proceeding.

INTERVENTION WOULD SERVE THE PUBLIC INTEREST

Ms. Souza's intervention would allow issues of community importance to be addressed in a formal manner. Many of Proposed Intervenor Souza's concerns transcend the boundaries of the petition area, yet are affected by the petition. The impact of traffic generated by the development of the petition area, the impact of the development on the public school's ability to accommodate students from the region and to adequately provide capacity as the only designated emergency shelter during disasters, drainage and flooding of the petition area, impacts on important beach parks such as Salt Pond Beach park and other open space areas, and the project's relationship to the possible urbanization of other agricultural lands or pressure to urbanize other agricultural lands at Eleele eastward towards Kalaheo will all significantly impact Proposed Intervenor Souza's interests and the public at large.

CONCLUSIONS

Based on the forgoing, Jean Nishida Souza respectfully requests that the Commission grant leave to intervene.

DATED: Hanapepe, Hawaii: January 18, 2017

Jean Nishida Souza
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CERTIFICATE OF SERVICE

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

PETITIONER

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STATE

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COUNTY of KAUAI

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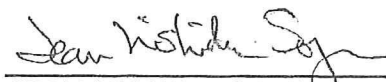
ATTORNEY FOR COUNTY

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LAND USE COMMISSION

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

DATED: Hanapepe, Hawaii, January 18, 2017.


JEAN NISHIDA SOUZA