

Keālia Mauka Homesites

Environmental Impact Statement Preparation Notice

October 2017

Prepared For: Kealia Properties, LLC
Prepared By: HHF Planners

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1.0 Introduction

This Environmental Impact Statement Preparation Notice (EISPN) was prepared in accordance with the requirements of Hawai'i Revised Statutes (HRS) §343 and Chapter 200 of Title 11, Hawai'i Administrative Rules (HAR) in support of a State Land Use District boundary amendment to reclassify lands at Keālia, Kawaihau District, Island of Kaua'i, Hawai'i from the State Agricultural District to the State Urban District. This HRS 343 environmental review is required due to the project's proposed use of State of Hawai'i and County of Kaua'i lands associated with infrastructure improvements within public roadways, including Kūhiō Highway and Keālia Road.

1.1 PROJECT SUMMARY

Project Name:	Keālia Mauka Homesites
Project Location:	Keālia Ahupua'a, Kawaihau District, Island of Kaua'i, Hawai'i
Applicant/Owner:	Keālia Properties, LLC c/o Ms. Moana Palama Hawaii Management Services LLC P.O. Box 1630 Kōloa, HI 96756
Approving Agency:	State of Hawai'i Land Use Commission (LUC) Department of Business, Economic Development & Tourism P.O. Box 2359 Honolulu, HI 96804-2359
Tax Map Key/ Coordinates:	(4) 4-7-004: por. 001 Coordinates: 22° 6' 22" N, 159° 18' 19" W
Project Area:	53.4 acres
Existing Use:	Agriculture (cattle grazing)
Proposed Use:	Residential
Proposed Action:	Subdivision of 53.4 acres of grazing lands adjacent to an existing 38-lot residential subdivision, into approximately 235 single-family house lots ranging in size from about 5,600 square feet (SF) to 7,300 SF. Each house lot to be served by municipal and private utilities and infrastructure, including potable water, stormwater drainage, wastewater, electrical power, and telecommunications systems.

Land Use Designations: **State Land Use District:** Agricultural (see Figure 9)
Kaua'i General Plan: Residential Community (see Figure 10)
County Zoning: Agriculture (see Figure 11)
Special Management Area (SMA): Not in SMA (see Figure 11)

Flood Zone Designation: Zone X (Area of minimal flood hazard, outside the 500-year flood)

Permits Required: **State of Hawai'i**

Department of Health

- National Pollutant Discharge Elimination System (NPDES) Permit
- Construction Noise Permit

Department of Land and Natural Resources, State Historic Preservation Division

- Historic Preservation Review, Chapter 6E, HRS

Department of Transportation

- Permit to Perform Work Upon State Highway
- Private Storm Drain Connection and/or State Highways Division Storm Drain System

County of Kaua'i

County Council

- Zoning Amendment

Planning Commission

- Subdivision Approval

Department of Public Works

- Grading, grubbing, and stockpiling permits

**Chapter 343
Determination:**

Under the provisions of Act 172 (12), the State Land Use Commission (LUC) has determined at the outset that the proposed action requires the preparation of an environmental impact statement (EIS), based on the significance criteria set forth in Chapter 200, Title 11, State of Hawai'i Department of Health. The proposed action may meet the criterion for "potential curtailment of the range of beneficial uses of the environment" and because it may "involve substantial secondary impacts, such as effects on public facilities" (HAR §11-200-12 [b][2] and [6]). See discussion in Section 7.0.

1.2 DESCRIPTION OF PROPOSED ACTION

Keālia Properties, LLC proposes to develop a residential subdivision at Keālia, Kauaʻi, consisting of approximately 235 lots ranging in area from about 5,600 SF to 7,300 SF (Figures 1 and 2). The Petition Area (also referred to in this EISPN as “Project Area”) is comprised of approximately 53.4 acres of land and located adjacent to and north of an existing residential community in Keālia. The project includes installation of utility infrastructure (e.g., potable water, drainage, wastewater, electrical power, and telecommunications systems) and transportation improvements to serve the new community.

1.3 DETERMINATION AND SUPPORTING RATIONALE

Act 172, Session Laws of Hawaiʻi (SLH), signed by the Governor on June 27, 2012, allows an agency to determine from the outset that an environmental impact statement (EIS) is likely to be required, and to choose not to prepare an environmental assessment and instead proceed directly to prepare and EIS.

Although the project is intended to offset the County’s residential inventory shortage (in both the general and workforce housing markets), providing residential lots on the Project Area would remove it from availability for agricultural uses, and thereby curtail the range of beneficial uses of the environment. In addition, preliminary evaluation indicates that there is heavy peak hour traffic congestion along Kūhiō Highway (a State-owned transportation facility) in the vicinity of Kapaʻa Town, approximately 1.5 miles south of the Project Area. Because of this, it is anticipated that there will be concerns that the proposed action would exacerbate these conditions and contribute to secondary impacts on other public transportation facilities. These potential impacts are listed as significance criteria under HAR §11-200-12 [b][2] and [6], respectively.

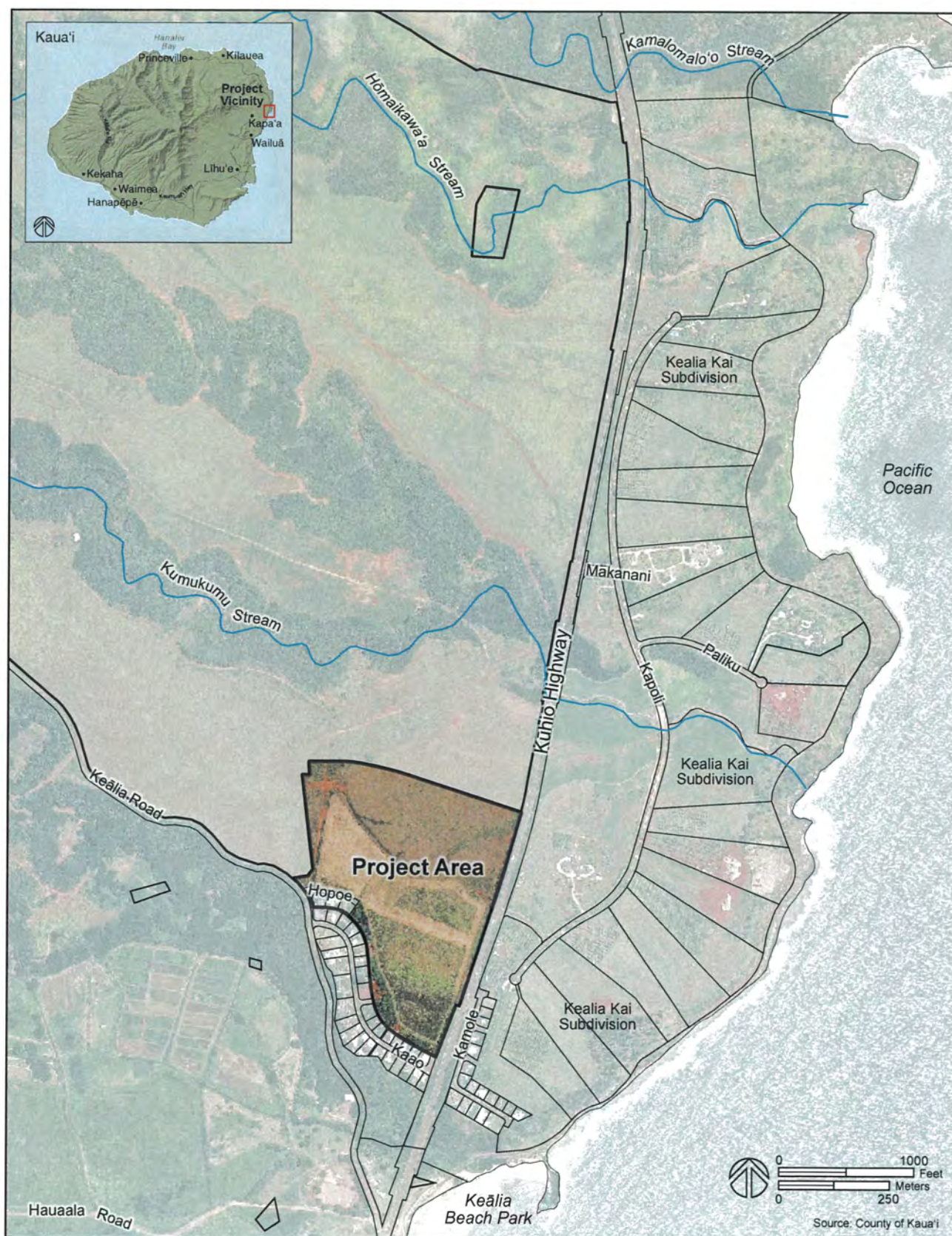
Based on its review of the significance criteria established under HAR §11-200-12 and through its judgment and experience, the LUC has determined that the proposed action may have a significant effect on the environment and that an EIS should be prepared. This EISPN informs the public of the LUC’s determination that the proposed action may have a significant effect on the environment and that an EIS will be prepared. It presents pertinent information on the project and affected environmental resource areas that will be assessed in the forthcoming Draft EIS (DEIS). Publication of the project’s EISPN in the Office of Environmental Quality Control’s (OEQC) periodic bulletin will initiate a 30-day public consultation period for parties to comment on the action and its potential impacts, and to request to become consulted parties in the preparation of the DEIS.

1.4 PROJECT LOCATION

The project is located at Keālia, Kawaihau Division, Island and County of Kauaʻi, State of Hawaiʻi. Keālia is located in east Kauaʻi, approximately 1.5 miles north of the town of Kapaʻa. The Project Area is a portion of a large parcel that is 1,075 acres in size and is identified as Tax Map Key No. (4) 4-7-004:001 (Figure 3). The 53.4-acre Project Area is contained within this parcel, and is located across Kūhiō Highway from Keālia Beach Park. The 36-lot Kaʻao Subdivision abuts the Project Area to the south and Kūhiō Highway forms the east (*makaʻi*) boundary. Undeveloped agricultural lands extend northward and westward from the Project Area.



Figure 1



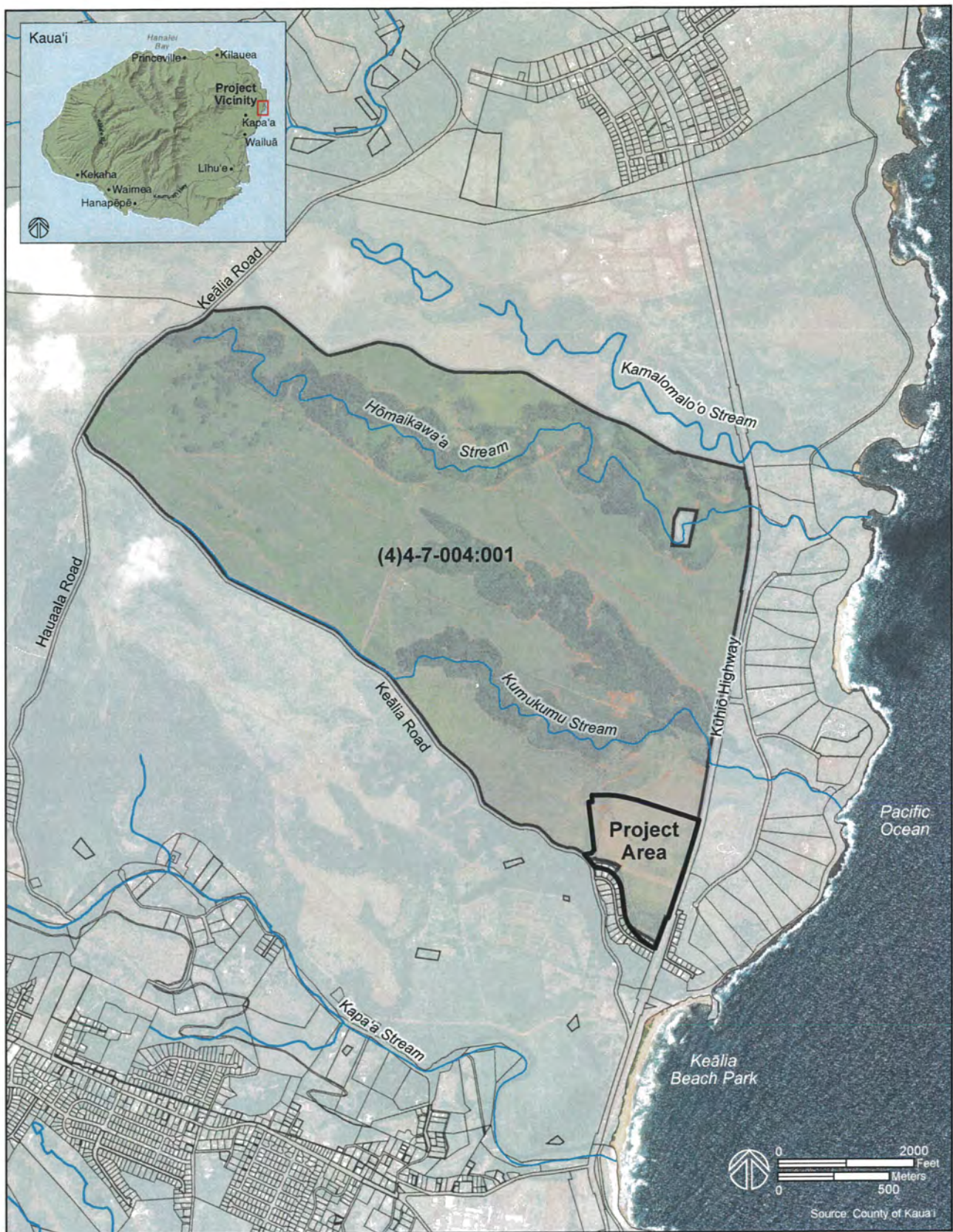
Project Vicinity Map

Keālia Mauka Homesites

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Figure 2



Tax Map Key Map

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Figure 3

1.5 BACKGROUND

1.5.1 Past Land Use

The Project Area was historically used for sugar cane cultivation, beginning with the Makee Sugar Company which was established in Kapa'a in 1877. Sugar cultivation was the first large-scale agricultural enterprise in the Keālia area. In 1934, the Makee Sugar Company was absorbed by the Līhu'e Plantation Company, Ltd., a subsidiary of Honolulu-based Big Five company American Factors (later Amfac). As sugar became less profitable in the latter part of the twentieth century, the Līhu'e Plantation began to phase out its operations. In 1997, the entire *ahupua'a* of Keālia, including the Project Area, was sold off by Amfac. Because Keālia was the most distant from the Līhu'e Plantation sugar mill, it was considered the least profitable. The Līhu'e plantation completely closed at the end of the twentieth century, and sugar cane production ceased throughout Kaua'i. Since its sale, the project site and neighboring agricultural lands have been used for ranching and diversified agricultural crops, and now primarily serve as cattle grazing.

1.5.2 Current Land Use

The entire Project Area is currently used for cattle grazing by RKL Ranch, LLC, based in Kīlauea, Kaua'i. RKL Ranch, LLC licenses a total of approximately 780 acres in the area, and employs a pasture rotation program, in which cattle are rotated throughout pens on the property on a timeframe based on forage availability, weather conditions, and production outlay. The 780 acres includes 86 acres that have been added to RKL's lease to accommodate the loss associated with the Porpoosed Project. Their herd, consisting of mainly Black Angus mixed breed cattle, averages approximately 120 cows, 6 bulls, and 60 weaners¹.

2.0 Purpose and Need for Action

The purpose of the proposed action is to provide for-sale residential lots for Kaua'i residents to address the current and projected shortfall of single-family housing on the island. In 2015, the State of Hawai'i Department of Business, Economic Development and Tourism (DBEDT) prepared a report entitled *Measuring Housing Demand in Hawaii, 2015-2025*, which projected housing demand statewide over the next decade. The analysis considered variables of projected population growth, visitor growth, and vacancy rates. Housing demand was based on the anticipated increase in number of households. This study projected that the total population for Kaua'i County will increase by 19 percent by 2025, and forecasted a demand for 5,287 additional housing units during the 2015-2025 period (DBEDT, 2015).

At the same time, housing inventory on Kaua'i does not meet demand. The existing and planned inventory of residential units on Kaua'i will fall short of forecasted demand for housing units, continuing the trend of increased housing pricing pressure and slowing the formation of new households. Many young families are unable to purchase their own homes, and are forced to either remain in crowded, multi-generational households or to relocate off-island. The proposed residential subdivision is intended to provide housing opportunities for Kaua'i residents.

¹ A weaner is a young animal that has been weaned and lives entirely on pasture; usually six to seven months old.

The purpose of the proposed action is to satisfy the need for housing on the island of Kauaʻi by providing improved residential lots that are:

- targeted to local Kauaʻi residents
- consistent with typical densities in the island's existing single-family residential communities
- located a reasonable distance from existing public facilities and services
- consistent with the Kauaʻi County General Plan Land Use guidance
- in compliance with the Housing Policy for the County of Kauaʻi, Ordinance No. 860, including the requirement for workforce housing

3.0 Description of Proposed Action and Alternatives

3.1 PROPOSED ACTION

The proposed action involves the development a residential subdivision at Keālia, Kauaʻi consisting of approximately 235 lots ranging in size from about 5,600 SF to 7,300 SF (Figure 4). The project includes installation of utility infrastructure (e.g., potable water, drainage, wastewater, electrical power, and telecommunications systems) and transportation improvements to serve each subdivided parcel. The subdivision will include two detention basin/open space areas, totaling 5.86 acres. The detention basin on the south side of the property can be designed to include passive recreation space and will also provide a buffer with the neighboring subdivision. Individual lot buyers would implement home construction on their parcels, a typical practice on Kauaʻi.

Access to the subdivision would be via Keālia Road from its intersection with Kūhiō Highway. A roundabout entrance to the subdivision is proposed in order to provide a safe and efficient central connecting point for adjoining subdivision roads.

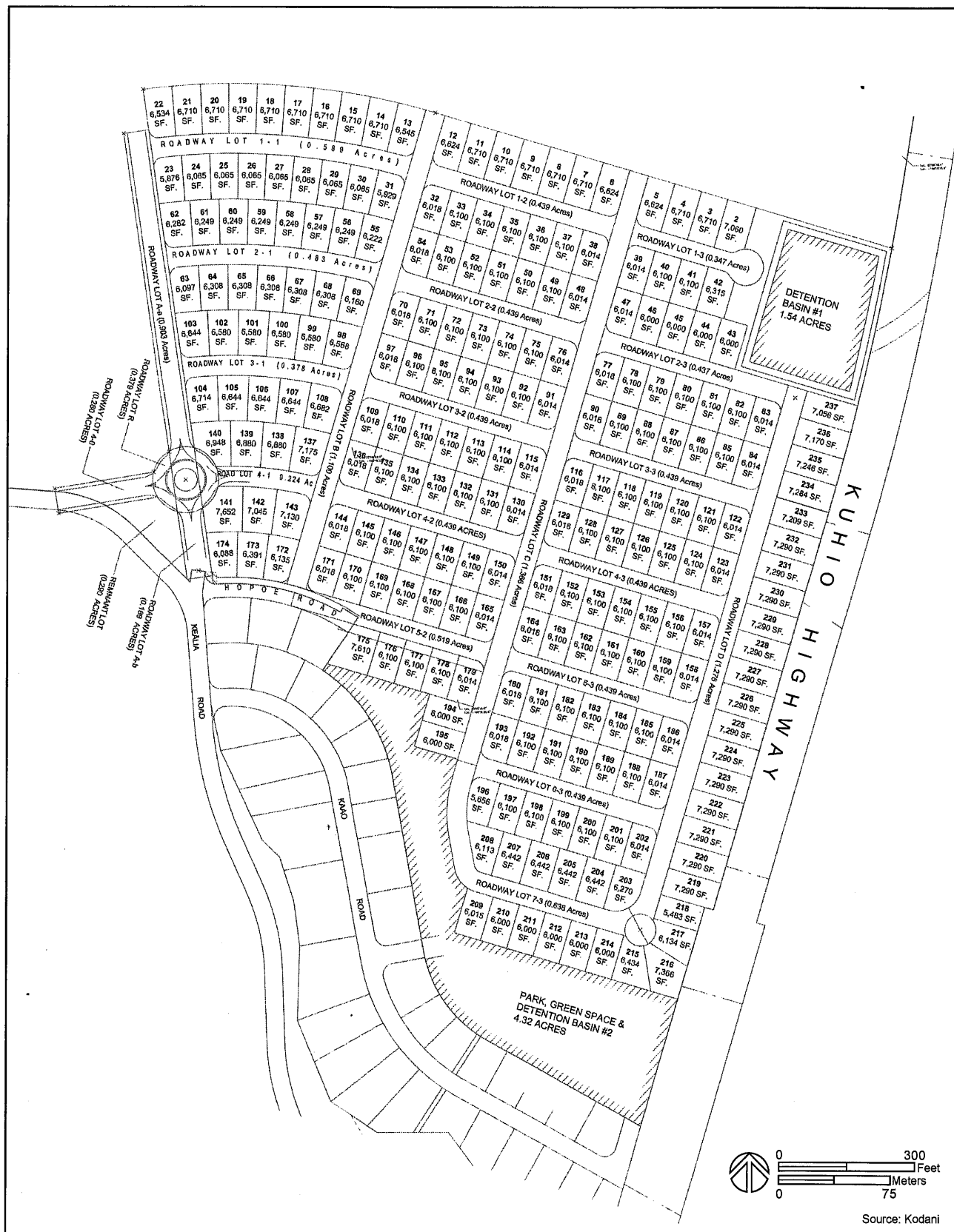
The lot sizes were intentionally set below 10,000 SF in order to keep prices within a manageable range for local residents, the intended market. The pricing of the individual lots will meet the workforce housing requirements of Kauaʻi County Ordinance No. 860 that established a new chapter in the Kauaʻi County Code (1987, as amended) relating to the housing policy for the County of Kauaʻi.

4.0 Alternatives Considered

In addition to the proposed action, several alternatives were considered and evaluated, and are briefly presented below. The DEIS will describe these alternatives in further detail, including the analysis of their ability to meet the project purpose and objectives.

4.1 NO ACTION

In this alternative, there would be no residential subdivision developed on the Project Area, the land would be retained in agriculture, and its current use for grazing by cattle or other livestock would continue for the foreseeable future.



Conceptual Subdivision Plan

Keālia Mauka Homesites

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Kealia Properties, LLC

Figure 4

4.2 AGRICULTURAL SUBDIVISION DEVELOPMENT

Under this alternative, the Project Area would be subdivided into agricultural lots ranging from 2 to 10 acres, on which one dwelling would be permitted in each lot. Each owner would be required to sign an agreement that the property will comply with State land use guidelines governing lands in the State Agricultural Land Use District and submit an agriculture plan stating what the owner intends to raise on the property. A previous proposal to develop a 180-lot agricultural subdivision on 2,000 acres—including the current 53.4-acre Project Area—was approved by Kauaʻi County in 2007. The subdivision permit was extended but eventually withdrawn by the present landowner in 2012. The subdivision permit was subsequently rescinded by Kauaʻi County.

4.3 VARIATIONS IN DEVELOPMENT DENSITY

4.3.1 Lower Density Development

This alternative involves creating a subdivision with larger average lot sizes (e.g., two to four units per acre—or approximately average lot sizes of 10,000 to 20,000 SF) than the proposed action's density of about four to five units per acre. The larger lot sizes would likely be more attractive to out of state residents and offshore investors than the proposed action.

4.3.2 Greater Density Development

Under this alternative, the Project Area would be developed with greater density than in the proposed action, with densities of 10 units per acre and up (or average lot sizes of less than 4,400 SF), including multi-family residential development. This alternative would be less compatible with the neighboring residential community and would likely be less attractive to general homebuyers.

4.4 VARIATIONS IN PROJECT AREA

4.4.1 Larger Project Area

This alternative would create a residential subdivision on a much larger scale than the current 53-acre, 235-lot proposed Project Area. This larger project area could extend well into upland areas of the TMK parcel. Extensive residential housing development in this area would not be consistent with guidance provided by the Kauaʻi County General Plan Land Use map, which indicates Residential Community development adjacent to the existing Keālia residential community (i.e., not extending far into *mauka* areas).

4.4.2 Smaller Project Area

This alternative would involve a smaller scale residential subdivision with densities similar to the proposed action. A smaller project area would result in fewer total lots, with fewer residences to share the cost of required infrastructure and utility improvements. This would likely result in higher prices for the individual lots.

4.5 TURNKEY HOMES FOR SALE

This alternative involves vertical construction of single-family homes on each subdivided lot in addition to infrastructure provision. Turnkey refers to the provision of a complete housing product, ready for immediate use. The house and lot would be offered for sale to buyers. While this type of development is common throughout the state, it is less typical on Kauaʻi, where it is customary to offer improved lots for sale. Purchase of vacant lots provides buyers the opportunity to build their own home according to personal preference. The intent of the proposed action is to continue this historical practice, which tends to be preferred by local residents.

5.0 Resource Areas to be Evaluated in the DEIS

The DEIS will address the probable impacts of the proposed action on relevant environmental resource areas, including direct, indirect, secondary, and cumulative impacts. The sections below briefly describe the resource areas that will be evaluated in greater detail in the DEIS. Technical studies being prepared in support of the DEIS are described in the applicable sections.

5.1 NATURAL AND PHYSICAL ENVIRONMENT

5.1.1 Climate

5.1.1.1 *Climate and Air Quality*

The climate on the island of Kauaʻi, as well as within the State of Hawaiʻi, is characterized as having low day-to-day and month-to-month variability. Differences in the climate of various areas are generally attributable to the island's geologic formation and topography, resulting in miniature ecosystems ranging from tropical rain forests to dryer plains, along with corresponding differences in temperature, humidity, wind, and rainfall over short distances (Dept. of Geography, 1998).

Long-term climate data for Līhuʻe, located on the island's southeast coast, shows the average daily temperature ranging from 71 and 80 degrees Fahrenheit in the year 2000 with an average annual temperature of 76.2 degrees. The range in normal temperatures from the coolest month, February, to the warmest month, August, is less than 8 degrees. The daily range in temperature is also small, less than 15 degrees. Normal annual rainfall is over 40 inches, with three-fourths of this total, on average, falling during the seven month wet season which extends from October through April (NOAA, 2017).

Tradewinds from the northeast blow across the island during most of the year, and typically dominate weather patterns from April to November. Winds from the south are infrequent, occurring only a few days a year and mostly in the winter associated with "Kona" storms. Wind speeds are normally within the 13 to 24 miles per hour range (UH Department of Geography, 1983). Air quality throughout Kauaʻi is good, meeting all state and federal air quality criteria.

5.1.1.2 *Climate Change*

Climate change is a long-term shift in patterns of temperature, precipitation, humidity, wind and seasons. Scientific data show that earth's climate has been warming and much of this has been attributed to rising levels of carbon dioxide and other "greenhouse gases" generated by human activity. These changes are already impacting Hawaiʻi and the Pacific Islands through rising sea

levels, increasing ocean acidity, changing rainfall patterns, decreasing stream flows, and changing wind and wave patterns.

The island of Kauaʻi is subject to a variety of coastal hazards, and coastal flooding, marine inundation and coastal erosion are predicted to be exacerbated by climate change related sea-level rise (SLR). In 2014, the University of Hawaiʻi at Mānoa Sea Grant College Program (UH Sea Grant) prepared a Kauaʻi Climate Change and Coastal Hazards Assessment as part of the County's Kauaʻi General Plan update. The study addresses the consequence of SLR on various sectors on Kauaʻi including critical infrastructure, economy, coastal habitats, public access, and residential communities. Climate change issues, as they relate to the proposed project, will be discussed in the DEIS.

5.1.2 Geology, Topography, and Soils

The Island of Kauaʻi consists of a single deeply eroded shield volcano, and the project site in Keālia is located on the eastern flank of the shield. The geology of the project site includes lava flows from the Koloa Volcanic Series deposited during the Pleistocene era and recent deposits of alluvium beach and dune sand and lagoonal clays and marls (loose or crumbling earthy deposits high in calcium carbonate).

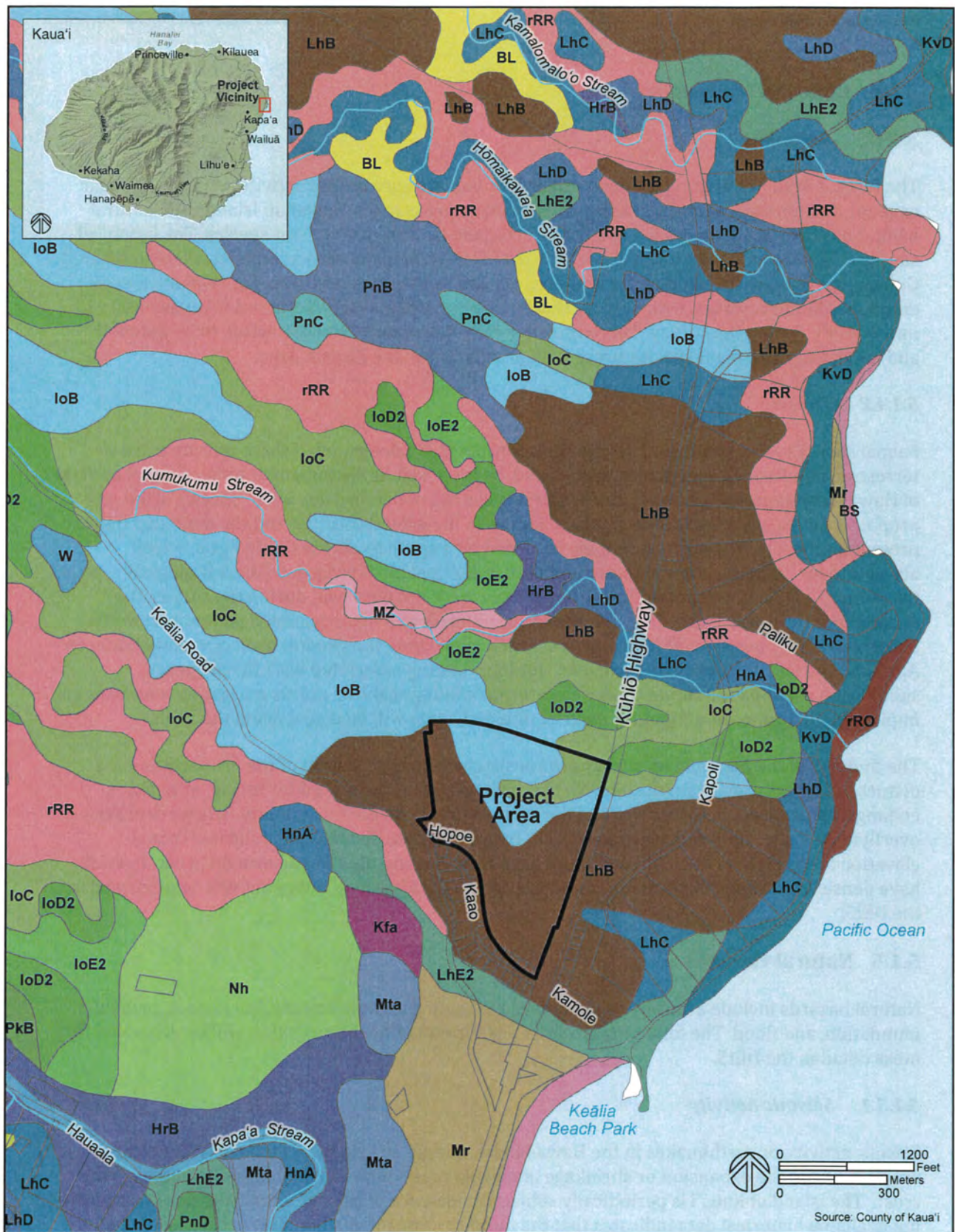
The project site is located on the *mauka* slopes above Keālia Beach. The site slopes gently from the *mauka* areas toward Kūhiō Highway. The average slope from top to bottom is approximately 3 percent, with undulating hills throughout. The western portion of the Project Area consists of relatively level land, with the eastern portion having gentle to moderate slopes.

Figure 5 illustrates existing soil types on the Property according to the U.S. Department of Agriculture, Natural Resources Conservation Service. There are three types of soils within the Project Area:

- IoB—Ioleau silty clay loam, 2 to 6 percent slopes
- IoC—Ioleau silty clay loam, 6 to 12 percent slopes
- LhB—Līhuʻe silty clay, 0 to 8 percent slopes

5.1.3 Water Quality and Hydrology

The Project Area is within the Kapaʻa Watershed, which encompasses approximately 16.5 square miles. There are no wetlands or streams located within the project site, although there are streams to the north and south of the area. Kapaʻa Stream, also referred to as Keālia River, is a perennial stream located to the south of the Project Area. It extends from the *mauka* areas, crosses under Kūhiō Highway, and enters the ocean at the southern end of Keālia Beach. The Hawaiʻi Stream Assessment ranks Kapaʻa Stream as “outstanding.” (HCPSU, 1990). Kumukumu Stream is located to the north of the Project Area, flowing *mauka* to *makai* and passing through the Keālia Kai subdivision before entering the ocean. Homaikawa ʻa Stream is located further north, just south of Ahihi Point. For much of the year, the stream is a dry gulch leading to an estuarine pool, more or less open to the ocean. Runoff flows through this gulch only during storm events (County of Kauai, 2003). The DEIS will discuss stream and nearshore water quality and potential short and long-term project impacts.



Soils Map

Keālia Mauka Homesites

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Kealia Properties, LLC

Figure 5

5.1.4 Biological Resources

5.1.4.1 Botanical

The Project Area has historically been utilized for various agricultural activities, including sugar cane production and livestock grazing. As with many areas in the Hawaiian Islands, the natural habitat has been highly modified and is characterized by introduced plant species. The botanical survey completed for the project (LeGrande, 2016) described the area as an open alien dominated Guinea grassland with infrequently scattered shrubs and tree species. Non-native plant species dominate the survey area, with only one native species, Uhaloa (*Waltheria indica*), was observed infrequently during the survey. There is no federally delineated Critical Habitat, or threatened and/or endangered plant species present on or adjacent to the Project Area.

5.1.4.2 Fauna

Faunal surveys were conducted for the subject property to determine if there are any avian or terrestrial mammalian species currently listed, or proposed for listing under either federal or State of Hawai'i endangered species statutes. The surveys did not record any avian species listed or proposed for listing. Avian diversity consistent with the project location and the degraded habitat present on the site. The most commonly recorded bird species was the Cattle Egret, which accounted for 28 percent of the total number of individual birds recorded (Rana Biological Consulting, 2017). It was noted that although they were not observed during the survey, the endangered Hawaiian Petrel (*Pterodroma sandwichensis*), and the threatened endemic Newell's Shearwater (*Puffinus newelli*) have been recorded over-flying the general project vicinity between April and the end of November each year. Outdoor lighting associated with the proposed subdivision could pose a threat to these nocturnally flying seabirds unless mitigation measures are implemented. Proposed mitigation, such as shielded lights will be discussed in the DEIS.

The findings of the mammalian survey are consistent with the location of the property and the disturbed habitat present on the site. No mammalian species proposed for listing, or listed as endangered or threatened were recorded during the survey. No Hawaiian hoary bats were observed overflying the site. However, Hawaiian hoary bats are widely distributed in the low to mid-elevation areas on the Island of Kaua'i, and have been documented in and around areas that still have dense vegetation. Mitigation to avoid impacts to the Hawaiian hoary bat will be discussed in the DEIS.

5.1.5 Natural Hazards

Natural hazards include a variety of phenomena including seismic activity, hurricanes, tsunami inundation, and flood. The following is a brief description of the hazards that will be discussed in more detail in the DEIS.

5.1.5.1 Seismic Activity

Seismic activity or earthquakes in the Hawaiian Islands are primarily associated with volcanic eruptions from the expansion or shrinkage of magma reservoirs, rather than shifts in the earth's crust. The island of Kaua'i is periodically subject to episodes of seismic activity of varying intensity, but available historical data indicates that the number of major earthquakes occurring on Kaua'i have generally been fewer and of lower intensity compared with other islands, such as the Big Island.

Earthquakes cannot be avoided or predicted with any degree of certainty, and an earthquake of sufficient magnitude (greater than 5.0 on the Richter scale) could cause damage to roadways and structures. The Uniform Building Code (UBC) provides minimum design criteria to address potential for damages due to seismic disturbances. The UBC scale is rated from Seismic Zone 1 through Zone 4, with 1 the lowest level for potential seismic induced ground movement. Kaua'i is designated Seismic Zone 1.

5.1.5.2 Hurricanes

Hurricanes are one subclass of a category of phenomena known to meteorologists as tropical cyclones. Hurricanes are characterized by the following life-threatening effects: high winds in excess of 74 mph; high storm surges; and heavy rains that will exceed flash flood conditions. The hurricane season in Hawai'i officially begins on June 1 each year and ends six months later on December 1.

Among the six most critical cyclones that approached the Hawaiian Islands between 1832 and 1949, three of the storms went toward Kaua'i and Ni'ihau. In 1959, Hurricane Dot caused \$6 million in damage to Kaua'i and was the most devastating storm up to that date in Hawai'i's history. In 1982, Hurricane Iwa struck Kaua'i and Oahu and caused \$234 million in property damage to both Islands. On September 11, 1992, Hurricane Iniki, a Category 4 hurricane with winds up to 150 mph (240 km/hr), resulted in an estimated \$1.8 billion in damage to Kaua'i.

The National Oceanic and Atmospheric Administration (NOAA) reported that the 2016 season included two hurricanes (Madeline and Lester), three tropical storms (Celia, Darby, and Ulika), and one tropical depression (Ivette). In addition to the six tropical cyclones, one out-of-season hurricane (Pali) occurred in January 2016 (NOAA, 2016).

5.1.5.3 Tsunami

The County of Kaua'i's tsunami evacuation zone map for Keālia to Alakukui Point shows the designated tsunami evacuation area encompassing the entire coastal area up to Kūhi'o Highway in Kapa'a Town. In the Keālia area, there are also some areas inland of Kūhi'o Highway that require evacuation, but these are mostly the areas south of Keālia Road. The project site is located north of Keālia Road, and does not appear to be within the designed tsunami evacuation area.

5.1.5.4 Flood

The project site is in the Federal Emergency Management Agency (FEMA)'s flood Zone X, areas of minimal flood hazard, determined to be outside the 500-year flood (see Figure 6). There are no streams on the subject site, although there are streams to the north and south. To the south, Kapa'a Stream drains much of its *mauka* area. North of the project site, Kumukumu Stream and Homaikewaa Stream drain their *mauka* lands.



Flood Map
Keālia Mauka Homesites

Figure 6

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5.2 HUMAN ENVIRONMENT

5.2.1 Agriculture

5.2.1.1 *Historic Agriculture Use*

The Project Area and surrounding Keālia lands were under active sugar cultivation since the late 1800's, when the Makee Sugar Company began operations in Kapa'a in 1877. Following the closure of the Līhu'e Plantation in 2000, the Project Area has been used for cattle grazing.

Little is little known about land use in the Keālia *ahupua'a* prior to western contact in the late eighteenth century. A twentieth century description of the *ahupua'a* described it as being:

...rather dry, with small streams and gulches and only a few *lo'i* areas. Where Keālia and Kapa'a Streams join inland there are wide flats that were terraced. Seaward there were formerly many terraced areas. There are clumps of coconut and mango trees where formerly were *kuleana* with their *lo'i*. Inland there were a number of small streams which doubtless once had small *lo'i* developments. (Handy and Handy, 1972).

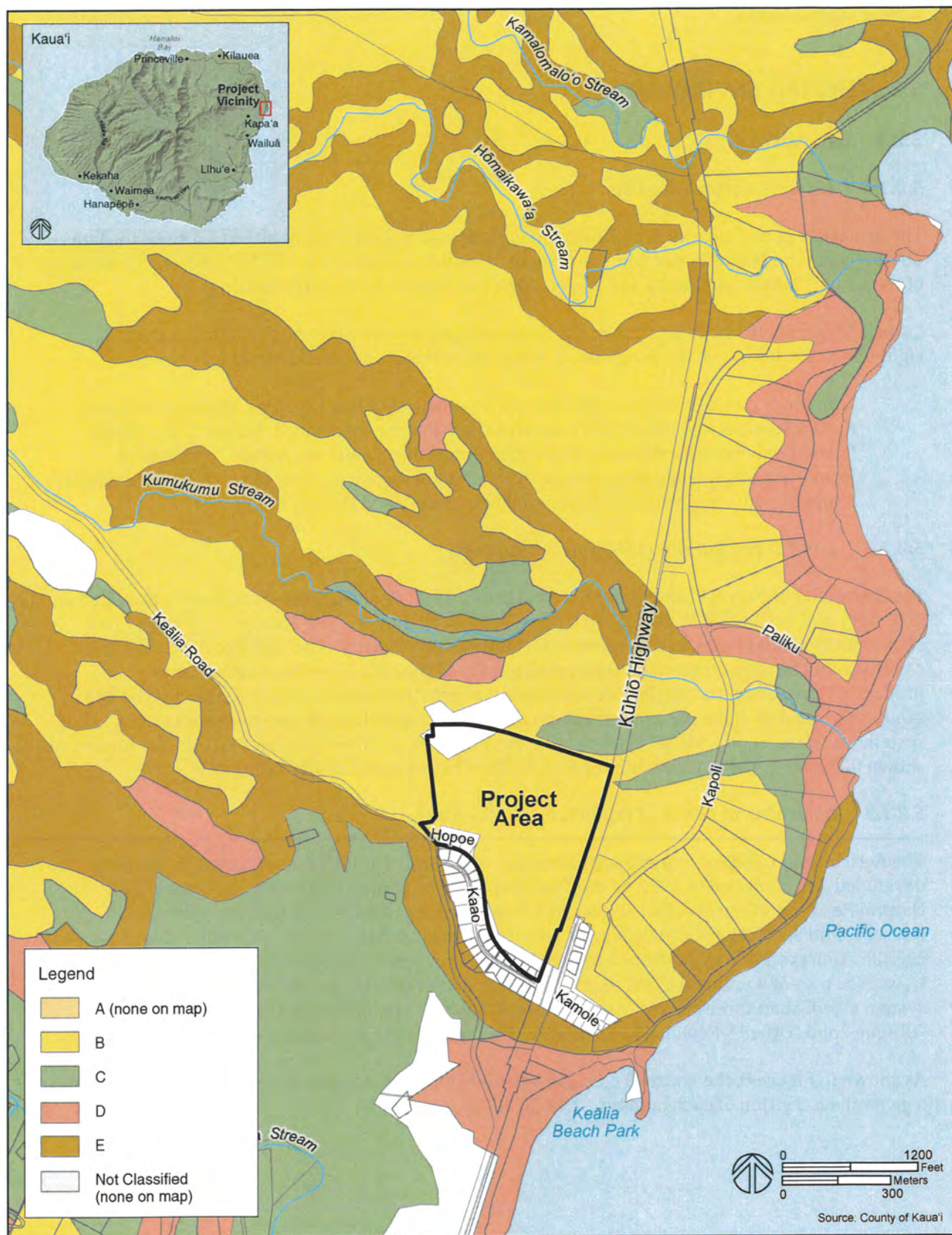
5.2.1.2 *Land Study Bureau (LSB) Soil Productivity*

The University of Hawai'i Land Study Bureau (LSB)'s 1967 *Detailed Land Classification* provided an inventory and evaluation of the State's land resources. All lands in the State were grouped into similar units of land types, except those in the State Urban District. The LSB also described their condition and environment; rated the overall quality of the land in terms of agricultural productivity; assessed its capabilities for selected alternative crops; and defined land types and groupings based on their soil properties and productive capabilities. A five-tier productivity rating system was developed with "A" representing the highest level of productivity and "E" the lowest. As shown in Figure 7, the lands within the Project Area have a productivity rating of B.

5.2.1.3 *Agricultural Lands of Importance to the State of Hawai'i*

The Agricultural Lands of Importance to the State of Hawai'i (ALISH) Classification System was developed and compiled in 1977 by the State Department of Agriculture with assistance from the Natural Resources Conservation Service, U.S. Department of Agriculture (formerly the Soil Conservation Service) and the College of Tropical Agriculture, University of Hawai'i. This classification system was developed to identify three classes of agriculturally important lands for Hawai'i as part of a national effort to inventory important farmlands. The Hawai'i classification system established three classes of agricultural lands that are important to the State: "Prime," "Unique," and "Other." Residual lands that are less suitable for agriculture are "Unclassified."

As shown in Figure 8, the entire Project Area is considered Prime agricultural land. The following is a general description of each land type (NRCS, 2008).



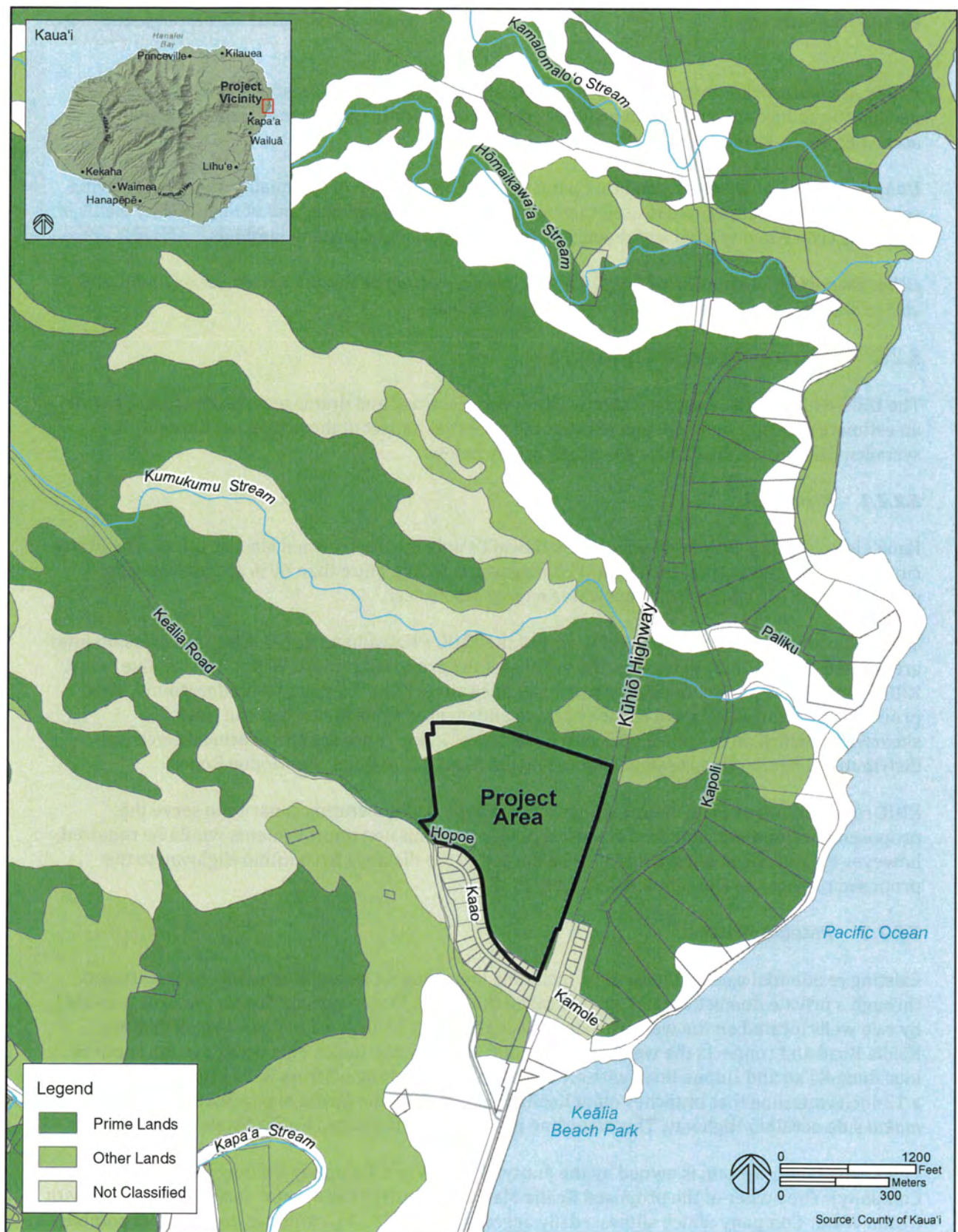
Land Study Bureau Agricultural Productivity Ratings

Keālia Mauka Homesites

Environmental Impact Statement Preparation Notice

Kealia Properties, LLC

Figure 7



Agricultural Lands of Importance to the State of Hawai'i

Keālia Mauka Homesites

Environmental Impact Statement Preparation Notice

Kealia Properties, LLC

Figure 8

Prime Agricultural Lands. Land which has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods.

Unique Agricultural Lands. Land that has a special combination of soil quality, location, growing season, moisture supply, and is used to produce sustained high quality and of high quality yields of a specific crop when treated and managed according to modern farming methods.

Other Important Agricultural Land. Land other than Prime or Unique Agricultural Land that is also of statewide or local importance to agricultural use.

5.2.2 Infrastructure and Utilities

The DEIS will describe existing water, wastewater, electrical and drainage infrastructure; provide an estimate of future demand; and address the potential impact of the project on these utility systems. Existing conditions are described briefly below.

5.2.2.1 Electrical

Kaua'i Island Utility Cooperative (KIUC) is Hawai'i's only member-owned electric utility. The utility currently has a generating capacity of 125 megawatts (MW). More than 40% of the electricity generated by KIUC comes from renewable energy resources.

The Keālia Mauka Homesites project is part of the KIUC's Kawaihau region. KIUC transmission lines are located along Kūhiō Highway in the vicinity of the proposed project. Within the last five years, KIUC completed a project relocating overhead lines along Kūhiō Highway to underground. This project was part of an effort to reduce harm to endangered seabirds such as the Newell's shearwater, which often collide with overhead power lines. There are still overhead electrical distribution lines serving residences along Keālia Road, Ka'ao Road, and Hopoe Roads.

KIUC representatives have indicated that there is sufficient generating capacity to serve the proposed development. Standard electrical power transmission improvements would be required, however the improvement would likely be limited to the distance from Kūhiō Highway to the proposed project site (Kodani & Associates, 2017).

5.2.2.2 Potable Water

Existing residential uses in the vicinity, including lots along Ka'ao and Hopoe Road, are serviced through a private domestic water system called the Keālia Water System. Source water is provided by two wells located on the western side of Keālia Road. A 12-inch waterline runs north along Keālia Road and connects the wells to two 67,000 gallon water tanks. This water system services lots along Ka'ao and Hopoe Road with an 8" waterline branching off from Keālia Road. There is also a 12-inch waterline that branches off of Keālia Road to serve the Keālia Makai Subdivision on the *makai* side of Kūhiō Highway. This waterline intersects the proposed Keālia Mauka Homesites.

The Keālia Water System is owned by the entity, Keālia Water Company Holdings, LLC (Water Company). The owner of the proposed Keālia Mauka Homesites has a water service agreement with Keālia Water Company which allows a daily aggregate of 300,000 gallons per day (gpd) of potable water to be reserved for the use of the future owners in the Project Area.

5.2.2.3 Wastewater

The County of Kaua'i operates four wastewater systems serving: 1) Waimea; 2) Hanapepe-'Ele'ele; 3) Līhu'e-Hanama'ulu; and the 4) Kūhiō Highway corridor between Wailua and Kapa'a. All but the Waimea plant have substantial amounts of available treatment plant capacity, but this capacity is already committed to existing and planned developments (Kodani & Associates, 2017).

In the Wailua-Kapa'a area, which includes the project site, wastewater treatment is accomplished with either Individual Wastewater Systems (IWS), such as cesspools or septic tanks, or at the County-owned and operated Wailua Wastewater Treatment Plant (WWTP). IWSs generally used in the parcels that have water service but no sewer service.

The proposed Keālia Mauka Homesites will connect to the County's Wailua-Kapa'a system. It is anticipated that construction of a wastewater lift station and transmission pipeline will be necessary for connection to the County system. It is estimated that at total build out, the 235 single-family house lots will produce approximately 94,400 gallons of wastewater per day.

5.2.2.4 Drainage

The DEIS will describe general existing and proposed drainage patterns both regionally and within the Project Area. A conceptual drainage system including detention basins will be provided and estimated existing and proposed runoff quantities will be calculated.

5.2.2.5 Solid Waste

The County Department of Public Works (DPW) refuse collection crews operate out of three baseyards on Kaua'i. The Kapa'a Baseyard collects trash from Puhi to Anahola, and includes the Keālia Project Area. There is currently one sanitary landfill and four refuse transfer stations on the island. The transfer stations are at Hanapepe, Līhu'e, Hanalei, and Kapa'a, with the latter the closest to the Project Area. The County's single landfill, the Central Kaua'i Landfill, is located in Kekaha and services the entire island. According to the County's Integrated Solid Waste Management Plan, the landfill will need be expanded to increase capacity. The County Department of Public Works, Solid Waste Division has indicated there are plans to expand the landfill to provide capacity until 2027 (Kodani & Associates, 2017).

Residential waste is collected via the County of Kaua'i's Residential Refuse Collection program. Adjacent residential areas along Ka'ao and Hopoe Roads are served by the County. Currently, there is no solid waste generation from the project site.

The Kaua'i County Recycling Office is a division of the DPW Solid Waste Division and oversees County recycling programs. Paper, aluminum, other metals, glass, plastic, motor oil, household hazardous waste and green waste are recycled. There are also greenwaste diversion sites located in Hanapepe, Līhu'e and Kapa'a.

5.2.3 Roadways and Traffic

Kūhiō Highway is a State-owned and maintained roadway, and serves as the major thoroughfare in the east Kaua'i region, generally running north-south. In the project vicinity, Kūhiō Highway is a two-lane roadway with a posted speed limit of 50 miles per hour (mph) in the northbound direction and 40 mph in the southbound direction.

The proposed subdivision will be accessed from Kūhiō Highway via Keālia Road. Keālia Road is a two-way, two-lane roadway that generally runs northwest-southeast. It begins at its intersection with Kūhiō Highway and extends to the northwest to its intersection with Haua'ala Road. In the vicinity of the Project Area, Keālia Road has a posted speed limit of 25 mph. Access to the adjacent Ka'ao subdivision is also via Keālia Road and the local Ka'ao Road. Hopoe Road is a short dead-end street off Keālia Road that provides access to three residential lots. The entry to the proposed Keālia Mauka Homesites will be located *mauka* of Hopoe Road. Other roadways in the vicinity will be described in the DEIS.

The addition of up to 235 new single-family house lots at the Keālia Mauka Homesites will have an impact on traffic conditions in the area. A Traffic Impact Analysis Report (TIAR) is being prepared by Austin, Tsutsumi & Associates, Inc. (ATA) to assess this impact and propose mitigation. The TIAR will describe existing regional and localized traffic conditions, and future conditions with and without the project. The analysis will include the following three intersections:

- Kūhiō Highway and Keālia Road
- Kūhiō Highway and Milihuna Road
- Ka'ao Road and Keālia Road

Existing traffic volumes at these intersections, based on current traffic counts, will be presented. The TIAR will calculate future traffic volumes for a selected "base year" both with and without the project. The future projections will account for defacto growth and other new developments that are expected to be completed, in addition to the traffic generated by the proposed subdivision. The total number of vehicle trips generated by the project will be estimated using standard trip generation techniques.

The data will provide a comparison of future conditions with and without the proposed residential subdivision. The TIAR will recommend both on-site and off-site road improvements to mitigate the project's traffic impacts.

5.2.4 Public Services

The DEIS will provide an overview of available public services including police, fire, parks, libraries, and school facilities, and evaluate the project's potential impact on these services. The increased number of residents in Keālia is expected to increase demand on these public services. The project impacts and any recommended mitigation will be addressed in the DEIS.

5.2.5 Noise

The project site is currently being used for agricultural grazing, and the existing noise environment on site consists of the sounds of the wind, ocean, and birds, and depending on location, traffic from Ka'ao Road, Keālia Road and Kūhi'o Highway. In the *mauka*-most areas of the site which are further from existing roadways, ambient noise is low.

The proposed project will result in both short-term and long-term noise impacts. Short-term impacts will be associated with the development of infrastructure including excavation, grading, and construction of roadways, utilities, drainage, etc. As each house lot is sold and developed, there will be construction-related noise associated with further development of structures and other improvements. These construction impacts are not expected to adversely impact the adjacent Ka'ao subdivision. Full build out of the subdivision lots would likely extend out to year 2025. As a result,

construction-related noise exposure will not be continuous at any one location. The presence of the park/open space areas along the southern border of the Project Area will provide a noise buffer for the existing Ka'ao subdivision.

In the long-term, another noise impact will be related to the increase in traffic volumes along Kūhiō Highway and Keālia Road. The DEIS will discuss this long term noise impact, although it is not expected to be significant.

5.2.6 Recreation

The DEIS will describe existing recreational facilities and amenities in the area, including public parks, beach parks, and the County's coastal Ke Ala Hele Makalae multi-use path. The project's impact on these facilities will be described.

5.2.7 Archaeological and Historic Resources

An archaeological literature review and field inspection (LRFI) for the proposed Keālia subdivision has been prepared by Cultural Surveys Hawai'i. The Area of Potential Effect (APE) and inspection area encompassed the entire Project Area. The LRFI included historical, cultural and archaeological background research and a field inspection, to identify existing resources in the Project Area, and to determine the likelihood that they may be affected by the project.

Based on background research, the Project Area was part of the cultivation of sugarcane between the late nineteenth century and 2000. The field inspection identified five historic sites in the general area that were previously documented. These features most likely date to the early twentieth century and are considered part of the Keālia and Līhu'e Plantation's irrigation, communication, and transport system. The LRFI findings and recommendations will be discussed with the State Historic Preservation Division (SHPD) and a determination will be made whether an archaeological inventory survey (AIS) is required.

5.2.8 Cultural Resources

A cultural impact assessment (CIA) for the project is being conducted by Cultural Surveys Hawai'i, in compliance with Act 50 of State environmental law, which requires the assessment of effects on the cultural practices and cultural resources of the community and State. The CIA process involves consultation with key stakeholders, including government agencies and community members familiar with ongoing and past cultural practices in the area. The CIA report will summarize the findings and evaluate potential adverse effects on cultural practices and cultural resources.

5.2.9 Visual and Scenic Resources

The project site sits at an elevation of approximately 100 feet above the coastline, just north of Keālia Beach Park. From the highway and along the coastal multi-use path, the public has expansive views of Keālia Beach and the east Kaua'i coastline as well as *mauka* views of Mt. Kalalea and the Nounou mountain range to the southwest, and the Keālia Forest Reserve to the northwest. The transformation of an undeveloped site into a residential subdivision will have a visual impact when looking *mauka* from Kūhiō Highway, Keālia Beach, and the multi-use path. There will be a visual impact to residents in the adjacent Ka'ao Road subdivision, although the proposed subdivision will be separated by a 4.3-acre open space buffer. The potential impact to coastal views and scenic resources will be discussed further in the DEIS.

5.2.10 Social and Economic Factors

According to the 2010 U.S. Census, the population of the State of Hawai'i was 1,360,301, with the population of the County of Kaua'i accounting for approximately 67,091 of those residents. The population on Kaua'i in 2010 was almost 15% more than that in 2000 (U.S. Census Bureau, 2016).

The Keālia area is within the Census Bureau's Wailua-Anahola Census County Division (CCD). A CCD is a subdivision of a county used to present statistical data, and may consist of multiple census tracts. The total population of the Wailua-Anahola CCD was 12,607 persons, with a median age of 42.5 years. Racial make-up of the CCD was 39.6% white, 38.6% Asian, 13.0% Native Hawaiian and other Pacific Islander, and 27.3% of two or more races. The average household size was 2.7 persons, and median household income (in 2009 inflation-adjusted dollars) was \$70,408. Of the housing stock within the CCD, 61.4% was owner-occupied. Social and economic factors will be discussed further in the DEIS.

5.2.11 Hazardous and Regulated Materials and Waste

A Phase I Environmental Site Assessment (ESA) was prepared for the previous landowners as part of due diligence activities prior to their purchase of 2,000 acres of land (Belt Collins Hawai'i Ltd., 2005). The current 53.4-acre project site was included in the 2,000-acre study area. The purpose of the Phase I ESA was to identify "recognized environmental conditions," meaning the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or material threat of a release.

The Phase I ESA included a review of historic property uses, review of regulatory data bases, site reconnaissance, and interviews with persons associated with the property. The project site has a history of use throughout the twentieth century for commercial agricultural activities. These activities included the use of fertilizers, herbicides and pesticides (Belt Collins Hawai'i Ltd., 2005).

There is a possibility that waste products have been disposed or stored on site, and that the operation of machinery resulted in released fuel, oil, or solvents into the environment. During construction of the subdivision improvements, ground disturbing activities may encounter areas with existing environmental contamination. Hazardous substances remaining from past use of the site could also pose health concerns for future residential and recreational use, or use of the site for growing food crops.

During project construction of the subdivision improvements, there is also a potential for release of petroleum products by construction vehicles and equipment. This can be mitigated by implementing best management practices such as proper maintenance of construction vehicles, and regular inspection for leaks. There is also a long-term potential for environmental contamination caused by future residential occupants (e.g., vehicle leaks and improper disposal of hazardous materials). These potential impacts would be reduced by following applicable county and state regulations. The proposed subdivision is not expected to have a significant impact related to hazardous materials and wastes.

6.0 Consistency with Land Use Plans, Policies, and Controls

Figures 9, 10 and 11 show the Project Area's State Land Use, County General Plan, and County zoning designations. The DEIS will discuss the relationship of the proposed action to relevant land use plans, policies, and controls for the affected area, including the following:

6.1 STATE OF HAWAII

- State Land Use (Chapter 205, HRS)
- State Environmental Policy (Chapter 344, HRS)
- Hawai'i State Plan
- State Functional Plans
- Coastal Zone Management Program

6.2 COUNTY OF KAUAI

- County General Plan²
- County Zoning

6.3 TRANSPORTATION PLANS AND INITIATIVES

- Statewide Federal-aid Highways 2035 Transportation Plan
- Federal-Aid Highways 2035 Transportation Plan for the District of Kaua'i
- Bike Plan Hawai'i
- Statewide Pedestrian Master Plan
- Complete Streets Policy
- Kaua'i Multimodal Land Transportation Plan
- Kapa'a Transportation Solutions

² In a Departmental Determination (DD-2016-70) dated July 5, 2016 [Boundary Interpretation for General Plan Designation, TMK (4) 4-7-004:001], the County Planning Department stated that "there is clear intent in the 2000 General Plan, along with previous iterations of the plan, that the area generally is earmarked for 'Residential Community' growth adjacent to the existing subdivision in Keālia above the Keālia General Store...The proposed Conceptual Keālia Subdivision would generally be in alignment with the General Plan's land use maps and texts."



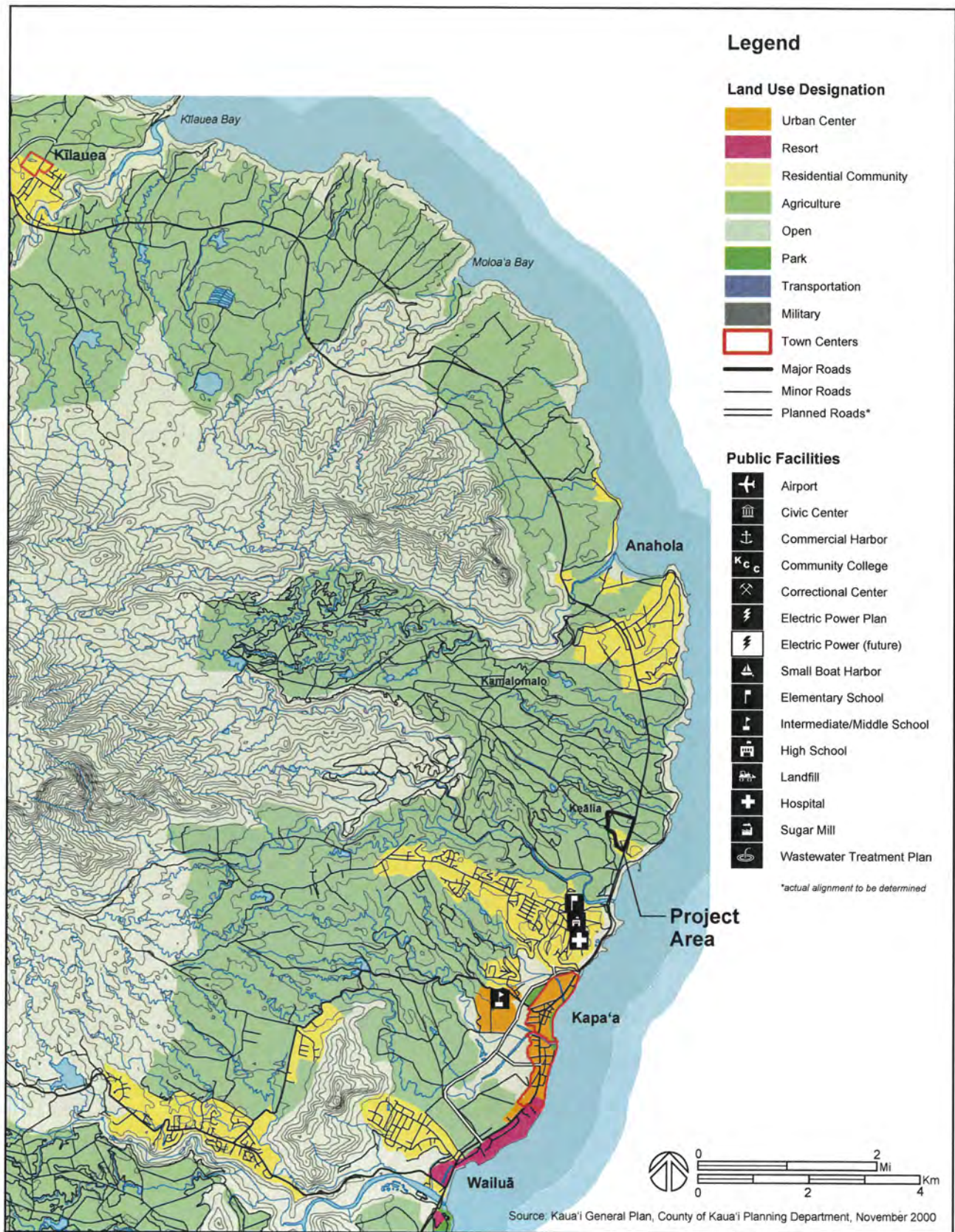
State Land Use Districts Map

Keālia Mauka Homesites

Environmental Impact Statement Preparation Notice

Kealia Properties, LLC

Figure 9



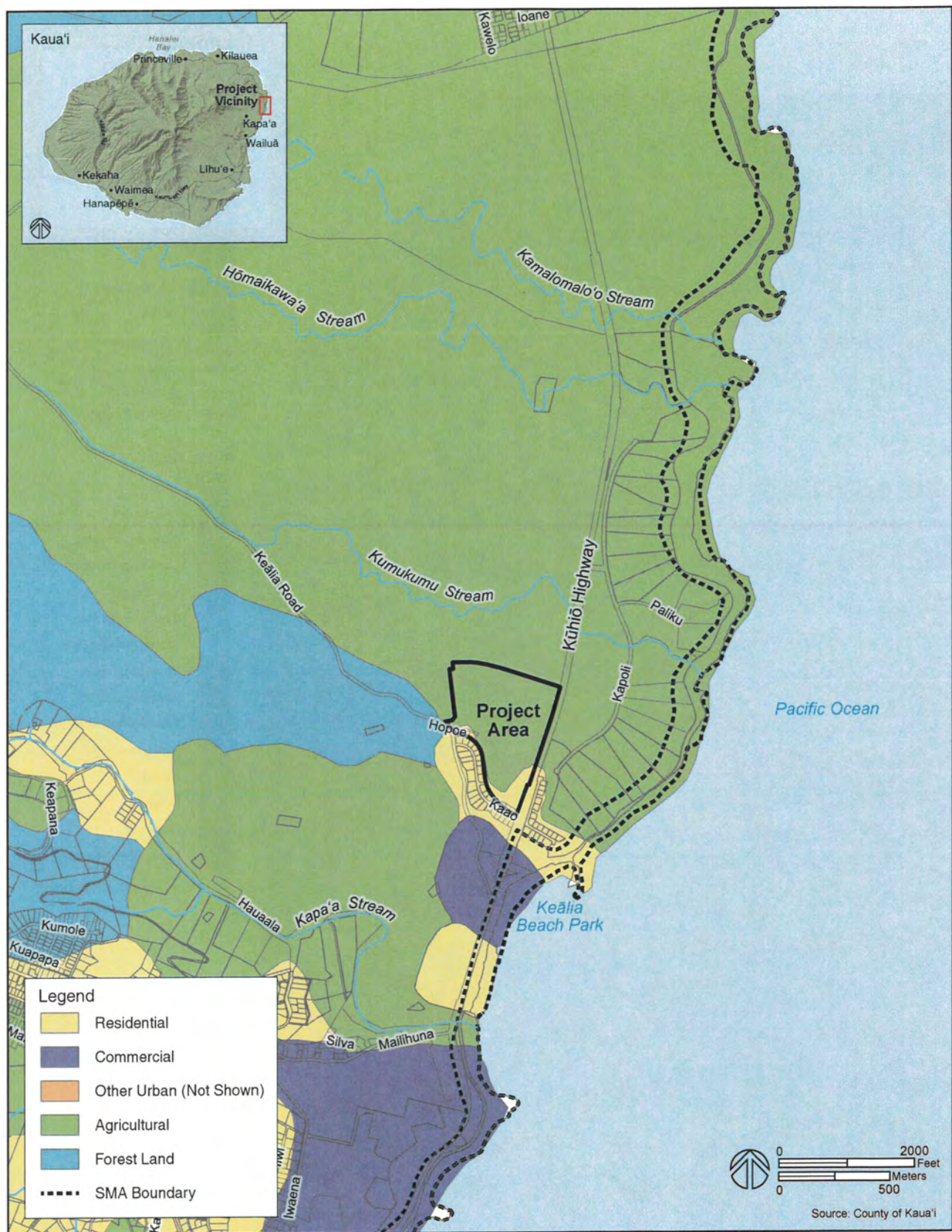
Kaua'i General Plan Land Use Map (Kawaihau Planning District)

Figure 10

Keālia Mauka Homesites

Environmental Impact Statement Preparation Notice

Kealia Properties, LLC



County Zoning and Special Management Area

Keālia Mauka Homesites

Environmental Impact Statement Preparation Notice

Kealia Properties, LLC

7.0 Significance Criteria

In determining whether an action may have a significant impact on the environment, agencies and applicants are tasked to consider the sum of effects on the quality of the environment, and evaluate the overall and cumulative effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it meets any of the following criteria (from Section 11-200-12, HAR):

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
2. Curtails the range of beneficial uses of the environment;
3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in [Chapter] 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;
4. Substantially affects the economic or social welfare of the community or State;
5. Substantially affects public health;
6. Involves substantial secondary impacts, such as population changes or effects on public facilities;
7. Involves a substantial degradation of environmental quality;
8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
9. Substantially affects a rare, threatened, or endangered species, or its habitat;
10. Detrimentially affects air or water quality or ambient noise levels;
11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal waters;
12. Substantially affects scenic vistas and view planes identified in county or state plans or studies; or,
13. Requires substantial energy consumption.

Based on information and input collected and assessed to date, the State Land Use Commission (LUC), as the approving agency, has determined that the project meets two significance criteria defined in HAR §11-200. The proposed action has the potential to curtail the range of beneficial uses of the environment and may involve substantial secondary impacts on public transportation facilities (roadways). Therefore, the LUC has determined that the project will require the preparation of an Environmental Impact Statement (EIS) versus an Environmental Assessment, and has elected to have the Applicant move forward with the preparation of the EIS. The publication of this EISP is the initial step in the EIS process.

8.0 Early Consultation

Early consultation to discuss the proposed Keālia Mauka Homesites was conducted by the Applicant and its consultants with several County agencies, including the Planning Department, Department of Housing, Department of Public Works and Department of Water.

This EISPN serves as early consultation for the forthcoming DEIS. Notification of the availability of the EISPN will be made to the following parties and substantive comments received during the public comment period will be addressed in the DEIS.

Federal

- Department of Agriculture, Natural Resources Conservation Service
- Department of the Interior, Fish and Wildlife Service
- Department of the Interior, Geological Survey, Pacific Islands Water Science Center
- Environmental Protection Agency

State of Hawai'i

- Department of Agriculture
- Department of Accounting and General Services
- Department of Business, Economic Development and Tourism
- Office of Planning
- Strategic Industries Division
- Department of Defense
- Department of Hawaiian Home Lands
- Department of Health
- Department of Land and Natural Resources
- DLNR State Historic Preservation Division
- Department of Transportation
- University of Hawai'i, Water Resources Research Center
- Office of Hawaiian Affairs

County of Kaua'i

- Fire Department
- Housing Agency
- Human Resources
- Department of Planning
- Police Department
- Department of Public Works
- Transportation Agency
- Department of Water

Elected Officials

- U.S. Senator Brian Schatz
- U.S. Senator Mazie Hirono
- U.S. Representative Tulsi Gabbard
- Senator Ron Kouchi, State Senate District 8
- Representative Nadine Nakamura, State House District 14
- Mayor Bernard P. Carvalho, Jr.
- County Council Member Mel Rapozo
- County Council Member Ross Kagawa
- County Council Member Arthur Brun
- County Council Member Mason Chock
- County Council Member Arryl Kaneshiro
- County Council Member Derek Kawakami
- County Council Member JoAnn Yukimura

Utilities/Other

- Kaua'i Island Utility Cooperative (KIUC)
- Keālia Water Company Holdings, LLC
- Keālia Kai Homeowners Association
- Wailua-Kapa'a Neighborhood Association
- The Garden Island
- Honolulu Advertiser

Libraries

- Hawai'i State Library, Hawai'i Documents Center
- Kapa'a Public Library
- Līhu'e Public Library

9.0 References

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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A17-803
)	
KEALIA PROPERTIES, LLC	)	AFFIDAVIT OF SERVICE OF
	)	PETITION FOR LAND USE
To Amend The Agricultural Land Use	)	DISTRICT BOUNDARY
District Boundary Into The Urban Land Use	)	AMENDMENT
District For Approximately 53.361 Acres Of)	
Land At Keālia, Kawaihau, Puna, Island Of)	
Kaua'i, State of Hawai'i, Tax Map)	
Key: (4) 4-7-004: por. 001)	
_____)	

AFFIDAVIT OF SERVICE OF PETITION
FOR LAND USE DISTRICT BOUNDARY AMENDMENT

STATE OF HAWAII)	
	)	ss.:
CITY AND COUNTY OF HONOLULU)	

CURTIS T. TABATA, being first duly sworn on oath, deposes and says:

A. Affiant is the attorney for Petitioner KEALIA PROPERTIES, LLC and agent of the Petitioner for a State of Hawai'i Land Use District Boundary Amendment from Agricultural Land Use District to Urban District, identified as Docket No. A17-803, for land situated at Keālia, Kawaihau, Puna, Kaua'i, Hawai'i, identified as Tax Map Key No. (4) 4-7-004: por. 001

B. In compliance with § 15-15-48(a) of the Hawai'i Administrative Rules ("HAR"), Affiant did on October 16, 2017, deposit in the United States Mail, postage

prepaid, by certified mail or hand delivered, a copy of the Petition for District Boundary

Amendment, to the following:

State of Hawai'i
c/o DAWN T. APUNA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

Kealia Irrigation Company, Inc.
c/o DAVID DANCE
P.O. Box 50277
Idaho Falls, Idaho 83405

Cornerstone Hawaii Holdings LLC,
c/o DAVID DANCE
Riverbend Management, Inc.
P.O. Box 50277
Idaho Falls, Idaho 83405

Kealia Makai Owners Association,
c/o WALTON D.Y. HONG, ESQ.
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Lihue, Kauai, Hawai'i 96766

Kealia Water Company Holdings LLC,
c/o LEE F. SACHNOFF, ESQ.
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Denver, Colorado 80202

Plantation Partners Kauai, LLC,
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Honolulu, Hawai'i 96813

Kealiakealanani, LLC,
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San Francisco, California 94115

DCA Hawaii, LLC.
2100 Jackson Street
San Francisco, California 94115

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Office of Planning, State of Hawai'i
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6th Floor, Leiopapa A Kamehameha
Honolulu, Hawai'i 96813

DAWN T. APUNA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

MICHAEL DAHILIG, Director
Planning Department, County of Kauai
4444 Rice Street
Lihu'e, Kaua'i, Hawai'i 96766

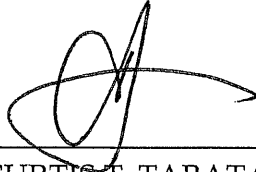
JODI HIGUCHI, ESQ.
Deputy Kauai County Attorney
Office of the County Attorney
4444 Rice Street, Suite 220
Lihu'e, Kaua'i, Hawai'i 96766

KAUAI COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
4444 Rice Street
Lihu'e, Kaua'i, Hawai'i 96766

KEALIA PROPERTIES, LLC
c/o Ms. Moana Kinimaka Palama
Hawaii Management Services LLC
P.O. Box 1630
Koloa, Hawai'i 96756

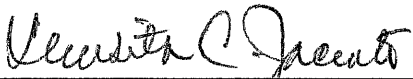
C. This Affidavit is provided in compliance with § 15-15-50(c)(5), (C), HAR.

That further Affiant sayeth naught.

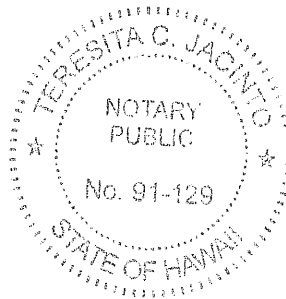


CURTIS T. TABATA
Attorney for Petitioner
KEALIA PROPERTIES, LLC

Subscribed and sworn to me
this 17th day of October 2017



Name: Teresita C. Jacinto
Notary Public, State of Hawai'i
My Commission expires: 02/21/2019



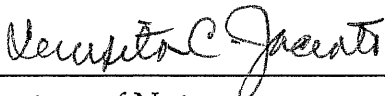
NOTARY CERTIFICATE (Hawaii Administrative Rules § 5-11-8)

Document Identification or Description: Affidavit of Service of Petition For Land Use
District Boundary Amendment

Doc. Date: 10/17/2017 No. of Pages: 4

Jurisdiction: First Circuit

(in which notarial act is performed)



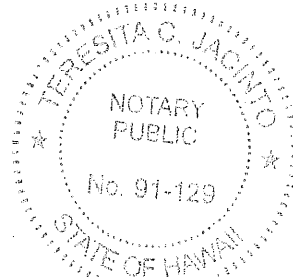
Signature of Notary

10/17/2017

Date of Certificate

Teresita C. Jacinto

Printed Name of Notary



(Official Stamp or Seal)

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A17-803
)	
KEALIA PROPERTIES, LLC	)	AFFIDAVIT OF SENDING OF
	)	NOTIFICATION OF PETITION
To Amend The Agricultural Land Use	)	FILING
District Boundary Into The Urban Land Use)	
District For Approximately 53.361 Acres Of)	
Land At Keālia, Kawaihau, Puna, Island Of)	
Kaua'i, State of Hawai'i, Tax Map)	
Key: (4) 4-7-004: por. 001)	
_____)	

AFFIDAVIT OF SENDING OF NOTIFICATION OF PETITION FILING

STATE OF HAWAII)	
	)	ss.:
CITY AND COUNTY OF HONOLULU)	

CURTIS T. TABATA, being first duly sworn on oath, deposes and says:

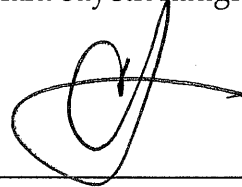
A. Affiant is the attorney for Petitioner KEALIA PROPERTIES, LLC and agent of the Petitioner for a State of Hawai'i Land Use District Boundary Amendment from Agricultural Land Use District to Urban District, identified as Docket No. A17-803, for land situated at Keālia, Kawaihau, Puna, Island of Kaua'i, State of Hawai'i, identified as Tax Map Key No. (4) 4-7-004: por. 001.

B. In compliance with § 15-15-50(d) of the Hawai'i Administrative Rules ("HAR"), Affiant did on October 16, 2017 deposit in the United States Mail, postage prepaid, by regular mail, a copy of the Notification of Petition Filing, attached hereto as

Exhibit "1", to the persons identified in the required mailing list, attached hereto as Exhibit "2."

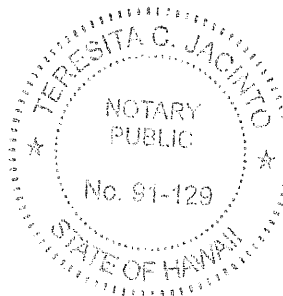
C. This Affidavit is provided in compliance with § 15-15-50(d), HAR.

That further Affiant sayeth naught.



CURTIS T. TABATA

Subscribed and sworn to me
this 13th day of October 2017
Teresita C. Jacinto
Name: Teresita C. Jacinto
Notary Public, State of Hawai'i
My Commission expires: 02/21/2019



NOTARY CERTIFICATE (Hawaii Administrative Rules § 5-11-8)

Document Identification or Description: Affidavit of Sending of Notification of Petition Filing

Doc. Date: 10/13/2017 No. of Pages: 8

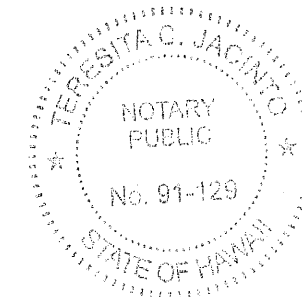
Jurisdiction: First Circuit

(in which notarial act is performed)

Teresita C. Jacinto 10/13/2017
Signature of Notary Date of Certificate

Teresita C. Jacinto

Printed Name of Notary



(Official Stamp or Seal)

NOTIFICATION OF PETITION FILING

A hearing on this petition will be scheduled at a future date. If you are interested in participating in the hearing as a public witness, please write or call the Commission office at P.O. Box 2359, Honolulu, Hawai'i 96804-2359; telephone (808) 587-3822. If you intend to participate in the hearing as an intervenor, pursuant to § 15-15-52, Hawai'i Administrative Rules, you should file a Notice of Intent to Intervene with the Commission within 30 days of the date of this notice. Please contact the Commission office for further information.



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3060 Eiwa Street, Room 210
Lihue, Hawaii 96766-1881

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Department of Water Supply
P. O. Box 1706
Lihue, Hawaii 96766

Saiva Siddhanta Church
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Kapaa, Hawaii 96746

County Clerk-Council Service
4396 Rice Street #206
Lihue, HI 96766

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Lihue, Hawaii 96766

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Kapaa, Hawaii 96746

Harry Guirewand
6163 Waipouli Road
Kapaa, Hawaii 96746

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A17-803
)	
KEALIA PROPERTIES, LLC	)	CERTIFICATE OF SERVICE
)	
To Amend The Agricultural Land Use)	
District Boundary Into The Urban Land Use)	
District For Approximately 53.361 Acres Of)	
Land At Keālia, Kawaihau, Puna, Island Of)	
Kaua'i, State of Hawai'i, Tax Map)	
Key: (4) 4-7-004: por. 001)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a file-marked of the foregoing document was duly served upon the following AS INDICATED BELOW on October 16, 2017.

State of Hawai'i
c/o DAWN T. APUNA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Kealia Irrigation Company, Inc.
c/o DAVID DANCE
P.O. Box 50277
Idaho Falls, Idaho 83405

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Cornerstone Hawaii Holdings LLC,
c/o DAVID DANCE
Riverbend Management, Inc.
P.O. Box 50277
Idaho Falls, Idaho 83405

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Kealia Makai Owners Association,
c/o WALTON D.Y. HONG, ESQ.
3135-A Akahi Street
Lihue, Kauai, Hawai'i 96766

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Kealia Water Company Holdings LLC,
c/o LEE F. SACHNOFF, ESQ.
1801 California Street, Suite 3000
Denver, Colorado 80202

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Plantation Partners Kauai, LLC,
737 Bishop Street, Suite 2600
Honolulu, Hawai'i 96813

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Kealiakealanani, LLC,
2100 Jackson Street
San Francisco, California 94115

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

DCA Hawaii, LLC.
2100 Jackson Street
San Francisco, California 94115

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

KEALIA PROPERTIES, LLC
c/o Ms. Moana Kinimaka Palama
Hawaii Management Services LLC
P.O. Box 1630
Koloa, Hawai'i 96756

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

LEO R. ASUNCION, JR., AICP, Director
Office of Planning, State of Hawai'i
235 South Beretania Street
6th Floor, Leiopapa A Kamehameha
Honolulu, Hawai'i 96813

HAND DELIVERY

DAWN T. APUNA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

HAND DELIVERY

MICHAEL DAHILIG, Director
Planning Department, County of Kauai
4444 Rice Street
Līhu'e, Kaua'i, Hawai'i 96766

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RETURN RECEIPT
REQUESTED

JODI HIGUCHI, ESQ.
Deputy Kauai County Attorney
Office of the County Attorney
4444 Rice Street, Suite 220
Līhu'e, Kaua'i, Hawai'i 96766

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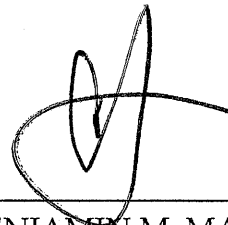
KAUAI COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
4444 Rice Street
Līhu'e, Kaua'i, Hawai'i 96766

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

DATED: Honolulu, Hawai'i, October 16, 2017.

Of Counsel:

MATSUBARA, KOTAKE & TABATA
A Law Corporation



BENJAMIN M. MATSUBARA
CURTIS T. TABATA
Attorneys for Petitioner
KEALIA PROPERTIES, LLC