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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
Kūloa, 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, Kaua‘i, 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 Hawai‘i (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 Kapa’a 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 Kaua‘i, State of Hawai‘i. Keālia is located in east Kaua‘i, approximately 1.5 miles north of the town of Kapa’a. 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 Ka‘ao Subdivision abuts the Project Area to the south and Kūhiō Highway forms the east (makai) boundary. Undeveloped agricultural lands extend northward and westward from the Project Area.
Regional Location Map
Keālia Mauka Homesites
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
Project Vicinity Map
Keālia Mauka Homesites
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
Tax Map Key Map
Keālia Mauka Homesites
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC

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.

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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 Kaua‘i by providing improved residential lots that are:

- targeted to local Kaua‘i 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 Kaua‘i County General Plan Land Use guidance
- in compliance with the Housing Policy for the County of Kaua‘i, 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, Kaua‘i 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 Kaua‘i.

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 Kaua‘i County Ordinance No. 860 that established a new chapter in the Kaua‘i County Code (1987, as amended) relating to the housing policy for the County of Kaua‘i.

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
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
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 Kaua‘i County in 2007. The subdivision permit was extended but eventually withdrawn by the present landowner in 2012. The subdivision permit was subsequently rescinded by Kaua‘i 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 Kaua‘i 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 Kaua‘i, 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 Kaua‘i, as well as within the State of Hawai‘i, 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 Līhu‘e, 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 Kaua‘i 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 Hawai‘i 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 Kaua'i 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 Hawai'i at Mānoa Sea Grant College Program (UH Sea Grant) prepared a Kaua'i Climate Change and Coastal Hazards Assessment as part of the County's Kaua'i General Plan update. The study addresses the consequence of SLR on various sectors on Kaua'i 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 Kaua'i 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—Līhu’e silty clay, 0 to 8 percent slopes

5.1.3 Water Quality and Hydrology

The Project Area is within the Kapa’a 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. Kapa’a 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 Hawai‘i Stream Assessment ranks Kapa’a 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’a Stream is located further north, just south of Ahili 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
Environmental Impact Statement Preparation Notice
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 Hurricane

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 Kūhiō Highway in Kapa‘a Town. In the Keālia area, there are also some areas inland of Kūhiō 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 Homailkewaa Stream drain their mauka lands.
Flood Map
Kealia Mauka Homesites
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
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 Lihue 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 Homesteads
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
Agricultural Lands of Importance to the State of Hawai'i
Kealia Mauka Homesites
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
**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 gallons 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) Lihu‘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, Lihu‘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, Lihu‘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 Kauai coastline as well as mauka views of Mt. Kalealea 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 HAWAI‘I

- 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 KAUA‘I

- 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 Kaunakakai
- 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 Kea‘lia above the Kea‘lia General Store…The proposed Conceptual Kea‘lia Subdivision would generally be in alignment with the General Plan’s land use maps and texts.”
State Land Use Districts Map

Kealia Mauka Homesites

Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
Kaua'i General Plan Land Use Map (Kawaihau Planning District)

Kealia Mauka Homsites
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC
County Zoning and Special Management Area
Kealia Mauka Homesites
Environmental Impact Statement Preparation Notice
Kealia Properties, LLC

Figure 11
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. Detrimentally 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 EISPN 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 EISPAN serves as early consultation for the forthcoming DEIS. Notification of the availability of the EISPAN 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
- Lihu‘e Public Library
9.0 References


Belt Collins Hawai‘i Ltd. Phase I Environmental Site Assessment, Tax Map Key (4) 4-7-003: Parcels 2, 5, 6, 13-18, 20, and 21; and (4) 4-7-004: Parcels 1, 8, and 9, Keālia, Kaua‘i, Hawai‘i. Prepared for Plantation Partners Kauai, LLC. June 2005.


David, Reginald. Rana Biological Consulting. Faunal Surveys Conducted for the Keālia Properties Project, TMK # (4) 4-7-004 por 1), Līhu‘e District, Island of Kaua‘i, Hawai‘i. April 5, 2017.


BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI’I

In the Matter of the Petition of KEALIA PROPERTIES, LLC
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

DOCKET NO. A17-803

AFFIDAVIT OF SERVICE OF PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

STATE OF HAWAII 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.
  3135-A Akahi Street
  Lihue, Kauai, Hawai‘i 96766

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

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

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

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

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
Līhuʻe, Kauaʻi, Hawaiʻi 96766

JODI HIGUCHI, ESQ.
Deputy Kauai County Attorney
Office of the County Attorney
4444 Rice Street, Suite 220
Līhuʻe, Kauaʻi, Hawaiʻi 96766

KAUAI COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
4444 Rice Street
Līhuʻe, Kauaʻi, Hawaiʻi 96766

KEALIA PROPERTIES, LLC
c/o Ms. Moana Kinimaka Palama
Hawaii Management Services LLC
P.O. Box 1630
Koloa, Hawaiʻi 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: 10/19/2017 No. of Pages: 4
Jurisdiction: 1st Circuit
(in which notarial act is performed)

Teresita C. Jacinto 10/19/2017
Signature of Notary Date of Certificate

(Teresita C. Jacinto)
Printed Name of Notary (Official Stamp or Seal)
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI‘I

In the Matter of the Petition of KEALIA PROPERTIES, LLC
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

DOCKET NO. A17-803
AFFIDAVIT OF SENDING OF NOTIFICATION OF PETITION FILING

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 *Hawaii‘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 19th 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: 1st Circuit

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

Teresita C. Jacinto
Printed Name of Notary (Official Stamp or Seal)
October 16, 2017

NOTIFICATION OF PETITION FILING

This is to advise you that a Petition to Amend the State Land Use District Boundaries with the following general information has been submitted to the State of Hawai‘i Land Use Commission:

Docket No: A17-803

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

Landowners and Tax Map Key Number: KEALIA PROPERTIES, LLC
(4) 4-7-004: por. 001

Location: Ke‘ailia, Kawaihau, Puna, Island of Kaua‘i, Hawai‘i

Requested Reclassification: Agricultural to Urban

Acreage: Approximately 53.361 acres

Proposed Use: The development of approximately 235 lots ranging in size from about 5,600 SF to 7,300 SF. 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.

You may review detailed information regarding the petition at the Land Use Commission (“Commission”) office or the County of Kaua‘i, Kaua‘i County Planning Department located at 4444 Rice Street, Suite A473, Lihue, Kaua‘i, Hawai‘i 96766. The Commission’s office is located at 235 S. Beretania Street, Room 406, Honolulu, Hawai‘i. Office hours are from 7:45 a.m. to 4:30 p.m., Mondays through Fridays.

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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<td>Hawaii Community Development Authority 481 Cooke Street Honolulu, Hawaii 96813</td>
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<tr>
<td>Hawaii Operating Engineers</td>
<td>2181 Lauwilili Street Ste 102 Kapolei, HI 96707</td>
<td>Kapolei</td>
<td>HI</td>
<td>96707</td>
</tr>
<tr>
<td>Associated Press</td>
<td>500 Ala Moana Boulevard, Suite 7-590 Honolulu, Hawaii 96813</td>
<td>Honolulu</td>
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<td>96813</td>
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<tr>
<td>Jennifer Darrah</td>
<td>102 Prospect Street Honolulu HI 96813</td>
<td>Honolulu</td>
<td>HI</td>
<td>96813</td>
</tr>
<tr>
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<td>P. O. Box 131 Honolulu HI 96810</td>
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</tr>
<tr>
<td>Alden Alayvilla</td>
<td>PO Box 33 Kalaheo HI 96741</td>
<td>Kalaheo</td>
<td>HI</td>
<td>96741</td>
</tr>
<tr>
<td>Michael J. Belles, Esq.</td>
<td>Belles Graham Proudfoot Wilson &amp; Chun 4334 Rice Street, Suite 202 Lihue HI 96766</td>
<td>Lihue</td>
<td>HI</td>
<td>96766</td>
</tr>
<tr>
<td>Gene Zarro</td>
<td>22 Ulunui Place Pukalani, HI 96768</td>
<td>Pukalani</td>
<td>HI</td>
<td>96768</td>
</tr>
<tr>
<td>Beryl Leolani Bailey Blaich,.</td>
<td>P. O. Box 1434 Kilauea HI 96754</td>
<td>Kilauea</td>
<td>HI</td>
<td>96754</td>
</tr>
<tr>
<td>Mr. James Garrigan</td>
<td>P O Box 3143 Kailua-Kona, Hawaii 96745</td>
<td>Kailua-Kona</td>
<td>HI</td>
<td>96745</td>
</tr>
<tr>
<td>Mr. Kenneth Okamura</td>
<td>641 Polipoli Road Kula, Hawaii 96790</td>
<td>Kula</td>
<td>HI</td>
<td>96790</td>
</tr>
<tr>
<td>James S. Greenwell</td>
<td>Lanihau Properties LLC P.O. Box 9032 Kailua-Kona, HI 96745</td>
<td>Kailua-Kona</td>
<td>HI</td>
<td>96745</td>
</tr>
<tr>
<td>Patrick Borge, Sr.</td>
<td>536 Haawina Street Paia, Hawaii 96779-9609</td>
<td>Paia</td>
<td>HI</td>
<td>96779</td>
</tr>
<tr>
<td>P. Roy Catalani</td>
<td>Young Brothers, Ltd. Pier 40 – P. O. Box 3288 Honolulu, HI 96801</td>
<td>Honolulu</td>
<td>HI</td>
<td>96801</td>
</tr>
<tr>
<td>Building Industry Association of Hawaii</td>
<td>P.O. Box 970967 Waipahu HI 96797</td>
<td>Waipahu</td>
<td>HI</td>
<td>96797</td>
</tr>
<tr>
<td>Kika Bukoski</td>
<td>Hawaii Building and Construction Trade Council 736 Bishop Street, Suite 412 Honolulu HI 96813</td>
<td>Honolulu</td>
<td>HI</td>
<td>96813</td>
</tr>
<tr>
<td>Roy A. Vitousek III</td>
<td>Cades Schutte LLP 75-170 Hualalai Road, Suite B-303 Kailua-Kona HI 96740</td>
<td>Kailua-Kona</td>
<td>HI</td>
<td>96740</td>
</tr>
<tr>
<td>Duane -Shimogawa</td>
<td>Pacific Business News 737 Bishop St. Suite #1590 Honolulu, HI 96813</td>
<td>Honolulu</td>
<td>HI</td>
<td>96813</td>
</tr>
<tr>
<td>Mr. Charles Trembath</td>
<td>4152 Palaumahu Lihue HI 96766</td>
<td>Lihue</td>
<td>HI</td>
<td>96766</td>
</tr>
<tr>
<td>Surety Kohala Corporation</td>
<td>P. O. Box 249 Hawai HI 96719</td>
<td>Hawai</td>
<td>HI</td>
<td>96719</td>
</tr>
<tr>
<td>Mr. Bruce Tsuchida</td>
<td>Townscape 900 Fort Street Mall, #1160 Honolulu HI 96813</td>
<td>Honolulu</td>
<td>HI</td>
<td>96813</td>
</tr>
<tr>
<td>Ms. Meredith J. Ching</td>
<td>Alexander &amp; Baldwin, Inc. P. O. Box 3440 Honolulu HI 96801</td>
<td>Honolulu</td>
<td>HI</td>
<td>96801</td>
</tr>
<tr>
<td>Council Services Administration</td>
<td>Kauai County Council 4396 Rice St. Suite 209 Lihue, HI 96766</td>
<td>Lihue</td>
<td>HI</td>
<td>96766</td>
</tr>
<tr>
<td>Ms. K. Chun</td>
<td>P. O. Box 3705 Honolulu HI 96811</td>
<td>Honolulu</td>
<td>HI</td>
<td>96811</td>
</tr>
<tr>
<td>City Desk Clerk-Public Hearings</td>
<td>Honolulu Star Advertiser 500 Ala Moana Boulevard, Unit 210 Honolulu, Hawaii 96813-4914</td>
<td>Honolulu</td>
<td>HI</td>
<td>96813</td>
</tr>
<tr>
<td>Ms. Eleanor Mirikitani</td>
<td>c/o Waikoloa Land Co. 150 Waikoloa Beach Drive Waikoloa HI 96738</td>
<td>Waikoloa</td>
<td>HI</td>
<td>96738</td>
</tr>
<tr>
<td>Mr. David Penn</td>
<td>P. O. Box 62072 Honolulu HI 96839</td>
<td>Honolulu</td>
<td>HI</td>
<td>96839</td>
</tr>
</tbody>
</table>
Castle & Cooke Hawaii  
Dole Office Building Suite 510  
680 Iwilei Road  
Honolulu, HI 96817

Karen Piltz  
Chun Kerr Dodd Beaman & Wong  
999 Bishop Street Suite 2100  
Honolulu, HI 96813

Representative Cindy Evans  
7th District  
State Capitol, Room 311  
Honolulu, Hawaii 96813

Mr. Albert K. Fukushima  
1841 Palamo Street  
Pearl City HI 96782

Wyeth Matsubara, Esq.  
c/o Nan, Inc.  
636 Laumaka Street  
Honolulu HI 96819

Ms. Esther Ueda  
98-1784-B Kaahumanu Street  
Pearl City HI 96782

Hawaii’s Thousand Friends  
300 Kuulei Rd. Unit A, #281  
Kailua HI 96734

The Pele Defense Fund  
P. O. Box 4969  
Hilo HI 96720

U.S. Pacific Command  
Commander in Chief  
Box 64028  
Camp H.M. Smith, Hawaii 96861-4028

Office of the Governor – Kauai  
3060 Eiwa Street, #106,  
Lihue 96766

Honglong Li  
1001 Bishop Street, Suite 2400  
American Savings Bank Tower  
Honolulu, HI 96813

Mr. David Rae  
The Estate of James Campbell  
1001 Kamokila Boulevard  
Kapolei HI 96707

U.S. Fish and Wildlife Service  
300 Ala Moana Blvd., Rm. 3-122  
Honolulu HI 96850

Mr. Michael A. Dahilig, Director  
Planning Department - Kauai  
4444 Rice Street, Suite 473  
Lihue HI 96766

Isaac Hall, Esq.  
2087 Wells Street  
Walluku HI 96793

Real Property Division  
County of Kauai  
4444 Rice Street  
Lihue HI 96766

Jacqu Hoover, President  
Hawaii Leeward Planning Conference  
P. O. Box 2159  
Kamuela HI 96743

Jan Higa & Company LLC  
1670 Makalapa #204, PMB 183  
Honolulu, Hawaii 96814

Commander  
Navy Region Hawaii  
850 Ticonderoga Street, Suite 110  
Pearl Harbor HI 96860-5101

Ms. Sara Collins  
DLNR - Historical Preservation Division  
601 Kamokila Blvd., Room 555  
Kapolei HI 96707

Alan Kaufman, DVM  
P. O. Box 297  
Kula, HI 96790

United States Marine Corps  
Commander, Marine Forces Pacific  
Attn: G4 Box 64118  
Camp H.M. Smith, Hawaii 96861-4118

Department of the Army  
Directorate of Public Works  
Attn: Planning Division  
 Schofield Barracks, Hawaii 96857-5013

J. Gillmar  
P. O. Box 2902  
Honolulu HI 96802

CBRE, Inc  
The Hallstrom Group Team  
1003 Bishop Street Ste 1800  
Honolulu, HI 96813

Mr. Eugene Takahashi  
C&C Department of Planning & Permitting  
650 South King Street  
Honolulu HI 96813

Mr. Gordon Pang  
Honolulu Star Advertiser  
500 Ala Moana Blvd # 7-500  
Honolulu, HI 96813

Department of the Navy  
Commander in Chief, U.S. Pacific Fleet  
Commander in Chief  
260 Makalapa Drive  
Pearl Harbor, HI 96860-3131

Lawrence Ing, Esq.  
Ing, Hori kawa & Jorgensen  
2145 Wells Street, Suite 204  
Wailuku, Hawaii 96793-2222

Walter Mensching  
RSS Ltd.  
1658 Liholiho Street, Suite 306  
Honolulu, Hawaii 96822
Outdoor Circle- Bob Loy
1314 S. King St. Suite 306
Honolulu, HI 96814

Jill K. Veles, Legal Assistant
Oshima, Chun, Fong & Chung
841 Bishop Street, #400
Honolulu HI 96813

Isaac Fiesta
ILWU Local 142 - Hawaii Division
100 W. Lanikaula Street
Hilo, HI 96720

Libbie Kamisugi
2500 Aha Aina Place
Honolulu HI 96821

Collette M. Sakoda
Environmental Planning Solutions LLC
945 Makaiwa Street
Honolulu, HI 96816

Jean McManus
47-314 Lulani St.
Kaneohe, HI 96744

PBR Hawaii
1719 Haleloki Street
Hilo, HI 96720

Verizon Hawaii, Inc.
Attn: Real Property Section
P O Box 2200
Honolulu, HI 96841

Lynn Peters
P.O. Box 11960
Honolulu, HI 96828-0960

Lori Lum
Watanabe Ing
999 Bishop St. Suite #2300
Honolulu, HI 96813

Attn.: Assignment Desk
KITV News 4
801 S. King Street
Honolulu HI 96813

West Hawaii Today
Attn: Reed Flickinger
P. O. Box 789
Kailua-Kona HI 96745-0789

Shannon Wood
Koolau News
P.O. Box 6366
Kaneohe, Hawaii 96744

Benjamin A. Kudo, Esq.
Ashford & Wriston
999 Bishop Street, Suite 1400
Honolulu HI 96813

Mr. Kenneth Kupchak
Damon Key Bocken Leong & Kupchak
1003 Bishop Street, #1600
Honolulu HI 96813

Burt Lau, Esq.
999 Bishop St., Ste. 2600
Honolulu HI 96813

Land Use Research Foundation of Hawaii
1100 Alakea Street, Suite 408
Honolulu HI 96813

Dain P. Kane
Maul County Council
200 South High Street
Wailuku HI 96793

Pat Lee & Associates, Inc.
45-248A Pahikaua Place
Kaneohe HI 96744

League of Women Voters
49 South Hotel Street, Rm. 314
Honolulu HI 96813

Dickson C. H. Lee, Esq.
Takushi Wong Lee & Yee
841 Bishop Street, Suite 925
Honolulu, Hawaii 96813

Sean Combs
Princeville Development, LLC
5-3641 Kuhio Highway, Suite 201
Princeville HI 96722

Mr. Greg Apa, President
Leeward Land LLC
87 2020 Farrington Hwy
Waianae, Hawaii 96792-3749

Steven S.C. Lim, Esq.
Cralsmith Ball
121 Waiakanawena Avenue
Hilo HI 96720

Crockett & Nakamura
38 S. Market Street
Wailuku, Hawaii 96793

Mr. Gregory Kugle
Damon Key Bocken Leong & Kupchak
1003 Bishop Street, #1600
Honolulu HI 96813

Benjamin M. Matsubara, Esq.
C.R. Kendall Building, Suite 308
888 Millani Street
Honolulu HI 96813

Sue White
1118 Maunawili Road
Kailua HI 96734
William W.L. Yuen, Esq.
1001 Bishop Street, Suite 1800
Alston, Hunt, Floyd and Ing
Honolulu HI 96813-7984

Attn: Bonnie Stifel
McCorriston Miller Mukai MacKinnon
P. O. Box 2800
Honolulu HI 96803-2800

Michael Yee, Director
County of Hawaii, Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Pat Tummons
190 Keawe Street #29
Hilo, Hawaii, 96720

Department of the Corporation Counsel
City and County of Honolulu
530 S. King Street, Rm. 110
Honolulu, Hawaii 96813

Real Property Tax Division, Dept of Finance
County of Hawaii
101 Aupuni Street, Suite 4
Hilo, HI 96720-4224

Lisa Judge
3451 Omaopio Road
Kula, Hawaii 96790

Franklin Mukai, Esq.
McCorriston Miller Mukai MacKinnon
P. O. Box 2800
Honolulu HI 96803-2800

National Resources Conservation Svc.
Pacific Islands Area (PIA) State Office
Attn: PIA Soil Scientist
P. O. Box 50004
Honolulu HI 96850-0050

FDB Planning Section
3633 Waialae Ave., Rm. C209
Honolulu, HI 96816

Nathan Natori, Esq.
1003 Bishop Street
Suite #1360
Honolulu HI 96813

Shannon Alivado
Director of Government Relations
General Contractors Association of Hawaii
1066 Ahua Street,
Honolulu, Hawaii 96819

Wilson Okamoto & Associates
Attn: Earl Matsukawa
1907 S. Beretania Street
Honolulu, HI 96826

Julian Ng, Inc.
P. O. Box 816
Kaneohe HI 96744-0816

Mr. John M. White
Hawaii Land Company
P. O. Box 10
Honolulu HI 96810

Ms. Donna Ann Kamahaiku Ono
He'eia Historical Society
46-522 Haiku Plantations Drive
Kaneohe HI 96744

Peter Yukimura
P. O. Box 1031
Lihue, HI 96766

Mr. Kent Matsuo
James Campbell Co., LLC
1001 Kamokila Boulevard, Ste 200
Kapolei HI 96707

Phyllis Fujimoto
1043 Kuahiw Pl.
Hilo, Hawaii 96720

DOT Highways / Oahu District Office
Engineer Program Manager
727 Kakoi Street
Honolulu, HI 96819

Anita Hofschneider
Honolulu Civil Beat
3465 Waialae Avenue Suite 200
Honolulu, HI 96816

PBR Hawaii
Pacific Tower, Suite 650
1001 Bishop Street
Honolulu HI 96813

Senator Donovan M. Dela Cruz
Hawaii Capitol Room 202
415 South Beretania Street
Honolulu, Hawaii 96813

P. O. Box 10

Ms. Donna Ann Kamahaiku Ono
He'eia Historical Society
46-522 Haiku Plantations Drive
Kaneohe HI 96744

Peter Yukimura
P. O. Box 1031
Lihue, HI 96766

Director of Planning
County of Maui
2200 Main Street, Suite 315
Wailuku, HI 96793

Mr. Mark Murakami
Damon Key Leong Kupchak Hastert
1003 Bishop Street, #1600
Honolulu, HI 96813

Julie Ann Miyashiro
3247 Catherine St.
Honolulu, HI 96815

Real Property Tax Division
Department of Finance - County of Hawaii
101 Pauahi Street, Suite No. 4
Hilo HI 96720

Mr. Richard Poirier
95-584 Naholoholo
Mililani HI 96789

Prosser Realty, Inc.
4379 Rice Street
Lihue HI 96766
Sierra Club, Kauai Group  
P. O. Box 3412  
Lihue, HI 96766

Mr. Dan Yasui  
A & B Properties, Inc.  
P. O. Box 3440  
Honolulu, HI 96801-3440

Canen Hookano  
PO Box 160  
Koloa, Kauai, HI 96756

Leo Asuncion, Director  
Office of Planning  
P. O. Box 2359  
Honolulu, HI 96804-2359

Ms. Brenda Salgado  
KGM  
420 Waiakamilo Road, Suite 205  
Honolulu, HI 97817

Sierra Club, Hawai’i Chapter  
P. O. Box 2577  
Honolulu, HI 96803

Peter H.M. Lee  
Hawaii LECET  
650 Iwilei Road, Suite 285  
Honolulu, HI 96817

Mr. Robert J. Smolenski  
841 Bishop Street, Ste. 1628  
Honolulu, HI 96813-3921

Mr. Steven Strauss  
P. O. Box 11517  
Hilo, HI 96720

Wesley R. Segawa & Associates  
736 South St. #206  
Honolulu, HI 96813

Mr. Bruce A. Coppa  
Communications Pacific  
600 Queen St., Unit 2808  
Honolulu, HI 96813

Claudia Rohr  
369 Nene St.  
Hilo, HI 96720

Steven Lee Montgomery, Ph.D.  
94-610 Palai Street  
Waipahu, Hawaii 96797-4535

Frank Carlos  
656 Moanalua St.  
Honolulu, HI 96821-2572

Randall Sakamoto, Esq.  
McCorriston Miller Mukai MacKinnon LLP  
P. O. Box 2800  
Honolulu, Hawaii 96803-2800

Brenda Luana Machado Lee  
P. O. Box 133  
Captain Cook, Kona, Hawaii 96704

Laura Kodama  
Castle & Cooke Hawaii  
Dole Office Building Suite 510  
680 Iwilei Road  
Honolulu, HI 96817

John White  
Executive Director  
The Pacific Resource Partnership  
1100 Alakea St. 4th Floor  
Honolulu, HI 96813

Irene Anzai  
Rush Moore LLP  
737 Bishop Street, Suite 2400  
Honolulu, HI 96813

Stanford S. Carr, President  
Stanford Carr Development LLC  
1100 Alakea Street, 27th Floor  
Honolulu, HI 96813

Bill Mills, Chairman  
The Mills Group  
1100 Alakea Street, Suite 2200  
Honolulu, HI 96813

DOT Highways / Hawaii District Office  
Engineer Program Manager  
50 Makaala Street  
Hilo, HI 96720

Law Offices of Kyong-Su Im LLC  
1608 Laukahi St.  
Honolulu, Hawaii 96821

DOT Highways / Maui District Office  
Engineer Program Manager  
650 Palapala Drive  
Kahului, HI 96732

Department of Transportation  
Highways Division  
Kauai District Office  
1720 Haleukana Street  
Lihue, Hawaii 96766

Beverly Pauole-Moore  
Volunteer Governor's Rep., Molokai  
P. O. Box 88  
Kaunakakai HI 96748

Curtis T. Tabata  
Matsubara - Kotake  
A Law Corporation  
888 Millilani Street, Suite 308  
Honolulu, Hawaii 96813

Chairman - Planning Commission  
County of Kauai  
4444 Rice Street, Suite 473  
Lihue HI 96766

Emi L.M. Kaimuloa, Esq.  
Watanabe Ing LLP  
999 Bishop Street, 23rd Floor  
Honolulu, HI 96813

DOT - Airports Administrator  
Inter-Island Terminal, Suite 700  
Honolulu International Airport  
400 Rodgers Blvd.  
Honolulu, HI 96819
Daryn Arai
County of Hawaii, Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Elaine Wender
2180 W, Vineyard St # 305
Wailuku, HI 96793

Laura McIntyre, AICP
DOH-Environmental Planning Office
Mgr., Rm. 312
919 Ala Moana Boulevard
Honolulu HI 96814

Department of Transportation
Harbors Division
79 South Nimitz Highway
Honolulu HI 96813

Director - OEQC
235 South Beretania St., Rm. 702
Honolulu HI 96813

Mr. Luis P. Salaveria, Director
DBEDT
P. O. Box 2359
Honolulu HI 96804-2359

Mr. Ronald F. Tsuzuki
Highways Division, Planning Branch
869 Punchbowl Street
Honolulu, HI 96813

Deputy Director
Department of Transportation
869 Punchbowl Street
Honolulu HI 96813

Bryan Yee, Deputy Attorney General
Commerce & Economic Development Div
Department of Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Dawn T. Hegger-Nordblom
Hawaii Army National Guard – NEPA Coordinator
P.O. Box 1057
Kihei, HI 96753

Executive Director
HHFDC
677 Queen Street, Suite 300
Honolulu HI 96813

DOT Transportation Planning Office
869 Punchbowl Street
Honolulu HI 96813

Mr. Gordon Matsuoka
DAGS - Public Works Division
P. O. Box 119
Honolulu HI 96810

Department of Land and Natural Resources
Land Division, Coastal Lands Program
P. O. Box 621
Honolulu, HI 96803-0621

Chairman of the Board
Dept. of Agriculture
1428 South King Street
Honolulu HI 96814

HHFDC
Planning & Evaluation Office
677 Queen Street, Suite 300
Honolulu HI 96813

Dwight Vicente
2608 Ainaaloa Dr.
Hilo, HI 96720

Darrell T. Young, Deputy Director
DOT Harbors Division
79 S. Nimitz Highway
Honolulu, HI 96813-4898

Major General Arthur J. Logan
Adjutant General-State of Hawaii
Department of Defense
3949 Diamond Head Road
Honolulu, HI 96816

Mr. Gordon Matsuoka
DAGS - Public Works Division
P. O. Box 119
Honolulu HI 96810

Commission on Water Resource Management
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 227
Honolulu HI 96813

Land Management Division
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 131
Honolulu, HI 96813

Diane E. Erickson, Esq.
Deputy Attorney General
425 Queen Street
Honolulu HI 96813

Deputy Director
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dept. of Hawaiian Home Lands
P. O. Box 1879
Honolulu HI 96805

The Honorable David Ige
Governor, State of Hawaii
State Capitol
Honolulu HI 96813

Jennifer A Lim
Carlsmith Ball LLP
1001 Bishop St., Ste 2200
Honolulu, Hawaii 96813

Ms. Iris Nakagawa
Carlsmith Ball LLP
1001 Bishop St., Ste 2200
Honolulu, Hawaii 96813

Mr. Andrew Gomes
The Honolulu Star-Advertiser
500 Ala Moana Boulevard, Suite 7-210
Honolulu, HI 96813
Wendy Cortez-Botelho  
Governor’s Rep. East-Hawaii  
75 Aupuni Street, Hilo HI 96720

Senator Laura H. Thielen  
Hawaii State Capitol Room 231  
415 South Beretania Street  
Honolulu, Hawaii 96813

DAGS- Automotive Management Division  
Parking Control Office-Attn: Brian Saito  
PO Box 119  
Honolulu, HI 96819-0119

Anita Manzano-Compliance Enforcement  
Office of Hawaiian Affairs  
560 N. Nimitz Hwy Ste 200  
Honolulu, HI 96817

Ke’ala Nichols-Administrative Assistant  
Public Policy-Office of Hawaiian Affairs  
737 Iwilei Rd. Suite 200  
Honolulu, HI 96817

Governor’s Representative, Maui  
2264 Aupuni Street, #1,  
Wailuku, HI 96793

Councilman ʻIkaika Anderson  
530 S. King St. Rm 202  
Honolulu, HI 96813

Leticia “Letty” Castillo  
Volunteer Governor’s Rep.Lanai  
P. O. Box 630805.  
Lanai City HI 96763

Representative Ryan I. Yamane  
Hawaii State Capitol Room 420  
415 South Beretania Street  
Honolulu, Hawaii 96813

Jessica Freedman  
Office of Hawaiian Affairs  
560 N. Nimitz Hwy #200  
Honolulu, HI 96817
Mauna Kea Trask, Esq.
Office of the County Attorney
County of Kauai
4444 Rice Street, Suite 220
Lihue, Hawaii 96766

County Engineer
Department of Public Works
4444 Rice Street, Suite 275
Lihue, Hawaii 96766-1340

Jack Lundgren DDS
6375B Poo Rd
Kapaa, Hi 96746-8449

Jean Nishida Souza
P. O. Box 3390
Lihue, Hawaii 96766

Ms. Judy Dalton
4330 Kauai Beach Drive, Apt. F-12
Lihue, Hawaii 96766

Ken Taylor
1720-A Makaleha Pl.
Kapaa, Hawaii 96746

Commander – Pac Missile Range Facility
Barking Sands, Kauai
P. O. Box 128
Kekaha, Hawaii 96752-0128

KUAI Radio
4271 Halenani St.
Lihue, HI 96766

Caren Diamond
P. O. Box 536
Hanalei, Hawaii 96714

Laurel Loo
Shiramizu Loo & Nakamura
4357 Rice St # 102
Lihue, HI 96766

Rayne Regush
5591 Kapuni Rd.
Kapaa, Hawaii 96746

Marge Freeman
4-820 Kuhio Hwy #D405
Kapaa, Hawaii 96746

Beryl Leolani Bailey Blaich
PO Box 1434
Kilauea, HI 96754

U.H. Extension Service
Kauai County Office
3060 Eiwa Street, Room 210
Lihue, Hawaii 96766-1881

Manager & Chief Engineer
Department of Water Supply
P. O. Box 1706
Lihue, Hawaii 96766

Saiva Siddhanta Church
107 Kaholalele Road
Kapaa, Hawaii 96746

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

Kauai Civil Defense Agency
3990 Kaana Street
Lihue, Hawaii 96766

Gerald N. Takemura
Kauai District Health Office
3040 Umi Street
Lihue, Hawaii 96766

The Garden Island
Attn: Editor
3137 Kuhio Highway
Lihue, Hawaii 96766

Terrie Hayes & Llewellyn
Kahoheiaulii
2249 Kau Rd.
Poipu, Koloa, Hawaii 96756

Gabriela Taylor
5620 Kiapana Road
Kapaa, Hawaii 96746

Harry Guirewand
6163 Waiʻouli Road
Kapaa, Hawaii 96746

KAUAI MAILING LIST
Updated: 11/22/16
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI’I

In the Matter of the Petition of KEALIA PROPERTIES, LLC
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

DOCKET NO. A17-803 CERTIFICATE OF SERVICE 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, Hawaii 96766

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

Plantation Partners Kauai, LLC,
737 Bishop Street, Suite 2600
Honolulu, Hawaii 96813

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

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

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

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

DAWN T. APUNA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

CERTIFIED MAIL
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HAND DELIVERY

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

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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
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REQUESTED


Of Counsel:
MATSUBARA, KOTAKE & TABATA
A Law Corporation

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