

## 9.0 PARTIES CONSULTED DURING PREPARATION OF THE DRAFT EIS

### 9.1 AGENCIES, ORGANIZATIONS AND INDIVIDUALS CONSULTED DURING THE EISPN PROCESS

Early consultation to discuss the development of the Keālia Mauka Homesites (“Proposed Action”) was conducted by the Petitioner, Keālia Properties, LLC, and its consultants. Early consultation was held with several County of Kaua’i agencies, including the Planning Department, Department of Housing, Department of Public Works and Department of Water.

Following this initial consultation, an Environmental Impact Statement Preparation Notice (EISPN) was prepared. The 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 the Petition for a State Land Use District boundary amendment.

Notice of the EISPN was published in the November 23, 2017 edition of the Office of Environmental Quality Control (OEQC)’s bi-monthly *The Environmental Notice*. The EISPN was available for viewing and download from the OEQC web site, and hard copies were available at the Hawai’i State Library (Hawai’i Documents Center), Kapa’a Public Library, and Līhu’e Public Library. The agencies, groups and individuals listed below were notified in writing of the EISPN.

The 30-day EISPN public comment period ended on December 26, 2017. Parties providing written comments are identified below with an asterisk (\*). Copies of comment letters and response are included at the end of this chapter.

#### **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 Education\*  
Department of Hawaiian Home Lands  
Department of Health\*

(Separate letters received from DOH Environmental Planning Office, Kaua’i District Health Office, Safe Drinking Water Branch, and Hazard Evaluation and Emergency Response (HEER) Office)

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\*  
*(Letters received from The Kaua‘i Bus and 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\*  
*(Letters received from residents Karen Gibbons; Jirair and Aderineh Saralou; and Ross-boy and Cindi Link)*  
Wailua-Kapa‘a Neighborhood Association  
Ka‘ao Road and Hopoe Road homeowners  
  
The Garden Island  
Honolulu Advertiser



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

In Reply Refer To:  
01EPIF00-2018-TA-0105

DEC 27 2017

Ms. Moana Palama  
Hawaii Management Services LLC  
P.O. Box 1630  
Koloa, Hawaii 96756

Subject: Environmental Impact Statement Preparation Notice for Kealia Mauka  
Homesites, Kawaihau District, Island of Kauai

Dear Ms. Palama:

The U.S. Fish and Wildlife Service (Service) received your letter on November 24, 2017, informing us of the availability of the Environmental Impact Statement Preparation Notice (EISPN) for Kealia Properties, LLC's proposal to develop a residential subdivision in the Kawaihau District on the island of Kauai [TMK: (4) 4-7-004: 001 portion]. We understand that HHF Planners prepared the EISPN and will be preparing the Draft EIS on behalf of Kealia Properties, LLC in accordance with Hawaii Revised Statutes Chapter 343 and the EIS rules (Chapter 11-200 Hawaii Administrative Rules). In addition, a petition for a State Land Use District Boundary amendment has been filed with the State Land Use Commission to reclassify the site from the Agricultural District to the Urban District. Kealia Properties, LLC proposes to develop a residential subdivision at Kealia, Kauai, consisting of approximately 235 lots ranging in area from about 5,600 square feet (sq. ft.) to 7,300 sq. ft. 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 Kealia. 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.

We offer the following comments for your consideration. Our comments are provided under the authorities of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended (ESA); National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*; 83 Stat. 401], as amended (NEPA); Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661 *et seq.*; 48 Stat. 401); and Migratory Bird Treaty Act of 1918 (MBTA) (16 U.S.C. 703-712), among others.

We have reviewed the information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program as it pertains to listed species and designated critical habitat in accordance with section 7 of the ESA. There is no federally designated critical habitat within the immediate vicinity of the proposed project. Our data

indicate that the following federally listed species may occur or transit through the vicinity of the proposed project area: the endangered Hawaiian stilt (*Himantopus mexicanus knudseni*), endangered Hawaiian coot (*Fulica alai*), endangered Hawaiian gallinule (*Gallinula galeata sandvicensis*) and endangered Hawaiian duck (*Anas wyvilliana*) (collectively referred to as Hawaiian waterbirds); the endangered Hawaiian goose (*Branta sandvicensis*); the endangered Hawaiian petrel (*Pterodroma sandwichensis*), threatened Newell's shearwater (*Puffinus auricularis newelli*), and endangered band-rumped storm-petrel (*Oceanodroma castro*) (collectively referred to as Hawaiian seabirds); and the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*). The Service recommends the following measures to avoid and minimize project impacts to the above listed species.

#### *Hawaiian waterbirds*

Listed Hawaiian waterbirds are found in fresh and brackish-water marshes and natural or man-made ponds. Hawaiian stilts may also be found wherever ephemeral or persistent standing water may occur. Threats to these species include non-native predators, habitat loss, and habitat degradation. Hawaiian ducks are also subject to threats from hybridization with introduced mallards.

Hawaiian waterbirds, in particular, the Hawaiian stilt, is known to nest in sub-optimal locations (e.g., any ponding water) if present. Hawaiian waterbirds attracted to sub-optimal habitat may suffer adverse impacts, such as predation, reduced reproductive success due to disturbance within the vicinity of a nest, injury or death from being hit by a vehicle and thus the project may create an attractive nuisance. Therefore, we recommend you design the proposed project in a manner that minimizes the amount of time standing water is present (during construction and/or project implementation), thereby, reducing the potential to attract waterbirds.

To avoid and minimize potential project impacts to Hawaiian waterbirds we recommend you consider incorporating the following applicable measures into your project description:

- In areas where waterbirds are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site.
- If water resources are located within or adjacent to the project site, incorporate applicable best management practices regarding work in aquatic environments into the project design.
- Have a biological monitor that is familiar with the species' biology conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the proposed project site prior to project initiation. Repeat surveys again within three days of project initiation and after any subsequent delay of work of three or more days (during which the birds may attempt to nest). If a nest or active brood is found:
  - Contact the Service within 48 hours for further guidance.
  - Establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks/ducklings have fledged. Do not conduct potentially disruptive activities or habitat alteration within this buffer.



- Have a biological monitor that is familiar with the species' biology present on the project site during all construction or earth moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.

### *Hawaiian goose*

Hawaiian geese are known to occur in the northeast portion of Kauai. They are observed in a variety of habitats, but prefer open areas, such as natural grasslands and shrublands, pastures, wetlands, golf courses, and lava flows. Threats to the species include introduced mammalian and avian predators, wind facilities, and vehicle strikes.

We recommend you consider incorporating the following applicable measures into your project description to avoid and minimize impacts to the Hawaiian goose:

- Do not approach, feed, or otherwise disturb Hawaiian geese.
- If Hawaiian geese are observed loafing or foraging within the project area during the Hawaiian goose breeding season (September through April), have a biologist familiar with the nesting behavior of Hawaiian geese survey for nests in and around the project area prior to the resumption of any work. Repeat surveys after any subsequent delay of work of three or more days (during which the birds may attempt to nest).
  - Cease all work immediately and contact the Service for further guidance if a nest is discovered within a radius of 150 feet of proposed work, or a previously undiscovered nest is found within said radius after work begins.
- In areas where Hawaiian geese are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site.

### *Hawaiian seabirds*

Hawaiian seabirds may traverse the project area at night during the breeding season (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable.

To avoid and minimize potential project impacts to seabirds we recommend you consider incorporating the following applicable measures into your project description:

- Fully shield all outdoor lights so the bulb can only be seen from below bulb height and only use when necessary.
- Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
- Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

*Hawaiian hoary bat*

The Hawaiian hoary bat roosts in both exotic and native woody vegetation across all islands and will leave young unattended in trees and shrubs when they forage. If trees or shrubs 15 feet or taller are cleared during the pupping season, there is a risk that young bats could inadvertently be harmed or killed since they are too young to fly or may not move away. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing.

To avoid and minimize impacts to the endangered Hawaiian hoary bat we recommend you consider incorporating the following applicable measures into your project description:

- Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).
- Do not use barbed wire for fencing.

If it is determined that the proposed project may affect federally listed species, we recommend you contact our office early in the planning process so that we may further assist you with ESA compliance. We look forward to reviewing the Draft EIS. If you have questions regarding these comments, please contact Michelle Clark, Fish and Wildlife Biologist (phone: 808-822-4315, email: michelle\_clark@fws.gov). When referring to this project, please include this reference number: 01EPIF00-2018-TA-0105.

Sincerely,

*Leilei Nagatani*

for Aaron Nadig  
Island Team Manager  
Oahu, Kauai, North Western Hawaiian  
Islands and American Samoa

cc: Ms. Leslie Kurisaki, HHF Planners  
Mr. Daniel Orodener, State Land Use Commission

March 15, 2018

Mr. Aaron Nadig, Island Team Manager  
U.S. Department of Interior Fish and Wildlife Service  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, HI 96850



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 27, 2017, 01EPIF00-2018-TA-0105

Dear Mr. Nadig:

Thank you for your comment letter dated December 27, 2017, referenced above. Your letter confirms that there are no federally designated critical habitat within the immediate project vicinity. You note that several federally listed species may occur or transit through the project vicinity, including several species of Hawaiian waterbirds, in particular the endangered Hawaiian stilt (*Himantopus mexicanus knudseni*) known to nest in areas with ponding water. You also cite the Hawaiian goose or Nēnē, known to occur in the northeast portion of Kauaʻi, and Hawaiian seabirds that may traverse the area at night during the breeding season (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, injury or mortality. The Hawaiian hoary bat roosts in both exotic and native woody vegetation across all islands and overfly the project area on a seasonal basis. The removal of vegetation has the potential to temporarily displace individual bats and young bats during the pupping season.

An avian and mammalian survey of the site was completed for the project, and will be included in the Draft EIS. The Draft EIS will summarize the survey results, describe the listed species, identify the project's potential impacts, and recommend mitigation measures to avoid and minimize impacts, if appropriate.

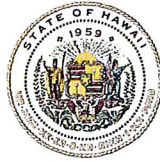
A copy of your comment letter has been forwarded to the project's biological consultant for their information. Your letter and this response will be reproduced in the Draft EIS. Thank you for your input on the EISPN.

Sincerely,

Scott Ezer  
Principal

cc: Moana Palama, Hawaiʻi Management Services LLC  
Daniel Orodener, State of Hawaiʻi Land Use Commission

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

ARTHUR J. LOGAN  
MAJOR GENERAL  
ADJUTANT GENERAL

KENNETH S. HARA  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

December 01, 2017



Hawai'i Management Services, LLC  
Attn: Moana Palama  
P.O. Box 1630  
Koloa, HI 96756

Dear Ms. Moana, Palama:

Subject: Notice of Petition to Amend State Land Use District Boundaries – Kealia, Kauai

Thank you for the opportunity to comment on the above project. The State of Hawaii Department of Defense has no comments to offer relative to the proposed project.

Should you have any questions or concerns, please have your staff contact Ms. Shao Yu Lee, our Land Manager on Oahu, at (808) 733-4222.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neal S. Mitsuyoshi".

NEAL S. MITSUYOSHI, P.E.  
Colonel, Hawaii National Guard  
Chief Engineering Officer

- c: Mr. David Kennard, Hawaii Emergency Management Agency (HI-EMA)
- Ms. Havinne Okamura, HI-EMA
- Mr. Albert Chong, HI-EMA
- Mr. Karl Motoyama, Hawaii Army National Guard Environmental (HIARNG-ENV)
- Maj Nhut Dao, 154<sup>th</sup> Civil Engineer Squadron (154<sup>th</sup> CES)
- ✓ Ms. Leslie Kurisaki, HHF Planners Consultant
- Mr. Daniel Orodener, State of Hawaii Land Use Commission

March 15, 2018

Colonel Neal S. Mitsuyoshi, P.E.  
Chief Engineering Officer  
State of Hawai'i Department of Defense  
Office of the Adjutant General  
3949 Diamond Head Road  
Honolulu, Hawai'i 96816-4495



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 1, 2017

Dear Colonel Mitsuyoshi:

Thank you for your comment letter dated December 1, 2017, indicating that the State of Hawai'i Department of Defense has no comment on the above referenced project.

Your letter and this response will be reproduced in the Draft EIS. Thank you for your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer". The signature is fluid and cursive.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodenker, State of Hawai'i Land Use Commission





**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

EPO 17-298

December 14, 2017

Mr. Scott Ezer, Vice President  
HHF Planners  
733 Bishop Street, Suite 2590  
Honolulu, Hawaii 96813  
Email: [sezer@hhf.com](mailto:sezer@hhf.com)

Dear Mr. Ezer:

**SUBJECT: Environmental Impact Statement Preparation Notice (EISP) for Kealia Mauka Homesites,  
Kawaihau District, Kauai  
TMK: (4) 4-7-004: por. 001**

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your EISP to our office via the OEQC link:

[http://oeqc2.doh.hawaii.gov/EA\\_EIS\\_Library/2017-11-23-KA-EISP-Kealia-Mauka-Homesites.pdf](http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2017-11-23-KA-EISP-Kealia-Mauka-Homesites.pdf)

We understand from the OEQC publication form project summary that *"Kealia Properties, LLC proposes a residential subdivision on 53.4-acres at Kealia, Kawaihau District, Kauai. The site was historically used for sugar cultivation and is currently used for grazing. The subdivision will include 235 lots (5,600 to 7,300 SF in size) and infrastructure improvements."*

Hawaii's environmental review laws require Environmental Assessments (EAs) and Environmental Impact Statements (EISs) to consider health in the discussion and the mitigation measures to reduce negative impacts. In its definition of 'impacts,' §11-200-2, Hawaii Administrative Rules (HAR) includes health effects, whether primary (direct), secondary (indirect), or cumulative. Further, §11-200-12(b)(5), HAR, lists public health as one of the criteria for determining whether an action may have a significant impact on the environment.

We advocate that you consider health from a broad perspective; one that accounts for the social, economic, and environmental determinants of health and wellbeing. Community well-being can be impacted by access to physical activity, health care, feelings of social connectedness and safety. Design solutions that take these factors into consideration positively contribute to the social determinants of health in a community, improving the well-being of those who live there by influencing health promoting behaviors. Social determinants contribute to preventable chronic diseases such as asthma, diabetes, obesity, and cardiovascular disease.

In the development and implementation of all projects, EPO strongly recommends regular review of State and Federal environmental health land use guidance. State standard comments to support sustainable healthy design are provided at: <http://health.hawaii.gov/epo/landuse>. Projects are required to adhere to all applicable standard comments.

We suggest you review the requirements of the Clean Water Branch (Hawaii Administrative Rules {HAR}, Chapter 11-54-1.1, -3, 4-8) and/or the National Pollutant Discharge Elimination System (NPDES) permit (HAR, Chapter 11-55) at: <http://health.hawaii.gov/cwb>. If you have any questions, please contact the Clean Water Branch (CWB), Engineering



Mr. Scott Ezer, Vice President  
Page 2  
December 14, 2017

Section at (808) 586-4309 or [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov). If your project involves waters of the U.S., it is highly recommended that you contact the Army Corps of Engineers, Regulatory Branch at: (808) 835-4303.

Please note that all wastewater plans must conform to applicable provisions (HAR, Chapter 11-62, "Wastewater Systems"). We reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please review online guidance at: <http://health.hawaii.gov/wastewater> and contact the Planning and Design Section of the Wastewater Branch (WWB) at (808) 586-4294.

If temporary fugitive dust emissions could be emitted when the project site is prepared for construction and/or when construction activities occur, we recommend you review the need and/or requirements for a Clean Air Branch (CAB) permit (HAR, Chapter 11-60.1 "Air Pollution Control"). Effective air pollution control measures need to be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures could include, but are not limited to, the use of water wagons, sprinkler systems, and dust fences. For questions contact the Clean Air Branch via e-mail at: [Cab.General@doh.hawaii.gov](mailto:Cab.General@doh.hawaii.gov) or call (808) 586-4200.

Any waste generated by the project (that is not a hazardous waste as defined in state hazardous waste laws and regulations), needs to be disposed of at a solid waste management facility that complies with the applicable provisions (HAR, Chapter 11-58.1 "Solid Waste Management Control"). The open burning of any of these wastes, on or off site, is strictly prohibited. You may wish you review the Minimizing Construction & Demolition Waste Management Guide at: <http://health.hawaii.gov/shwb/files/2016/05/constdem16.pdf> Additional information is accessible at: <http://health.hawaii.gov/shwb>. For specific questions call (808) 586-4226.

If noise created during the construction phase of the project may exceed the maximum allowable levels (HAR, Chapter 11-46, "Community Noise Control") then a noise permit may be required and needs to be obtained before the commencement of work. Relevant information is online at: <http://health.hawaii.gov/irhb/noise> EPO recommends you contact the Indoor and Radiological Health Branch (IRHB) at (808) 586-4700 with any specific questions.

A phase I Environmental Site Assessment (ESA) and site investigation should be conducted for residential development or redevelopment projects in current or formerly used industrial areas and on formerly and currently zoned agricultural land used for growing sugar, pineapple or other agricultural products. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants may have occurred at the site, the site should be properly characterized through an approved Hawaii State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and/or groundwater sampling plan. Please refer to Sections 3 and 4 of the HEER Office Technical Guidance Manual <http://www.hawaiidoh.org>. If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with State Law (HRS, Chapter 128D, "Environmental Response Law", Chapter 451, "State Contingency Plan"). To identify HEER records related to the property, visit <http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/public-records>. For information on site assessment and cleanup programs review: <http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/site-assessment-and-cleanup-programs>. Any specific questions should be directed to the HEER office at (808) 586-4249.

An example of social influences include access to safe pedestrian corridors such as pathways, sidewalks, bike lanes, greenways and open space. §11-200-17(h), HAR, says EISs must discuss how proposed actions may conform or conflict with any policies for the affected area. This includes Hawaii's 2009 Complete Streets law, which requires the state and counties to establish policies to accommodate all users of the road, no matter age, ability, or mode of transportation.

Mr. Scott Ezer, Vice President  
Page 3  
December 14, 2017

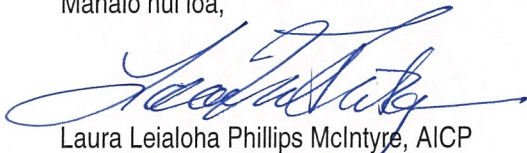
EPO also encourages you to examine and utilize the Hawaii Environmental Health Portal at: <https://eha-cloud.doh.hawaii.gov>. This site provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings.

The Hawaii Disability and Communication Access Board (DCAB) recommends the inclusion of access for persons with disabilities through all phases of design and construction. New construction and alteration work shall comply with all applicable accessibility requirements. Projects covered by §103-50, Hawaii Revised Statutes, and Hawaii Administrative Rules Title 11 Chapter 216 shall seek advice and recommendations from DCAB on any construction plans prior to commencing with construction. If you have any questions please contact DCAB at (808) 586-8121 or [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov).

To better protect public health and the environment, the U.S. Environmental Protection Agency (EPA) has developed an environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you to explore, launch and utilize this powerful tool in planning your project. The EPA EJSCREEN tool is available at: <http://www.epa.gov/ejscreen>.

We hope this information is helpful. If you have any questions please contact us at [DOH.epo@doh.hawaii.gov](mailto:DOH.epo@doh.hawaii.gov) or call us at (808) 586-4337. Thank you for the opportunity to comment.

Mahalo nui loa,



Laura Leialoha Phillips McIntyre, AICP  
Environmental Planning Office

LM:nn

c: Ms. Moana Palama, Kealia Properties, LLC (via email: [moana@mskauai.com](mailto:moana@mskauai.com))  
Daniel Orodener, Executive Officer, LUC (via email: [daniel.e.oroedener@hawaii.gov](mailto:daniel.e.oroedener@hawaii.gov))  
DOH: DHO Kauai, CWB, WWB, IRHB, CAB, SHWB, SDWB, DCAB, PHP {via email only}

Attachment: U.S. EPA EJSCREEN Report for Project Area



Please be advised:

The Environmental Planning Office (EPO), along with the Clean Air, Clean Water, and Wastewater Branches moved to Waimano Ridge. The new address, for EPO, **as of December 1, 2017**, is:

**Environmental Planning Office, DOH, Hale Ola, 2827 Waimano Home Road #109, Pearl City, Hawaii 96782**

Please feel free to come and visit our new offices anytime. Please note that there is a security guard at the bottom of the hill (before entering DOH property). Our office phone numbers, email and website will all remain the same.





## EJSCREEN Report (Version 2017)

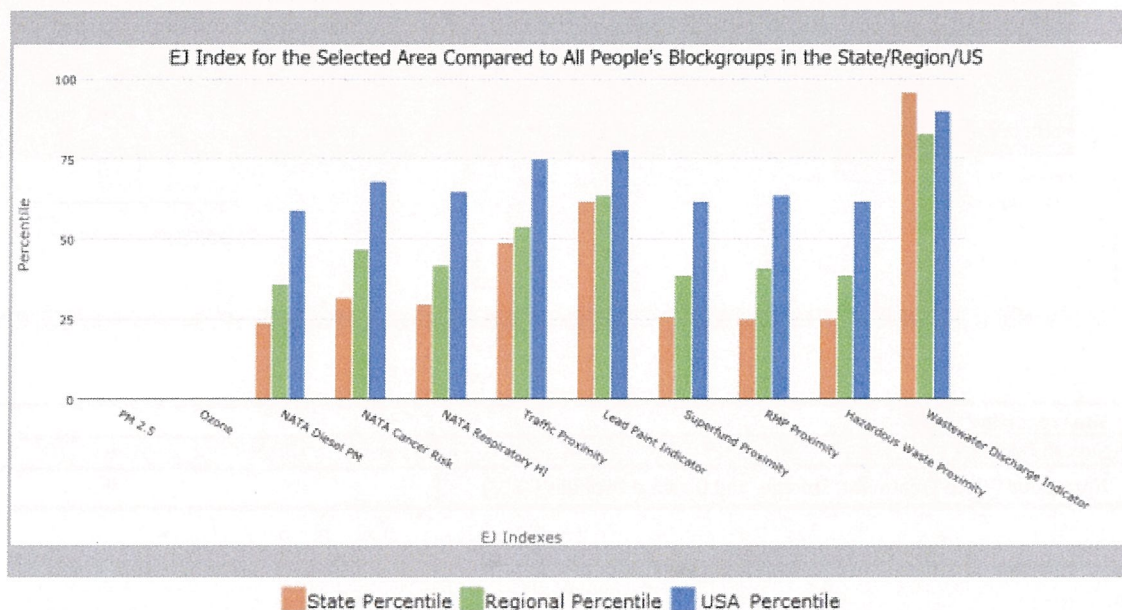


1 mile Ring Centered at 22.104293,-159.305009, HAWAII, EPA Region 9

Approximate Population: 337

Input Area (sq. miles): 3.14

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
<b>EJ Indexes</b>			
EJ Index for PM2.5	N/A	N/A	N/A
EJ Index for Ozone	N/A	N/A	N/A
EJ Index for NATA* Diesel PM	24	36	59
EJ Index for NATA* Air Toxics Cancer Risk	32	47	68
EJ Index for NATA* Respiratory Hazard Index	30	42	65
EJ Index for Traffic Proximity and Volume	49	54	75
EJ Index for Lead Paint Indicator	62	64	78
EJ Index for Superfund Proximity	26	39	62
EJ Index for RMP Proximity	25	41	64
EJ Index for Hazardous Waste Proximity	25	39	62
EJ Index for Wastewater Discharge Indicator	96	83	90



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

December 14, 201

1/3



1 mile Ring Centered at 22.104293,-159.305009, HAWAII, EPA Region 9

Approximate Population: 337

Input Area (sq. miles): 3.14



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0



## EJSCREEN Report (Version 2017)

1 mile Ring Centered at 22.104293,-159.305009, HAWAII, EPA Region 9

Approximate Population: 337

Input Area (sq. miles): 3.14



Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	N/A	N/A	N/A	9.9	N/A	9.14	N/A
Ozone (ppb)	N/A	N/A	N/A	41.8	N/A	38.4	N/A
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	0.0172	0.149	12	0.978	<50th	0.938	<50th
NATA* Cancer Risk (lifetime risk per million)	26	34	17	43	<50th	40	<50th
NATA* Respiratory Hazard Index	0.58	1	18	2	<50th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	97	1000	44	1100	36	590	50
Lead Paint Indicator (% Pre-1960 Housing)	0.18	0.16	64	0.24	55	0.29	48
Superfund Proximity (site count/km distance)	0.0067	0.1	25	0.15	5	0.13	1
RMP Proximity (facility count/km distance)	0.067	0.39	12	0.98	5	0.73	8
Hazardous Waste Proximity (facility count/km distance)	0.0061	0.1	21	0.12	2	0.093	1
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.01	0.04	93	13	76	30	80
<b>Demographic Indicators</b>							
Demographic Index	55%	51%	62	47%	62	36%	77
Minority Population	64%	77%	21	59%	53	38%	76
Low Income Population	46%	26%	89	36%	67	34%	71
Linguistically Isolated Population	2%	6%	39	9%	28	5%	56
Population With Less Than High School Education	9%	9%	63	17%	39	13%	46
Population Under 5 years of age	3%	6%	20	7%	22	6%	23
Population over 64 years of age	15%	16%	47	13%	68	14%	60

\* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: [www.epa.gov/environmentaljustice](http://www.epa.gov/environmentaljustice)

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

March 15, 2018

Ms. Laura Leialoha Phillips McIntyre, AICP  
Environmental Planning Office  
State of Hawai'i Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 14, 2017

Dear Ms. McIntyre:

Thank you for your comment letter dated December 14, 2017 referenced above. We appreciate your providing references and links to so many useful and pertinent sources of environmental data. We will review DOH's standard comments and strategies for healthy and sustainable design, and regulations and requirements of the Clean Water Branch, Wastewater Branch, and Clean Air Branch. We appreciate the references provided pertaining to hazardous waste and noise, the Hawai'i Environmental Health Portal and DCAB.

A Phase I Environmental Site Assessment that included the project has been completed and will be discussed in the Draft EIS. The EIS will also discuss conformance with Hawai'i's Complete Streets law, pedestrian corridors and other social influences on public health.

Thank you for the link to the U.S. Environmental Protection Agency's Environmental Justice (EJ) mapping and screening tool (EJSCREEN) and for including a copy of the EJSCREEN Report for the project area.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink that reads "Scott Ezer".

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodenker, State of Hawai'i Land Use Commission



DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KAUAI DISTRICT HEALTH OFFICE  
3040 UMI STREET  
LIHUE, HAWAII 96766

JANET M. BERREMAN, M.D., M.P.H., F.A.A.P.  
DISTRICT HEALTH OFFICER

December 22, 2017

Mr. Scott Ezer, Vice President  
HHF Planners  
733 Bishop Street, Suite 2590  
Honolulu, HI 96813  
Email: sezer@hhf.com

Dear Mr. Ezer,

SUBJECT: **EISPN Kealia Mauka Homesites**  
Project: **Kealia Mauka (EPO 17-298)**  
Applicant: Kealia Properties, LLC.

We have reviewed the subject Environmental Impact Statement Preparation Notice online and in addition to the comments submitted by the Environmental Planning Office of the Department of Health, we offer the following environmental health comments for consideration.

1. The subdivision consists of 50 lots/dwelling units or more. The use of individual wastewater systems is not allowed under the provisions of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-62, 'Wastewater Systems'. Please have your engineer submit plans for a wastewater treatment works to the State Department of Health (DOH) Wastewater Branch (WWB) or produce a 'Will Serve' letter from the County of Kauai for connection to the county sewer system. This project appears to require significant infrastructure for any connection to the county sewer system and WWB supports any sewer infrastructure requirements made by the County for this project. The Wailua Wastewater Treatment Plant capacity appears to be around 50% of the design capacity. However, there are other housing developments proposed that could substantially impact this available capacity.
2. The size of the proposed subdivision will modify the existing Kealia Water Company Holdings, LLC drinking water distribution system significantly. The applicant shall contact the Safe Drinking Water Branch of the Department of Health at 808-586-4258 to resolve this concern.
3. The property may harbor rodents which will disperse to the surrounding areas

when the site is cleared. In accordance with Title 11, HAR, Chapter 11-26, "Vector Control", the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.

4. Noise will be generated during the construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control", shall not be exceeded unless a noise permit is obtained from the DOH.
5. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Title 11, Hawaii Administrative Rules, Chapter 11-60.1, "Air Pollution Control", effective air-pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
6. The construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that complies with the applicable provisions of Title 11, HAR, Chapter 11-58.1, "Solid Waste Management Control", the open burning of any of these wastes on or off site prohibited.
7. The DOH, Clean Water Branch (CWB) has reviewed the subject document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii HAR, Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at:  
<http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>
8. Any project and its potential impacts to State waters must meet the following criteria:
  - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
  - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
9. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).



10. For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for a NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee (\$1,000 for an individual NPDES permit or \$500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.

11. If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6);

Title 40 of the Code of Federal Regulations, Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.

12. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

13. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:

- a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects natural ecosystems and traditional beneficial uses of State waters, like



community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological

bioengineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.

- b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g. minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.
- c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.
- d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.
- e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

If you have any questions, please visit our website at: <http://health.hawaii.gov/cwb/>, or contact the Engineering Section, CWB, at (808) 586-4309.

14. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for pollutant discharges into State surface waters and for certain situations involving storm water (HAR, Chapter 11-55).

- a. Discharges into Class 2 or Class A State waters can be covered under an NPDES general permit only if all of the NPDES general permit requirements are met. Please see the DOH-CWB website (<http://health.hawaii.gov/cwb/>) for the NPDES general permits and instructions to request coverage.
- b. All other discharges into State surface waters (including discharges from Concentrated Animal Feeding Operations) and discharges into Class 1 or Class AA State waters require an NPDES individual permit. To request NPDES individual permit coverage, please see the DOH-CWB forms website located at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms/>

- c. NPDES permit coverage for storm water associated with construction activities is required if your project will result in the disturbance of one (1) acre or more of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. NPDES permit coverage is required before the start of the construction activities.

Land disturbance includes, but is not limited to clearing, grading, grubbing, uprooting of vegetation, demolition (even if leaving foundation slab), staging, stockpiling, excavation into pavement areas which go down to the base course, and storage areas (including areas on the roadway to park equipment if these areas are blocked off from public usage, grassed areas, or bare ground).

- 15. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

Should you have any questions, please call me at 241-3323.

Sincerely,



Gerald N. Takamura, Chief  
District Environmental Health Program Kaua'i

GNT: DTT

March 15, 2018

Mr. Gerald N. Takamura, Chief  
State of Hawai'i Department of Health  
Kaua'i District Health Office  
3040 Umi Street  
Līhu'e, Hawaii 96766



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 22, 2017

Dear Mr. Takamura:

Thank you for your comment letter dated December 22, 2017 providing additional comments to those submitted by the DOH Environmental Planning Office. We offer the following responses to your comments:

1. The project civil engineers have held preliminary discussions with the County of Kaua'i Department of Public Works, Wastewater Management Division. The County indicated that it would service the proposed subdivision, but that they typically do not issue "will serve" letters until the developments have obtained zoning approvals. The Draft EIS will discuss the existing and proposed wastewater system and estimated wastewater generation quantities.
2. The Draft EIS will describe the existing Keālia Water System (KWS), source wells, and the project's proposed water system. The KWS is owned by the entity Keālia Water Company Holdings LLC (Water Company). There is a Water Service Agreement between the KWS and the owners of the subject property, which allows a daily aggregate of 300,000 gallons of potable water per day to be reserved for the use of the owners of the project site. This is sufficient to meet the potable water needs of the project.
3. The applicant will comply with Title 11, HAR Chapter 11-26, Vector Control prior to site clearing.
4. The applicant will comply with Title 11, HAR Chapter 11-46, Community Noise Control during the construction phase of the project.
5. The project will comply with Title 11, HAR Chapter 11-60.1, Air Pollution Control, to prevent or minimize fugitive dust caused by construction work.
6. All construction waste will be disposed of in accordance with Title 11, HAR, Chapter 11-58.1, Solid Waste Management Control. No open burning of waste will occur.
7. Acknowledged.
8. The project will comply with the state's antidegradation policy, designated uses, and water quality criteria as cited.

9. The project will comply with applicable NPDES requirements for discharges of wastewater, including storm water runoff, into State surface waters.
10. Acknowledged.
11. The U.S. Army Corps of Engineers, Regulatory Branch has been asked to comment on the project as part of the EISPN process. There is no proposed work in, over or under waters of the U.S., and it is not anticipated that the project will impact waters of the U.S.
12. Project will comply with State Water Quality Standards.
13. The proposed subdivision includes two proposed detention basins on site. Storm water generated from each individual lot within the project area will be directed to the nearest downstream street or natural drainage way that will collect the storm water and convey it to the detention basins on site. The detention basins will moderate the storm flows and allow infiltration back into the soil. Post-development runoff will be less than that of current undeveloped conditions. Drainage issues and recommendations will be discussed further in the Draft EIS.
14. Project will comply with applicable National Pollutant Discharge Elimination System (NPDES) permit requirements.
15. All discharges related to project construction and operation will comply with the State's Water Quality Standards.

A copy of your comment letter has been forwarded to the project's civil engineering consultant for their information and incorporation into their report. Your letter and this response will be reproduced in the Draft EIS. Thank you for your input on the EISPN.

Sincerely,



Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
SAFE DRINKING WATER BRANCH  
2385 WAIMANO HOME ROAD  
ULUAKUPU BLDG. 4  
PEARL CITY, HI 96782

In reply, please refer to:  
File: SDWB  
Keālia Mauka01.docx

December 27, 2017

Mr. Scott Ezer  
Vice President  
HHF Planners  
733 Bishop Street, Suite 2590  
Honolulu, Hawaii 96813  
[via [sezer@hhf.com](mailto:sezer@hhf.com) only]

Dear Mr. Ezer:

SUBJECT: PROPOSED KEĀLIA MAUKA HOMESITES  
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE  
KEĀLIA, KAWAIHAU, PUNA, ISLAND OF KAUAI  
TMK: (4) 4-7-004: POR. 001

The Safe Drinking Water Branch (SDWB) has reviewed the subject document and has the following comments:

1. Section 5.2.2.2 – Potable Water indicates the Keālia Mauka Homesites owner and the Keālia Water Company Holdings, LLC have signed a water agreement to provide 300,000 gallons per day of potable water to the future owners of 235 residential lots in the Project Area. A copy of the signed water agreement shall be submitted to SDWB for review when the construction plans are submitted.

This project qualifies as a substantial modification of the existing Keālia (PWS 423) water system.

2. Projects proposing substantial modifications to existing public water systems must receive approval by the Director prior to construction of the proposed system or modification in accordance with Hawaii Administrative Rules (HAR) Section 11-20-30, "New and modified public water systems." These projects include treatment, storage and distribution systems of public water systems.
3. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing drinking water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the drinking water system. The two (2)

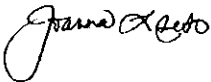
Mr. Scott Ezer  
December 27, 2017  
Page 2

systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply. In addition, backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with HAR, Chapter 11-21, "Cross-Connection and Backflow Control" is also required.

4. All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and identify activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

If there are any questions, please call Ms. Jennifer Nikaido of the SDWB Engineering Section at 586-4258.

Sincerely,



JOANNA L. SETO, P.E., CHIEF  
Safe Drinking Water Branch

JN:cb

c: EPO 17298 [via email only]  
Mr. Darren Tamekazu, Kauai DHO [via [darren.tamekazu@doh.hawaii.gov](mailto:darren.tamekazu@doh.hawaii.gov) only]  
Mr. Greg Kingsley, Kealia Water Co. Holdings, LLC  
[via [gkingsley@cstoneholdings.com](mailto:gkingsley@cstoneholdings.com) only]



March 15, 2018

Ms. Joanna L. Seto, P.E., Chief  
State of Hawai'i Department of Health  
Safe Drinking Water Branch  
2385 Waimano Home Road  
Uluakupu Bldg. 4  
Pearl City, HI 96782



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 27, 2017

Dear Ms. Seto:

Thank you for your comment letter dated December 14, 2017. We offer the following responses to your comments:

1. A copy of the signed water agreement will be submitted to SDWB for review when construction plans are submitted.
2. Plans for the water system improvements will be submitted to the DOH prior to construction of the proposed system or modification in accordance with HAR Section 11-20-30, "New and modified public water systems."
3. The project will comply with HAR, Chapter 11-21, "Cross-Connection and Backflow Control" as applicable.

Your letter has been forwarded to the project's civil engineering consultant for their information and incorporation. Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer".

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodenker, State of Hawai'i Land Use Commission

## Leslie Kurisaki

---

**From:** Scott Ezer  
**Sent:** Tuesday, December 19, 2017 12:25 PM  
**To:** Leslie Kurisaki  
**Subject:** FW: Comment regarding Keālia Mauka Homesites EIS, on Kauai

FYI

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**From:** Peard, Randall John [mailto:randall.peard@doh.hawaii.gov]  
**Sent:** Tuesday, December 19, 2017 12:17 PM  
**To:** Orodenker, Daniel E <daniel.e.orozenker@hawaii.gov>  
**Cc:** Scott Ezer <sezer@hhf.com>; moana@mskauai.com; Mow, Steven P <steven.mow@doh.hawaii.gov>; DOH.EPO <DOH.epo@doh.hawaii.gov>; Grange, Gabrielle Fenix <Gabrielle.Grange@doh.hawaii.gov>  
**Subject:** Comment regarding Keālia Mauka Homesites EIS, on Kauai

To whom it may concern,

I recently saw information in the November 23, 2017 OEQC newsletter about the Subject proposed residential development project on Kaua'i. I want to recommend, if this has not already been recommended by the Dept. of Health, that any EIS approval or future residential development at this location be "conditioned" on the requirement that the applicant's environmental consultant conduct an assessment of the site for potential soil contamination from past sugarcane production activity on this site. This is a standard recommendation from the Department of Health for all new residential (or commercial) developments on former sugarcane or pineapple agricultural lands ... especially those that were in production after about 1912 when arsenic and subsequently pentachlorophenol (with dioxin contaminants) and possibly organochlorine pesticides were utilized for weed or insect control by the agriculture industry. These chemicals, now all generally banned due to unacceptable human or environmental health risks, are stable or persistent in the environment and sometimes still found decades after their use at levels that present unacceptable health risks ... especially for kids in a proposed residential land use. Levels of these chemicals will vary depending on the past practices of the plantation that was in that area, nature of the work/operations on the specific site, and these factors vary significantly from location to location. Hopefully, levels are low on this particular site and will not present a situation where remediation of the soil would be necessary before development, but only good representative soil sampling can answer that question.

If the proposed development area was only formerly used as sugarcane growing fields (based on best estimates from a quality Phase 1 ESA including aerial photos and other historical records, interviews, and a walkaround of the entire site) then the chemicals of potential concern to be evaluated in soils would be limited to only arsenic and the organochlorine pesticides. If the Phase 1 ESA reveals there were other associated sugarcane operations on a portion of the site (e.g. pesticide storage or mixing areas, former camp housing, drum disposal areas, equipment storage areas), then additional chemicals of concern would be required to be investigated for those areas. Target chemicals for assessing former sugarcane or pineapple lands as well as HDOH-approved sampling strategies and soil sampling methods are provided in the HDOH HEER Office's Technical Guidance Manual (TGM; [www.hawaiidoh.org](http://www.hawaiidoh.org)). Section 9.1 of the TGM includes specific guidance on selecting contaminants for the investigation of former sugarcane or pineapple lands, and Sections 3, 4, and 5 provide detailed guidance on soil sampling strategy and sampling methods that should be followed. I also suggest that any soil sampling plan developed for the site be first reviewed and approved by the HDOH HEER Office ... request for such as review can be made through contacting our main office in Pearl City on O'ahu, at 808-586-4249. Once results of the soil sampling data is available, the HEER Office can also provide a "closure letter" documenting "No Further Action" necessary if all soil contaminant concentrations are below applicable State Environmental Action Levels, or provide additional guidance regarding additional evaluation or remediation work if any contaminant(s) are detected above applicable Action Levels.



As I noted above, these are standard recommendations by the HDOH HEER Office for former sugarcane or pineapple agricultural lands being converted to residential or commercial use, so are applicable to any similar current or future request for environmental impact review or land use change by the Reviewing Authority, unless the applicant has already investigated the extent of historic soil contamination on the former agricultural lands and has documentation to prove the soil sampling methods used were representative and soil contaminant levels for chemicals of potential concern were below applicable HDOH HEER Office Environmental Action Levels for residential or commercial use (as applicable).

Thank you. I understand that the comment period for this site extends through Dec. 26, 2017, so please include these comments in the record for review and response. Also, please let me know if you have any questions regarding these comments. John

John Peard, Remediation Project Manager  
Hawai'i Dept. of Health, Hazard Evaluation & Emergency Response Office (HEER Office)  
Hawai'i District Health Office  
1582 Kamehameha Ave., Hilo, HI 96720-4623  
[randall.peard@doh.hawaii.gov](mailto:randall.peard@doh.hawaii.gov)  
(808) 933-9921 (office)

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.

March 15, 2018

Mr. Randall John Peard, Remediation Project Manager  
State of Hawai'i Department of Health  
Hazard Evaluation & Emergency Response Office (HEER)  
Hawai'i District Health Office  
1582 Kamehameha Ave.  
Hilo, Hawai'i 96720-4623



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Email comments dated December 19, 2017

Dear Mr. Peard:

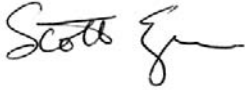
Thank you for your email sent December 19, 2017 providing comments from the DOH HEER Office. Your letter recommends that future residential development be conditioned on an assessment of the site for potential soil contamination from past sugarcane production activity. You indicate this is a standard DOH recommendation for all new residential (or commercial) developments on former sugar cane or pineapple agricultural lands, especially those in production after about 1912 when arsenic and subsequently pentachlorophenol (with dioxin contaminants) and possibly organochlorine pesticides were utilized for weed or insect control.

A Phase I Environmental Site Assessment was completed for a 2,000 acre area (comprised of several TMK parcels), which were at the time owned by Cornerstone Hawai'i Holdings and Kealia Plantation. The Phase I ESA was as conducted for Kealia Plantation Partners Kaua'i, LLC as part of their due diligence activities prior to purchase of the property. The 235-acre Kealia Homesites project area is part of that 2,000 acre study area. The Phase I ESA (Belt Collins Hawaii Ltd, June 2005) revealed previous land uses within the study area included a sugar mill, vehicle storage and maintenance, service station, and rodeo ring. The area also included above and underground storage tanks. According to maps provided in the document, these activities do not appear to have been conducted within the current Keālia Mauka Homesites project area.

As recommended in your letter, soil sampling within the project area will be conducted prior to development of the site. A soil sampling plan, identifying chemicals of potential concern and the proposed testing methodology will be developed based on guidance in the DOH HEER Office's Technical Guidance Manual. The sampling plan will be submitted to the HEER office for review and approval. Test results and recommendations will be submitted to your office, and a closure letter documenting "No Further Action" will be obtained. Additional evaluation and/or remediation work needed will be completed prior to the commencement of construction.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer", with a stylized flourish at the end.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission



STATE OF HAWAII  
DEPARTMENT OF EDUCATION

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

December 22, 2017

Ms. Moana Palama  
Hawaii Management Services, LLC  
P.O. Box 1630  
Koloa, Hawaii 96756

Re: Environmental Impact Statement Preparation Notice for the  
Proposed Kealia Mauka Homesite Project, Kawaihau District  
Kauai, TMK: 4-7-004: por. 001

Dear Ms. Palama:

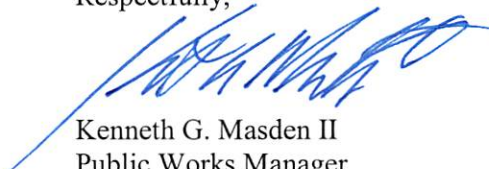
The Department of Education (DOE) has the following comments for the Environmental Impact Statement Preparation Notice (EISPN) for the proposed Kealia Mauka Homesite Project (Project). According to the EISPN, the proposed Project is for the development of 235 single-family house lots on approximately 53.4 acres of land located at Kealia Ahupuaa, Kawaihau District, Island of Kauai, TMK: 4-7-004: por. 001.

The DOE schools currently serving the proposed Project are Kapaa Elementary, Kapaa Intermediate, and Kapaa High School. Kapaa Elementary School has classroom capacity for approximately 29 additional students. However, excess capacity is expected to be eliminated over the next five years. Kapaa Intermediate School has classroom capacity for roughly 125 additional students, which is expected to remain the same for the next five years. Kapaa High School is over capacity by 100 students. The over capacity condition will continue over the next five years.

The Draft EIS should include a discussion on whether the Project meets zoning and code requirements that allows for the construction of Additional Dwelling Units (ADU). This information will assist the DOE to estimate the number of students who will reside in there.

Thank you for the opportunity to comment. Should you have any questions, please contact Heidi Meeker of the Planning Section, Facilities Development Branch at (808) 784-5094.

Respectfully,



Kenneth G. Masden II  
Public Works Manager  
Planning Section

KGM:jmb

c: Mr. Daniel Orodener, State Land Use Commission  
Ms. Leslie Kurisaki, HHF Planners

March 15, 2018

Mr. Kenneth G. Masden II  
Public Works Manager  
State of Hawai'i Department of Education  
Planning Section  
P.O. Box 2360  
Honolulu, Hawai'i 96804



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment Letter dated December 22, 2017

Dear Mr. Masden:

Thank you for your comment letter dated December 22, 2017. Your letter identified the DOE schools currently serving the proposed project area as Kapa'a Elementary, Kapa'a Intermediate, and Kapa'a High School. You indicate that while Kapa'a Elementary School currently has classroom capacity for approximately 29 additional students, this excess capacity is expected to be eliminated over the next five years. Kapa'a Intermediate School has classroom capacity for about 125 additional students which is expected to remain the same, and Kapa'a High School is over capacity by 100 students.

It is anticipated that the majority of Keālia Mauka families will be Hawai'i residents living on-island. The project is intended to provide housing opportunities for local families who are already part of the island population base, and their children are already attending Kaua'i schools. However, it is possible that some of these families currently live outside the Kapa'a region; therefore their children may be a new addition to enrollment at the Kapa'a complex schools. The Draft EIS will estimate the number of school aged children generated by the proposed subdivision at the elementary, intermediate, and high school levels, based on standard DOE multipliers. It will also discuss what percentage of homeowners are expected to be existing Hawai'i versus new residents.

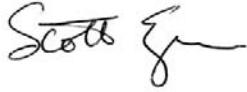
As requested, the Draft EIS will include a discussion on whether the project meets zoning and code requirements that allows for the construction of Additional Dwelling Units (ADU), in order to assist the DOE in estimating the number of students. We are working with Ms. Heidi Meeker of your Facilities Development Branch to come up with these estimates.

## **HHF PLANNERS**

*places for people*

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

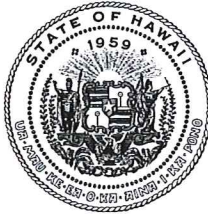
Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer", with a stylized flourish at the end.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**LAND DIVISION**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

December 21, 2017

Hawaii Management Services, LLC  
Attention: Ms. Moana Palama  
P.O. Box 1630  
Koloa, Hawaii 96756

via email: [moana@mskauai.com](mailto:moana@mskauai.com)

Dear Ms. Palama:

SUBJECT: Environmental Impact Statement Preparation Notice (EISPN) for the Kealia  
Mauka Homesites; Kawaihau District, Island of Kauai

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (a) Engineering Division and (b) Land Division – Kauai District on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to be "R. Tsuji", is written over a horizontal line.

Russell Y. Tsuji  
Land Administrator

Enclosure(s)

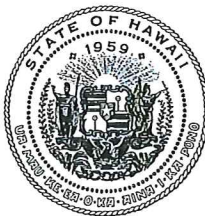
cc: David Orodener; Dept. of Business, Economic Development and Tourism  
[Daniel.e.orodener@hawaii.gov](mailto:Daniel.e.orodener@hawaii.gov)  
Central Files



DAVID Y. IGE  
GOVERNOR OF HAWAII

RECEIVED  
LAND DIVISION

2017 DEC 14 AM 11:09



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 27, 2017

MEMORANDUM

TO:

**DLNR Agencies:**

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ **Engineering Division**
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Kauai District
- ☒ Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Environmental Impact Statement Preparation Notice (EISP) for the Kealia Mauka Homesites

LOCATION:

Kawaihau District, Island of Kauai; TMK: (4) 4-7-004:001 (por.)

APPLICANT:

Kealia Properties LLC

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments on this project. Please submit any comments by **December 21, 2017**.

The EISP can be found on-line at: <http://health.hawaii.gov/oeqc/> (Click on the Current Environmental Notice in the middle of the page.)

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed:

Print Name:

Date:

Carty S. Chang, Chief Engineer

Attachments

cc: Central Files

17 NOV 28 PM 10:36 ENGINEERING



**DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION**

**LD/Russell Y. Tsuji**

**Ref: Environmental Impact Statement Preparation Notice (EISPN) for the Kealia  
Mauka Homesites, Kawaihau District, Island of Kauai;  
TMK: (4) 4-7-004:001 (por.)**

**COMMENTS**

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- o Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- o Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- o Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- o Kauai: County of Kauai, Department of Public Works (808) 241-4846.

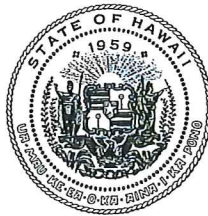
Signed: \_\_\_\_\_

CARTY S. CHANG, CHIEF ENGINEER

Date: \_\_\_\_\_

12/12/17

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 27, 2017

MEMORANDUM

FROM:  
TO:

**DLNR Agencies:**

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Kauai District
- ☒ Historic Preservation

TO:  
FROM:  
SUBJECT:

Russell Y. Tsuji, Land Administrator  
Environmental Impact Statement Preparation Notice (EISPN) for the Kealia Mauka  
Homesites  
LOCATION: Kawaihau District, Island of Kauai; TMK: (4) 4-7-004:001 (por.)  
APPLICANT: Kealia Properties LLC

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments on this project. Please submit any comments by **December 21, 2017**.

The EISPN can be found on-line at: <http://health.hawaii.gov/oeqc/> (Click on the Current Environmental Notice in the middle of the page.)

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

- ☐ We have no objections.
- ☒ We have no comments.
- ☐ Comments are attached.

Signed:

Print Name:

Date:

*Wesley T. Matsunaga*  
Wesley T. Matsunaga  
12/7/17

Attachments

cc: Central Files

RECEIVED  
LAND DIVISION  
2017 DEC 14 AM 11:14  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

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DLNR KOLD ROND

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

December 28, 2017

Hawaii Management Services, LLC  
Attention: Ms. Moana Palama  
P.O. Box 1630  
Koloa, Hawaii 96756

via email: [moana@mskauai.com](mailto:moana@mskauai.com)

Dear Ms. Palama:

SUBJECT: Environmental Impact Statement Preparation Notice (EISPN) for the Kealia  
Mauka Homesites; Kawaihau District, Island of Kauai

Thank you for the opportunity to review and comment on the subject matter. In addition to the comments previously sent you on December 21, 2017, enclosed are comments from the (a) Commission on Water Resource Management and (b) Division of Forestry & Wildlife on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to be "Russell Y. Tsuji".

Russell Y. Tsuji  
Land Administrator

Enclosure(s)

cc: David Orodenker; Dept. of Business, Economic Development and Tourism  
[daniel.e.orozenker@hawaii.gov](mailto:daniel.e.orozenker@hawaii.gov)  
Central Files

RECEIVED  
LAND DIVISION  
DAVID Y. IGE  
GOVERNOR OF HAWAII

2017 DEC 22 AM 10:28



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 27, 2017

MEMORANDUM

TO: **DLNR Agencies:**  
\_\_\_ Div. of Aquatic Resources  
\_\_\_ Div. of Boating & Ocean Recreation  
X Engineering Division  
X Div. of Forestry & Wildlife  
\_\_\_ Div. of State Parks  
X Commission on Water Resource Management  
\_\_\_ Office of Conservation & Coastal Lands  
X Land Division – Kauai District  
X Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Environmental Impact Statement Preparation Notice (EISPN) for the Kealia Mauka Homesites

LOCATION: Kawaihau District, Island of Kauai; TMK: (4) 4-7-004:001 (por.)

APPLICANT: Kealia Properties LLC

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments on this project. Please submit any comments by **December 21, 2017**.

The EISPN can be found on-line at: <http://health.hawaii.gov/oegcl/> (Click on the Current Environmental Notice in the middle of the page.)

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

- ( ) We have no objections.  
( ) We have no comments.  
( x ) Comments are attached.

Signed: /s/ Jeffrey T. Pearson, P.E.

Print Name: Deputy Director

Date: December 21, 2017

Attachments

cc: Central Files

FILE ID: RFD.4737.2  
DOC ID: 187601

RECEIVED  
COMMISSION ON WATER  
RESOURCE MANAGEMENT  
2017 NOV 28 AM 11:05



DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON

WILLIAM D. BALFOUR, JR.  
KAMANA BEAMER, PH.D.  
MICHAEL G. BUCK  
NEIL J. HANNAHS  
PAUL J. MEYER  
VIRGINIA PRESSLER, M.D.

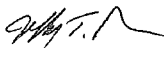
JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
P.O. BOX 621  
HONOLULU, HAWAII 96809

December 21, 2017

REF: RFD.4737.2

TO: Mr. Russell Tsuji, Administrator  
Land Division

FROM: Jeffrey T. Pearson, P.E., Deputy Director   
Commission on Water Resource Management

SUBJECT: Environmental Impact Statement Preparation Notice (EISPN) for the Kealia Mauka Homesites

FILE NO.: RFD.4737.2  
TMK NO.: (4) 4-7-004:001 (por.)

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrm>.

Our comments related to water resources are checked off below.

- ☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☒ 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- ☒ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- ☒ 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>
- ☒ 6. We recommend the use of alternative water sources, wherever practicable.
- ☐ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- ☐ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at [http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf).



- ☐ 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- ☐ 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- ☐ 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☐ 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

- ☒ OTHER: The Draft EIS should discuss water requirements for the project, both potable and non-potable, and the calculations for the demand projections. The EIS Preparation Notice indicates that potable water will be supplied by two existing wells via an existing private domestic water system, for which there is a water service agreement in place. The Draft EIS should identify the two wells by their State Well Nos., their installed pump capacities, and current pumpage amounts. In general, the Commission encourages the use of alternative water sources for non-potable needs, and any proposed alternative sources should be identified. The Draft EIS should disclose the water conservation and efficiency measures to be implemented. The Draft EIS should also discuss ground and surface water resources of the project area and how those may be impacted by the proposed development.

Kealia Wells 1A & 2A (well nos. 3-0618-009 & 010, respectively) currently report a combined average use between 30,000 to 40,000 gallons per day since 2008. There are two other wells Kealia 6 & 7 (well nos. 3-0618-006 & 005, respectively) that are reporting no use and are not part of the Kealia Public Water System. There are also 5 abandoned wells in the vicinity of the water system wells, 2 that have been properly sealed, and 3 which cannot be found and are considered lost. If any of those 3 wells are discovered they should be properly sealed in accordance with the Hawaii Well Construction and Pump Installation Standards, 2004 with work permitted through the Commission.

If you have any questions, please contact Lenore Ohye of the Planning Branch at 587-0216 or W. Roy Hardy of the Regulation Branch at 587-0225.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813

December 21, 2017

TO: Russel Tsuji  
Land Administrator

ATTN: Lydia Morikawa

FROM: James Cogswell  
Wildlife Program Manager

SUBJECT: Division of Forestry and Wildlife Comments on the Kealia Mauka Homesites  
Environmental Impact Statement Preparation Notice

The Division of Forestry and Wildlife has received your inquiry regarding the Kealia Mauka Homesite Environmental Impact Statement Preparation Notice. The proposed project is located in the Kawaihau District, Island of Kauai, TMK (4) 4-7-004: por. 001. The proposed project would be a 53.4 acre residential subdivision and include 235 lots and infrastructure improvements such as installation of utility infrastructure and transportation improvements.

The State and Federally listed Hawaiian hoary bat or 'Ōpe'ape'a (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the proposed project. DOFAW recommends to avoid using barbed wire, as bat mortalities have been documented as a result of becoming ensnared by barbed wire during flight. Hawaiian hoary bats roost in both exotic and native trees. If any trees are planned for removal during the bat breeding season there is a risk of injury or mortality to juvenile bats. To minimize the potential for impacts to this species, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Site clearing should be timed to avoid disturbance to breeding Hawaiian hoary bats.

The State and Federally listed Hawaiian goose, or Nēnē (*Branta sandvicensis*) has been observed in the mauka pasture lands adjacent to Kuhio Highway. While DOFAW has no records of nesting activity in the proposed project site, we recommend a survey be conducted during the fall/winter nesting season between October and March to determine whether birds are using the area.

Should night work be required, DOFAW cautions that artificial lighting can adversely impact endangered and threatened seabirds that may pass through the area at night, causing disorientation which could result in collision with manmade artifacts or grounding of birds. DOFAW recommends that any lights used be fully shielded to minimize impacts. If night work is to occur during the seabird fledging period (September – December) we request further consultation with DOFAW.

We appreciate your efforts to work with our office for the conservation of native species. Should the scope of the project change, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Katherine Cullison, Conservation Initiatives Coordinator at (808) 587-4148 or [Katherine.cullison@hawaii.gov](mailto:Katherine.cullison@hawaii.gov).

SUZANNE  
CHAIR  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

March 15, 2018

Mr. Russell Y. Tsuji, Land Administrator  
State of Hawai'i Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, Hawai'i 96809



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
DLNR Comments transmitted on December 21 and December 28, 2017

Dear Mr. Tsuji:

Thank you for submitting DLNR's comments in response to the subject EISPN, which were transmitted on December 22, 2017 and December 28, 2017. We offer the following responses to the comments provided:

**Engineering Division**

The project site is located in the Federal Emergency Management Agency (FEMA) flood Zone X, area of minimal flood hazard, determined to be outside the 500-year flood. The project will comply with the rules and regulations of the National Flood Insurance Program.

**Land Division**

We note the Land Division has no comments.

**Commission on Water Resource Management**

The project engineers have held preliminary discussions with the County of Kaua'i Department of Water Supply, and the Planning Department and the Hawai'i Department of Agriculture have been contacted as part of this EIS process. Best management practices will be implemented for stormwater management.

The project will utilize the Keālia Water System, a private domestic water system in the area controlled by the Keālia Water Company Holdings LLC. There is a Water Service Agreement (dated December 22, 2004) between the Keālia Water Company and the owners of the subject property, which allows a daily aggregate of 300,000 gallons of potable water per day to be reserved for the use of the owners. This is sufficient to meet the potable water needs of the project. The Draft EIS will discuss the project's water requirements, describe the existing Keālia Water System, source wells, and the project's proposed water system.

**Division of Forestry and Wildlife**

The Draft EIS will discuss potential project impacts on the state and federally listed species mentioned in your letter, including the Hawaiian hoary bat (*Lasiurus cinereus semotus*), Hawaiian goose or Nēnē (*Branta sandvicensis*), and species of Hawaiian waterbirds; in particular the endangered Hawaiian stilt (*Himantopus mexicanus knudseni*) known to nest in areas with ponding water. The DEIS will recommend mitigation measures including those cited in your comments.

A copy of your letter has been forwarded to the project engineers for their information. Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer", with a stylized flourish at the end.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodenker, State of Hawai'i Land Use Commission





UNIVERSITY  
of HAWAII®  
MĀNOA

Water Resources Research Center

December 7, 2017

Hawaii Management Services, LLC  
PO Box 1630  
Koloa, HI 96756  
Attn: Ms. Moana Palama

Ms. Palama:

This is to acknowledge receipt of your letter for review of an Environmental Impact Statement Preparation Notice for the Kealia Mauka Homesites, Kawaihau District, Island of Kauai.

Unfortunately, the Water Resources Research Center does not have the capacity to review the EISPN at this time due to the faculty position vacancy.

While we continue to explore filling the current vacancy, the Center will exclude itself from commentary on this specific environmental assessment study.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren T. Lerner".

Darren T. Lerner, PhD  
Interim Director

2540 Dole Street, Holmes Hall 283  
Honolulu, Hawai'i 96822  
Telephone: (808) 956-7847  
Fax: (808) 956-5044

An Equal Opportunity/Affirmative Action Institution

March 15, 2018

Dr. Darren T. Lerner, Ph.D.  
University of Hawai'i at Mānoa  
Water Resources Research Center  
2540 Dole Street, Holmes Hall 283  
Honolulu, HI 96822



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 7, 2017

Dear Dr. Lerner:

Thank you for your comment letter dated December 7, 2017, stating that the Water Resources Research Center does not have the capacity to review the EISPN at this time.

Your letter and this response will be reproduced in the Draft EIS. Thank you for your input.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodenker, State of Hawai'i Land Use Commission



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY  
INTERIM DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

**DIR 1479**  
**STP 8.2273**

December 14, 2017

Ms. Moana Palama  
Hawaii Management Services, LLC  
P.O. Box 1630  
Koloa, Hawaii 96756

Dear Ms. Palama:

Subject: Kealia Mauka Homesites  
Environmental Impact Statement Preparation Notice  
Kawaihau District, Kauai, Hawaii  
TMK: (4) 4-7-004:001 (por.)

Kealia Properties, LLC, proposes to develop a housing development of approximately 235 single-family dwellings and associated improvements on 53.4 acres of land. The project will access Kuhio Highway, State Route 56 through a connection to Kealia Road. To facilitate development of the property, the project proposes a land-use boundary amendment to change the land-use from State Agriculture District to State Urban District.

The DOT anticipates that the project will have a significant impact on the Kuhio Highway and understands a Traffic Impact Analysis Report (TIAR) will be prepared. The TIAR should address the following:

1. While the DEIS will discuss the relationship of the proposed action to Bike Plan Hawaii and the Statewide Pedestrian Master Plan, the TIAR should address existing and future pedestrian and bicycle use along Kuhio Highway, and if any improvements are needed.
2. While the proposed project will be accessed from Kuhio Highway via Kealia Road, there appears to be a gated, unused access on the mauka side of Kuhio Highway opposite from a chained driveway to Kapoli Street on the makai side of Kuhio Highway. This access should be noted in the TIAR and the project intentions for it discussed.

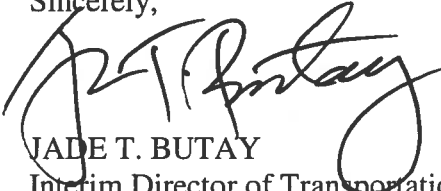
Additionally, no direct access shall be permitted from the subject project onto Kuhio Highway. The subject project should include a stipulation in the title documents for parcels adjacent to Kuhio Highway that direct vehicle access to Kuhio Highway is not authorized.

Ms. Moana Palama  
December 14, 2017  
Page 2

DIR 1479  
STP 8.2273

If there are any questions, please contact Mr. Norren Kato of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Sincerely,



JADE T. BUTAY  
Interim Director of Transportation

c: State Land Use Commission  
HHF Planners



March 15, 2018

Ms. Jade Butay, Interim Director of Transportation  
State of Hawai'i  
Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawai'i 96813-5097



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 14, 2017

Dear Ms. Butay:

Thank you for your comment letter dated December 14, 2017 in response to the above referenced EISPN. A Traffic Impact Analysis Report (TIAR) has been conducted and will be included in the Draft EIS. Your comments were forwarded to the traffic engineer who conducted the TIAR. The following response is offered to your two comments pertaining to the TIAR:

1. The TIAR and Draft EIS will address existing and future pedestrian and bicycle use along Kūhiō Highway, including future improvement needs.
2. The gated unused access on the mauka side of Kūhiō Highway will be noted in the TIAR and Draft EIS. This access will be removed. No vehicular access from the subject property onto Kūhiō Highway will be allowed at this location.

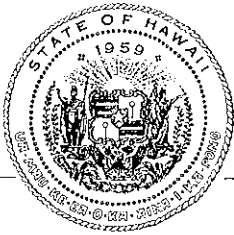
Your letter and this response will be reproduced in the Draft EIS. Thank you for your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer".

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission



## OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
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DAVID Y. IGE  
GOVERNOR

LEO R. ASUNCION  
DIRECTOR  
OFFICE OF PLANNING

DTS201801250944BLE

January 25, 2018

Hawaii Management Services, LLC  
P.O. Box 1630  
Koloa, HI 96756  
Ms. Moana Palama

Dear Ms. Palama:

Subject: Kealia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISP/N)  
TMK: (4) 4-7-004: por. 001  
Kawaihau, Kauai, Hawaii

Thank you for the opportunity to review the subject Environmental Impact Statement Preparation Notice (EISP/N) for Kealia Mauka Homesites. The Petitioner is proposing to develop 235 lots (between 5,500 square feet and 7,300 square feet) on 53.4 acres at Kealia, Kawaihau, Kauai. The buyers of the lots will be responsible for construction of the homes. The lot sizes are designated as affordable and will meet county workforce housing ordinances. The lots will be served with a mixture of public and private utilities, including water (potable and waste), electrical, telecommunications, drainage and roads.

The area is currently zoned as agricultural and in use for cattle grazing, hence a boundary change request has been submitted. A 36-lot subdivision (south) and Kuhio Highway (west) are adjacent to the proposed area, with agricultural lands forming the remaining borders north and west of the area.

The Office of Planning (OP) offers the following comments.

1. The majority of the Petition Area lies within the State Agricultural District. The proposal will require that the subject property be reclassified to the State Urban District through the Land Use Commission (LUC). OP represents the State as a mandatory party in proceedings before the LUC. In developing its position, OP evaluates whether the project meets the LUC decision-making criteria in Hawaii Revised Statutes (HRS) § 205-17, as well as its conformance with Coastal Zone Management objectives and policies in HRS § 205-A-2.

Attached for your consideration is a document entitled "Issues of Concern in District Boundary Amendment Proceedings Based on LUC Decision-Making Criteria." The

Draft Environmental Impact Statement (DEIS) should address these issues and criteria - particularly the areas of State concern in this document and best practices that could or will be incorporated in the proposed project to address State priority guidelines for sustainability. A short list of resources related to best practices can be found at the OP website at <http://planning.hawaii.gov/>

We also strongly recommend that petitioners consult with affected State agencies early in the project formulation process; and that they continue to do so in the preparation of any environmental compliance documents required under HRS Chapter 343, so that potential impacts to resources, facilities, and services managed or provided by the State and appropriate mitigation measures are identified in petitions and their environmental compliance documents.

2. We understand the DEIS will include a more thorough analysis of the impact of the proposed project on area schools. This discussion should include the following:
  - a. Projected population increase for the Kawaihau region
  - b. Whether the Petitioner will be required to establish an Education Contribution Agreement with the State Department of Education
3. The EISPN indicates that the proposed project will proceed through 2026. In the DEIS, please provide a schedule of development for each phase of the total project and a map showing the location and timing of each phase of development. Regarding infrastructure (e.g. improvements), the Petitioner should discuss how improvements will be completed to ensure that mitigation coincides with the impact created by the proposed project.
4. OP provides technical assistance to state and county agencies in administering the statewide planning system in HRS Chapter 226, the Hawaii State Plan. The Hawaii State Plan provides goals, objectives, priorities, and priority guidelines for growth, development, and the allocation of resources throughout the State. The Hawaii State Plan includes diverse policies and objectives of state interest including but not limited to the economy, agriculture, the visitor industry, federal expenditure, the physical environment, facility systems, socio-cultural advancement, climate change adaptation, and sustainability.

We acknowledge that the EISPN document has identified the need to address the Hawaii State Plan. The Draft EIS should include an analysis that addresses whether the proposed project conforms or is in conflict with the objectives, policies, and priority guidelines listed in the Hawaii State Plan.

5. The coastal zone management area is defined as "all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and

management authority, including the U.S. territorial sea" see HRS § 205A-1 (definition of "coastal zone management area").

We acknowledge that the EISPN document has identified the need to address the enforceable policies of the Hawaii Coastal Zone Management Program. HRS Chapter 205A requires all State and county agencies to enforce the coastal zone management (CZM) objectives and policies. The Draft EIS should include an assessment as to how the proposed project conforms to the CZM objectives and its supporting policies set forth in HRS § 205A-2. The assessment on compliance with HRS Chapter 205A is an important component for satisfying the requirements of HRS Chapter 343. These objectives and policies include: recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, managing development, public participation, beach protection, and marine resources.

6. According to the EISPN, pg. 21, the Draft EIS will contain a Drainage Report that will analyze drainage patterns, in project area and regionally. Additionally, according to the review material, this project will need a National Pollutant Discharge Elimination System permit for construction activity to safeguard against erosion and sediment loss. In order to ensure the coastal waters of Kawaihau and the nearshore waters of Eastern Kauai remain protected, the negative effects of both natural processes such as stormwater runoff and a wide range of human activities should be considered and mitigated. The Draft EIS should summarize the area's relation to wetlands and perennial streams, the tsunami evacuation zone, and flood zone. These items, as well as the nearshore water quality, should be considered when developing mitigation measures to protect the coastal ecosystem.

OP has a number of resources available to assist in the development of projects which ensure sediment and stormwater control on land, thus protecting the nearshore environment. OP recommends consulting these guidance documents and stormwater evaluative tools when developing strategies to address polluted runoff. They offer useful techniques to keep soil and sediment in place and prevent contaminating nearshore waters, while considering the practices best suited for each project. These three evaluative tools that should be used during the design process include:

- Hawaii Watershed Guidance provides direction on site-appropriate methods to safeguard Hawaii's watersheds and implement watershed plans  
[http://files.hawaii.gov/dbedt/op/czm/initiative/nonpoint/hi\\_watershed\\_guidance\\_final.pdf](http://files.hawaii.gov/dbedt/op/czm/initiative/nonpoint/hi_watershed_guidance_final.pdf)
- Stormwater Impact Assessments can be used to identify and evaluate information on hydrology, stressors, sensitivity of aquatic and riparian resources, and management



Ms. Moana Palama  
January 25, 2018  
Page 4

measures to control runoff, as well as consider secondary and cumulative impacts to the area

[http://files.hawaii.gov/dbedt/op/czm/initiative/stormwater\\_impact/final\\_stormwater\\_impact\\_assessments\\_guidance.pdf](http://files.hawaii.gov/dbedt/op/czm/initiative/stormwater_impact/final_stormwater_impact_assessments_guidance.pdf)

- Low Impact Development (LID), A Practitioners Guide covers a range of structural best management practices (BMP's) for stormwater control management, roadway development, and urban layout that minimizes negative environmental impacts  
[http://files.hawaii.gov/dbedt/op/czm/initiative/lid/lid\\_guide\\_2006.pdf](http://files.hawaii.gov/dbedt/op/czm/initiative/lid/lid_guide_2006.pdf)

The responsiveness of the project and proposed petition to concerns identified in the environmental review process will influence OP's evaluation and development of the State's position on the proposed petition to ensure conformance with Chapter 205, IIRS.

Thank you for the opportunity to review this project. If you have any questions please call either Josh Hekeia of our Coastal Zone Management Program at 587-2845 or Tomas J. Oberding of our Land Use Division at (808) 587-2883.

Sincerely,



*Re* Leo R. Asuncion  
Director

Attachment

cc: Land Use Commission  
HIF Planners  
County of Kauai Planning Department  
Matsubara, Kotake & Tabata

## **Issues of Concern in District Boundary Amendment Proceedings Based on LUC Decision-Making Criteria**

The following issues are commonly discussed and analyzed for project proposals in petitions and their supporting environmental assessments (EAs) or environmental impact statements (EISs) prepared pursuant to Hawaii Revised Statutes (HRS) Chapter 343. This list reflects the range of issues the State Land Use Commission (LUC) must take into consideration in its decision-making under HRS Chapter 205, and Hawaii Administrative Rules (HAR) Chapter 15-15. This list is not exhaustive or complete.

1. **Water Resources.** Groundwater and surface water resource protection and water quality are critical State issues. A thorough evaluation of these resources includes identifying and discussing: (a) estimated water demand by types of land use; (b) proposed potable and non-potable water sources to be used for the project and measures to reduce water demand and promote water reuse in the project; (c) whether the proposed project is within a designated Water Management Area; (d) the impact of the project on the sustainable yield and water quality of affected aquifers and surface water sources; (e) permits or other approvals required for proposed water source use; and (f) the consistency of the project and impact of the project in terms of proposed water use and system improvements and priorities contained in the county water use and development plan, prepared pursuant to the State Water Code, HRS Chapter 174C.
2. **Agricultural Lands.** Article XI, Section 3, of the Hawaii State Constitution provides that “[t]he State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands.” Protecting agriculture is a policy objective in the Hawaii State Plan, HRS Chapter 226, and in the State Administration’s New Day Comprehensive Plan, which is available at <http://hawaii.gov/gov/about/a-new-day>. Agricultural activity in the vicinity of the proposed project should be identified, and the impact of urban use or conversion of project lands on existing and future agricultural use and the viability of agricultural use of adjoining agricultural lands needs to be examined. Please discuss how the proposed project meets policy objectives to promote and protect agriculture, particularly in cases where the lands have high agricultural value.
3. **Affordable Housing.** Increasing the supply of affordable housing is a critical State and county issue. Every county has an affordable housing policy and both the Hawaii State Plan, HRS Chapter 226, and the State Administration’s New Day Comprehensive Plan identify affordable housing as a policy priority. If applicable, please discuss specifically how the proposed project will meet State and county affordable housing policy objectives, to include a discussion of how the project’s proposed residential product types will be allocated among the market and various affordable housing target populations, and the expected price ranges for the different product types.
4. **Coastal Zone Management (CZM).** The Office of Planning is the lead agency for the Hawaii CZM Program, which is a Federal-State partnership for protecting, restoring, and responsibly developing coastal communities and resources. The coastal zone is defined as all lands of the State and the area extending seaward from the shoreline to the limit of the State’s police power and management authority, including the United States territorial sea (HRS § 205A-1). EA/EISs should reference this definition of the coastal zone. State agency actions must be consistent with the CZM program objectives and policies under HRS § 205A-2. The EA/EIS needs to discuss the project in terms of its consistency with the following CZM objective areas.
  - a. **Coastal and Ocean Resources.** The State has an interest in protecting coastal and marine ecosystems and resources, as well as coastal and marine water quality. The EA/EIS should identify any coastal and marine resources and ecosystems that may be impacted by the proposed project, and the potential for nonpoint sources of pollution from the project to adversely affect coastal and marine water quality. Project impacts on existing site and offsite hydrology and measures to manage stormwater and runoff need to be discussed. The Office of Planning recommends the use of low impact development (LID) techniques and other best

management practices (BMPs) that promote onsite infiltration and minimize runoff from storm events. More information on LID and stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.

- b. **Coastal and Other Hazards.** The EA/EIS should describe any hazard risks that are relevant to the site and describe the measures that are proposed to mitigate any hazard impacts, such as from tsunami, hurricane, wind, storm wave, sea level rise, flood, erosion, volcanic activity, earthquake, landslide, subsidence, and point and nonpoint source pollution. This should include a discussion of any wildfire hazard and any mitigation measures that might be required to address potential threats from wildfires.

The EA/EIS process also provides an opportunity to address the sustainability of proposed projects in terms of natural hazards and hazard mitigation, and the potential impact of climate change on the proposed project over time. To this end, OP recommends the final EA/EIS include a discussion of the proposed project with respect to the *State Multi-Hazard Mitigation Plan, 2010 Update*, adopted in September 2010, available at <http://www.scd.hawaii.gov/documents/HawaiiMultiHazardMitigationPlan2010PUBLIC.pdf>, as well as the respective County Hazard Mitigation Plan.

- c. **Coastal-dependent Uses and Beach Protection.** If the project is located on or near the coast, the EA/EIS should discuss why the proposed development needs to be located on the coast, the economic uses that will be of benefit to the State, as well as potential impacts on beach access. The discussion should identify measures to protect beach systems and ensure short- and long-term public access to beaches.
- d. **Coastal Recreational Resources.** If the project is located on the coast, the EA/EIS should include a description of recreational uses and facilities on or near the project site, and discuss how the impact of increasing users on coastal and ocean recreational resources and competing uses will be mitigated and managed during project development and buildout.
- e. **Scenic Resources.** The EA/EIS should discuss the impact of the proposed project on scenic views to and from the coast and along the coast and coastal open space, and how any impacts on these scenic and open space resources will be avoided, minimized, or mitigated.
- f. **Special Management Area (SMA) Permitting.** The SMA is defined by the counties and includes areas in the coastal zone that are particularly sensitive so that it requires special attention. Please identify whether the proposed project is within the SMA and how SMA permitting requirements pursuant to HRS Chapter 205A, will be satisfied.

For additional resources and information, visit <http://hawaii.gov/dbedt/czm>.

- 5. **Cultural, Archaeological, and Historic Resources.** Another CZM objective is to protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone that are significant in Hawaiian and American history and culture. If archaeological or historic properties or artifacts, including native Hawaiian burials, are identified in an archaeological inventory survey on the property, the EA/EIS should discuss how the petitioner has consulted with the State Historic Preservation Division (SHPD), what plans will be prepared to monitor or protect identified resources, and how the petitioner intends to comply with HRS Chapter 6E, related to historic preservation, and the CZM objective and policies for historic resources contained in HRS §§ 205A-2(b) and (c). SHPD has information and guidance available at <http://hawaii.gov/dlnr/hpd/hpgrtg.htm>.

The EA/EIS document should identify any cultural resources and cultural practices associated with the property, including visual landmarks, if applicable, and discuss the impact of the proposed project on identified cultural resources and practices as well as proposed mitigation measures. The LUC is obligated under Article XII, Section 7 of the Hawaii State Constitution to protect the

reasonable exercise of customarily and traditionally exercised native Hawaiian rights. Thus, the LUC requires information as to the presence of cultural resources and cultural practices associated with the project site and vicinity for decision-making on petitions. The State Office of Environmental Quality Control (OEQC) provides guidance for preparing a cultural assessment at <http://oeqc.doh.hawaii.gov>, at "Environmental Assessment PrepKit." ([http://oeqc.doh.hawaii.gov/Shared%20Documents/Preparation\\_of\\_Hawaii\\_Environmental\\_Policy\\_Act\\_Documents/Guidance\\_on\\_Cultural\\_Impact/1997%20Cultural%20Impacts%20Guidance.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/Preparation_of_Hawaii_Environmental_Policy_Act_Documents/Guidance_on_Cultural_Impact/1997%20Cultural%20Impacts%20Guidance.pdf))

6. **Biota.** The EA/EIS should include an inventory and assessment of flora and fauna, including invertebrates, found on or in proximity to the project site and in any lava tubes and caves on the property that are listed on the federal or State list of endangered or threatened species. Please also discuss species of concern and candidates for listing. The petitioner should consult with the Database Manager at the Hawaii Biodiversity and Mapping Program, Center for Conservation Research and Training, University of Hawaii, (808) 956-8094, as to the potential for the presence of rare species in the project area. The EA/EIS should discuss measures to be taken to protect rare, threatened, or endangered species or ecosystems of concern as required by law. The design of the biological survey should consider both wet and dry season observations to capture the fullest range of flora and fauna.
7. **Wastewater Treatment and Disposal.** The EA/EIS needs to identify the anticipated volume of wastewater to be generated by type of user, as well as the proposed means of wastewater treatment and disposal. A discussion of the availability of county wastewater collection and treatment capacity and its existing service levels, design capacity, and allocated capacity is also needed. The EA/EIS should also identify whether any facility improvements would be required to accommodate additional wastewater generated within the service area, including the proposed project. If a private wastewater treatment system is identified as the preferred option, the EA/EIS should discuss the type of plant to be used, permitting requirements, plans for reuse and/or disposal of treated effluent and waste solids, and how the private system will be operated and maintained.
8. **Energy Use and Impacts.** The State Hawai'i Clean Energy Initiative has adopted a goal of using efficiency and renewable energy resources to meet 70 percent of Hawaii's energy demand by 2030, with 30 percent from efficiency measures and 40 percent from locally-generated renewable sources. The EA/EIS should quantify the projected energy requirements of the project and discuss measures to be taken to reduce energy demand, promote energy efficiency, and to promote use of alternative, renewable energy sources. Please discuss how energy efficiency and energy demand reduction, including reduced transportation energy use will be incorporated in the design of the project and identify the kinds of green building and sustainable design practices that could be used to promote energy and resource conservation in the proposed project. Please also identify any generating or transmission capacity constraints that may arise as a result of the proposed project and other projects planned for the region.
9. **Impact on State Facilities and Resources.** The EA/EIS should quantify the impacts of the proposed project on State-funded facilities, including schools, highways, harbors, and airports, and discuss these impacts in terms of existing and planned capacity of the impacted facilities. The EA/EIS should cite the mitigation measures proposed to be used in the development of the project and describe efforts to address identified State agency concerns. Regarding transportation impacts, consider project design options that limit the need to drive, including mixed land uses, compact site design, walkable neighborhoods, and providing a variety of transportation choices (e.g., biking, public transit, etc.).
10. **Conservation District.** If the proposed project is within the State Conservation District, the EA/EIS should provide an inventory of conservation resources, and discuss how the loss of these resources (habitat, watershed area, etc.) will impact the public.



11. **Conformance with County Plan Designations and Urban Growth or Rural Community Boundaries.** Act 26, Session Laws of Hawaii (SLH) 2008, reaffirmed the Land Use Commission's duty to consider any proposed reclassification with respect to the counties' adopted general, community, or development plans. If the proposed project is not consistent with the county plans or lies outside a county urban growth or rural community boundary, the EA/EIS should provide an analysis and discussion of the following:
  - a. **Alternative Sites Considered.** Describe and discuss alternative sites that were considered for the project, and discuss why the project could not be accommodated on lands within the urban growth or rural community boundary, if the county plan delineates such boundaries, or on land already designated by the county for similar uses.
  - b. **Impact on Surrounding Lands.** Discuss what the impacts of changing the county plan designation or extending the urban growth or rural community boundary would have on the surrounding lands.
  - c. **Significant Public Benefit.** Discuss what, if any, public benefits are provided by the proposed project above that already required under existing approval and permitting requirements.
  - d. **Plan Amendment.** Provide a timeframe for application for and approval of any required plan amendment.
12. **Environmental Health Hazards.** The EA/EIS should discuss the potential for the project or project users to generate hazardous materials or release possible contaminants to the air, soil, or water, as well as measures to be taken to ensure that environmental and public health and safety will be protected during construction and after buildout. The EA/EIS should also identify and discuss any potential health and environmental threats that may be present due to site-specific contamination from past or current use. If contaminants of concern are identified for the project site, OP recommends that the petitioner consult with the State Department of Health's Hazard Evaluation and Emergency Response Office as to measures to be taken to address possible or actual contamination at the site.
13. **Solid Waste Management.** The EA/EIS should quantify the volume of solid waste likely to be generated by the project by types of users, and describe the impact the project will have on the county's existing and planned capacity for managing solid waste as represented in the county's solid waste management plan. The EA/EIS should discuss specific mitigation measures to be taken to reduce solid waste generation and ensure that recycling and reuse are incorporated within the project area by residential, commercial, and institutional users.
14. **Sustainability Analysis.** OP is implementing the sustainability elements of the State Administration's New Day Comprehensive Plan and Act 181, SLH 2011 (the new sustainability priority guideline of the Hawai'i State Planning Act) by requesting petitioners to prepare sustainability plans for their projects in district boundary amendment proceedings before the LUC. LUC Dockets A06-771, DR Horton-Schuler Homes (Hoopili) and A11-793, Castle & Cooke Homes (Koa Ridge Makai/Castle & Cooke Waiawa) provide a good point of reference for sustainability plans. The Koa Ridge Sustainability Plan and Hoopili Sustainability Plan can be found on the LUC's web site under each respective docket's exhibits.

To address the principles and priority guidelines for sustainability, OP recommends that a sustainability plan or relevant elements thereof be incorporated as part of program and plan development. The sustainability plan should be included as part of the applicant's submission for development review and approval, including environmental assessments or in petitions for district boundary amendment to the State Land Use Commission submitted pursuant to HRS Chapter 205. See Technical Assistance Memorandum 2013-1 in Planner's Toolbox available online at <http://planning.hawaii.gov>.

The sustainability plan should address the following areas:

- a. **Sustainable Development** - the development's contribution to creating a high quality of life and mutual supportive role among environmental, economic, and social equity concerns, as enumerated in HRS §226-108.
  - b. **Smart Growth and Livability Principles** - the principles that promote safety and options with transportation choices, the promotion of energy-efficient, equitable and affordable housing choices, the enhancement of economic competitiveness and support to the existing communities.
  - c. **Resource Conservation** - incorporation of energy and water efficiencies, including the implementation of solid or liquid waste management through methods of recycle and reuse, low impact development with respect to site design considerations and structural best management practices to increase on-site infiltration and reduce off-site flows and pollution from stormwater runoff, and climate change and hazard mitigation and adaptation strategies.
  - d. **Green Building Standards** - the planned use of green building and sustainable design practices.
15. **Development Timetable.** The LUC requires that projects seeking reclassification be substantially completed within ten years or seek incremental approvals, pursuant to HAR § 15-15-50. The EA/EIS and/or petitioner should provide a schedule of development for each phase of the total project and a map showing the location and timing of each phase or increment of development. Regarding infrastructure (e.g., highway improvements), the petitioner should discuss how improvements will be completed to ensure that mitigation coincides with the impact created by the proposed project.

March 15, 2018

Mr. Leo R. Asuncion, Director  
Office of Planning  
State of Hawai'i  
235 South Beretania Street, 6<sup>th</sup> Floor  
Honolulu, HI 96804



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated January 18, 2018

Dear Mr. Asuncion:

Thank you for your comment letter dated January 18, 2018 providing comments on the EISPN referenced above. We offer the following responses to your comments:

1. Thank you for attaching the *"Issues of Concern in District Boundary Amendment Proceedings Based on LUC Decision-Making Criteria."* The Draft EIS will address these issues and criteria.  
  
State agencies were consulted during the EISPN period and will continue to be informed and consulted through the environmental process.
2. The Draft EIS will address the projected population increase for the Kawaihau region. The State Department of Education (DOE) has provided comments in response to the EISPN. We will continue to communicate with the DOE regarding appropriate mitigation for this project.
3. The Draft EIS will include a development schedule. Please note that this project involves the creation of a residential subdivision (with infrastructure) with 235 lots that will be available for sale. While we are able to estimate the completion of the subdivision improvements and absorption of the lots, the actual construction of homes on the lots will be up to the individual owners.
4. The Draft EIS will include an analysis addressing project conformance with State Plan objectives, policies, and priority guidelines.
5. The Draft EIS will include an assessment of how the proposed project conforms to CZM objectives and policies.

6. The Draft EIS will discuss area wetlands and streams, tsunami evacuation zone and flood zone. We appreciate your providing references to available resources and guidance documents on sediment and stormwater control, watersheds, stormwater impact assessments, and low impact development.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

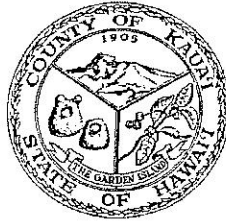
A handwritten signature in black ink, appearing to read "Scott Ezer", with a stylized flourish at the end.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission



**Bernard P. Carvalho Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezentes Jr.**  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihue, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

December 21, 2017

Moana Palama  
Hawai'i Management Services, LLC  
P.O. Box 1630  
Koloa Hawai'i 96756

Subject Environmental Impact Statement Preparation Notice  
Keālia Mauka Homesites  
Kawaihau District, Island of Kauai, Hawaii  
Tax Map Key (4) 4-7-004: por. 001

Dear Ms. Palama:

Your letter dated November 21, 2017 provided the Engineering Division of the Department of Public Works of the County of Kaua'i notice of the availability for review of the Environmental Impact Statement Preparation Notice (EISP) for the Keālia Mauka Homesites project. We have reviewed the EISP and found that it contains a fairly complete listing of items to be further discussed and evaluated in the Draft Environmental Impact Statement (DEIS). We recommend that the following items also be included for discussion in the DEIS:

1. Short term (construction) impacts of the project on air quality.
2. Identification of downstream drainage areas and the impact of drainage from the project on these properties.
3. Evaluation and discussion on the use of Keālia Road between the project site and Kūhiō Highway.
4. The Traffic Impact Analysis Report (TIAR) should assume that a roundabout will be constructed at the intersection of Kūhiō Highway and Mailihuna Road, as is currently being designed by the Hawai'i Department of Transportation.
5. The TIAR should include trip generation and trip distribution information for daily motor vehicle traffic volumes generated from the site. The TIAR should compare existing and project-generated traffic volumes for the following roadway segments:
  - a. Keālia Road between the project site and Kūhiō Highway;
  - b. Kūhiō Highway immediately north of Keālia Road;
  - c. Kūhiō Highway between Keālia Road and Mailihuna Road;
  - d. Mailihuna Road immediately mauka of Kūhiō Highway;
  - e. Kūhiō Highway between Mailihuna Road and Kawaihau Road;
  - f. Kūhiō Highway immediately south of the Kapa'a Bypass;

*An Equal Opportunity Employer*

December 21, 2017

Page 2

- g. Kapa'a Bypass between Kūhiō Highway and Olohena Road;
- h. Kapa'a Bypass immediately south of Olohena Road

Mailihuna Road is misspelled as "Milihuna" Road in at least one sentence in the EISPN.

Thank you for providing this opportunity for consultation on this pending project. We look forward to receipt of the DEIS. If you have any questions or need additional information, please contact Stanford Iwamoto, Engineering Division at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,



MICHAEL MOULE, P.E.  
Chief, Engineering Division

MM/SI

Copy to: State of Hawai'i Land Use Commission, Attn: Daniel Orodener  
(P.O. Box 2359 Honolulu, HI 96813)  
HHF Planners, Attn: Leslie Kurisaki  
(733 Bishop Street Suite 2590, Honolulu, HI 96813)  
Design and Permitting

March 15, 2018

Mr. Michael Moule, P.E.  
Chief, Engineering Division  
Department of Public Works  
County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 275  
Līhu'e, Hawai'i 96766



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 21, 2017

Dear Mr. Moule:

Thank you for your comment letter dated December 21, 2017. The Draft EIS will include a discussion of short term impacts on air quality, and downstream drainage areas, as requested in your Comments 1 and 2. A copy of your letter has been forwarded to the traffic engineer, who provided the following response to Comments 3, 4 and 5 pertaining to the Traffic Impact Analysis Report (TIAR):

Comment 3. The Draft EIS will evaluate and discuss use of Keālia Road between the project site and Kuhio Highway.

Comment 4. The TIAR assumes the Kuhio Highway/Mailihuna Road roundabout is completed by 2020.

Comment 5. The TIAR includes trip generation and distribution for weekday AM and PM peak hours for all segments noted in your letter.

The misspelling of Mailihuna Road will be corrected.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Ezer".

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodenker, State of Hawai'i Land Use Commission

## Leslie Kurisaki

---

**From:** Scott Ezer  
**Sent:** Wednesday, December 20, 2017 11:39 AM  
**To:** Leslie Kurisaki  
**Subject:** FW: Kealia Mauka Homesites (4)4-7-004: por. 001 EISPN

FYI

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**From:** Moana Palama [mailto:moana@mskauai.com]  
**Sent:** Wednesday, December 20, 2017 4:16 AM  
**To:** Scott Ezer <sezer@hhf.com>  
**Subject:** FW: Kealia Mauka Homesites (4)4-7-004: por. 001 EISPN

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**From:** Jeremy Lee [mailto:jlee@kauai.gov]  
**Sent:** Monday, December 18, 2017 3:00 PM  
**To:** [moana@mskauai.com](mailto:moana@mskauai.com)  
**Cc:** Celia Mahikoa <[cmahikoa@kauai.gov](mailto:cmahikoa@kauai.gov)>; Lee Steinmetz <[lsteinmetz@kauai.gov](mailto:lsteinmetz@kauai.gov)>; Michael Dahilig <[mdahilig@kauai.gov](mailto:mdahilig@kauai.gov)>; Michael Moule <[mmoule@kauai.gov](mailto:mmoule@kauai.gov)>  
**Subject:** Kealia Mauka Homesites (4)4-7-004: por. 001 EISPN

Ms. Palama,

If your rezoning is permitted.

The County of Kauai, Transportation Agency would like to be kept abreast of any development actions. A residential development of this size and its proximate location to existing bus service would make coordination key.



Jeremy Kalawaia Lee

The Kauai Bus  
Program Specialist III  
3220 Hoolako Street  
Lihue, HI 96766  
(808)246-8112  
[jlee@kauai.gov](mailto:jlee@kauai.gov)



March 15, 2018

Mr. Jeremy Kalawaia Lee  
Program Specialist III  
The Kaua'i Bus  
3220 Hoolako Street  
Līhu'e, Hawai'i 96766



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Emailed comments sent December 18, 2017

Dear Mr. Lee:

We have received a copy of your email to Ms. Moana Palama on December 18, 2017, providing comments on the above referenced EISPN. As requested, the County of Kaua'i Transportation Agency will be kept abreast of any development actions. The Draft EIS will discuss County bus service in the area, and we hope you have an opportunity to review and comment on this document.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer".

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission

## Leslie Kurisaki

---

**From:** Lee Steinmetz <lsteinmetz@kauai.gov>  
**Sent:** Monday, December 18, 2017 4:25 PM  
**To:** moana@mskauai.com  
**Cc:** Michael Dahilig; Celia Mahikoa; Lyle Tabata; Michael Moule; Leslie Kurisaki; Marie Williams; Lawrence.J.Dill@hawaii.gov; daniel.e.ordenker@hawaii.gov  
**Subject:** RE: Kealia Mauka Homesites EISPN TMK (4) 4-7-004 por. 001

Sorry, resending, one of the email addresses was incorrect.

Thanks,

Lee

---

**From:** Lee Steinmetz  
**Sent:** Monday, December 18, 2017 3:28 PM  
**To:** 'moana@mskauai.com' <moana@mskauai.com>  
**Cc:** Michael Dahilig <mdahilig@kauai.gov>; Celia Mahikoa <cmahikoa@kauai.gov>; Lyle Tabata <ltabata@kauai.gov>; Michael Moule <mmoule@kauai.gov>; 'daniel.e.ordenker@hawaii.gov' <daniel.e.ordenker@hawaii.gov>; 'lkurisaki@hhf.com' <lkurisaki@hhf.com>; Marie Williams <mwilliams@kauai.gov>; Lawrence.J.Dill@hawaii.gov  
**Subject:** Kealia Mauka Homesites EISPN TMK (4) 4-7-004 por. 001

Dear Ms. Palama,

Thank you for the opportunity to review and comment on the Keālia Mauka Homesites EISPN. Related to 5.2.3, Roadways and Traffic, please include a multimodal analysis of the project to address the following:

- Bicycle and pedestrian access from the project area to Keālia Beach and Ke Ala Hele Makalae,
- Bicycle and pedestrian access from the project area to Kapaʻa Elementary School, Saint Catherine School, and Kapaʻa High School,
- Bicycle and pedestrian access from the project area to the Kauaʻi Bus mainline, and potential improvements to bus stops serving the project area,
- Onsite and offsite improvements that could support the mode shift goals found in the County of Kauaʻi Multimodal Land Transportation Plan

Regards,  
Lee Steinmetz

**Lee Steinmetz**  
County of Kauai Transportation Planner  
808.241.4978  
[lsteinmetz@kauai.gov](mailto:lsteinmetz@kauai.gov)

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.

March 15, 2018

Mr. Lee Steinmetz  
County of Kaua'i Transportation Planner  
[lsteinmetz@kauai.gov](mailto:lsteinmetz@kauai.gov)



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Emailed comments sent December 18, 2017

Dear Mr. Lee:

Thank you for your emailed comments sent December 18, 2017 in response to the above referenced EISPN. As requested, the Draft EIS will include a multimodal analysis of the project addressing bicycle and pedestrian access between the project site and Keālia Beach, Ke Ala Hele Makalae multi-use path, area schools, and County bus stops. The Draft EIS will also address the County of Kaua'i's Multimodal Land Transportation Plan.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink that reads "Scott Ezer". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Ezer".

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission



Kealia Kai Owners Association (KKHOA)  
C/O: Associa Hawaii (Alina Kuznetsova)  
4-1579 Kuhio Hwy., #102A, Kapaa, HI 96746  
Ph: (808) 629-7163, (808) 821-2122

December 19, 2017

State of Hawaii Land Use Commission  
Department of Business, Economic Development, and Tourism  
P. O. Box 2359  
Honolulu, HI 96813  
**Attn: Mr. Daniel Orodenker**

SUBJECT: Petition filed by Kealia Properties LLC, Docket No: A17-803  
For the proposed project identified as Kealia Mauka Homesites on Kauai  
**Comments and Concerns from the Kealia Kai Home Owners Association**

Dear Mr. Orodenker,

On behalf of the Kealia Kai Home Owners Association ("KKHOA"), I hereby present to you and the Land Use Commission our comments and feedback regarding the petition filed with LUC by Kealia Properties LLC ("Developer") proposing to build 235 home sites on 53.4 acres of land in Kealia, Kawaihau, Puna, Island of Kauai, State of Hawaii, with the TMK: (4) 4-7-004:001.

At this point, we do not have enough information about the proposed development to fully apprise all of the owners at Kealia Kai and take a vote on whether we oppose or support this development. We look forward to discussions with the developer and obtaining additional information so we can fully understand the impacts of the proposed project on the area. Thank you for including us in this process.

As community members, we naturally have concerns, most but not all of which are raised in the Kealia Mauka October 2017 Environmental Impact Statement (EIS) Preparation Notice. With some additional information and better defined plans for the development, we believe we can be supportive of the project, if our concerns are addressed. Thus, we are raising our concerns with you and plan to discuss them with the Developer as well.

**Concern #1 - Traffic:** First and foremost, there is no doubt that the project will increase traffic in the already congested area in the North end of Kapaa. Access to the project should be carefully evaluated

including necessary improvements to Kuhio Highway that need to be incorporated to safely accommodate the traffic along with signalized access points to the developments in the area.

**Concern #2 - Density:** A plan with additional 235 homes in the North side of Kapaa is not ideal from our personal vantage point, but from the overall Island's perspective, it is probably an acceptable tradeoff in order to provide needed, more affordable housing. Having said that, 235 additional homes in that area is probably enough and would likely better serve the residents, if they were located closer to Kapaa. The Developer owns significant land holdings closer to Kapaa without the agricultural characteristics of the proposed rezoning location. Those lands also include rodeo grounds, equipment buildings, and the former location of the Kealia sugar mill, all of which are not in agricultural production. We would ask the developer to consider evaluating alternative locations on other land parcels that he owns for the proposed project.

**Concern #3 – View from Kuhio Highway:** The Kealia Mauka homes on Kuhio Highway, as planned, may be somewhat of an eyesore both from the Highway and from some homes at Kealia Kai. We at Kealia Kai were required to maintain 300' setbacks for residences from Kuhio Highway, install a large landscaped berm of Hau and Bougainvillea along our border with the Highway, and preserve critical view corridors from the Highway to minimize the view of our homes. We would ask the equivalent from Kealia Mauka. Specifically, we would ask that the 22 homes adjacent to Kuhio Highway (less than 10% of the total) be eliminated and replaced with a green area, and a similar landscape berm of Hau and Bougainvillea. We believe everyone on the Island, as well as the tourists, would prefer to see that in lieu of having homes right on the Highway with what appears to be zero setback. If the project is relocated closer to Kapaa near the rodeo grounds where a large grove of ironwood exists, that would effectively screen the development from view, if it were maintained.

**Other Concerns:** Other concerns we have are not as problematic in our view, but given the relatively short notice we have had about this planned development, we would like to better understand them and look forward to doing so both through review of the EIS when complete, additional studies and evaluations by the Developer, and discussions with the Developer. Such additional concerns include:

- Any potential adverse impact on the availability of **public services** (fire, police, paramedics, schools, etc.), public facilities, parks, drainage, waste water, and other County and State public services provided to the area.
- Any potential adverse impact on **potable water** availability (private water sources serve the area), though our preliminary analysis suggests this is not a concern but we believe this should be confirmed (see Concern #2 above).
- Any potential adverse impact on **agricultural water** quantity, allocation, easements, and interference with the infrastructure currently in place, for the Kealia Kai Subdivision which is agriculturally zoned and relies on irrigation water crossing the Developer's property.
- Excessive potential adverse impact on **property values** in our subdivision. We do not expect Kealia Mauka to have a positive impact on our property values, and in fact expect it to be at least somewhat negative. We just want some more time to ensure it would not be expected to have an excessive negative impact and believe location and design are critically important in this area.



- The permanent loss of **quality agricultural lands** and the impacts of the loss of resources that come from fertile soil that exists at the proposed rezoning location.

Thank you for your consideration of our concerns and suggestions. We hope that the most serious of them can be mitigated. We look forward to further evaluation and discussion of this proposed development and rezoning application.

Please do not hesitate to contact me, the Board of Directors of Kealia Kai HOA, or our subdivision management representative with any questions.

Thank you.

Best regards,

*Adrian Saralou*

Adrian Saralou  
Kealia Kai Home Owners Association  
President

March 15, 2018

Ms. Adrian Saralou, President  
Keālia Kai Home Owners Association  
c/o Associa Hawai'i  
4-1579 Kūhiō Highway, #102A  
Kapa'a, HI 96746



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Emailed comments sent December 18, 2017

Dear Keālia Kai Home Owners:

Thank you for your comment letter to the State of Hawai'i Land Use Commission (LUC) dated December 19, 2017. On behalf of the LUC, we offer the following responses to your comments:

**Concern #1--Traffic.**

The Draft EIS will include a Traffic Impact Analysis Report (TIAR) which will estimate vehicle trips generated by the project during the AM and PM peak hours for a number of roadway segments in the vicinity of the project. The TIAR will include recommended roadway improvements to mitigate the project-related increase in traffic.

**Concern #2—Density.**

The subject site is appropriate for residential development, as it is currently designed in the Kaua'i General Plan Land Use Map (Kawaihau Planning District) for residential use, and is located adjacent to existing residential communities.

**Concern #3—View from Kūhiō Highway.**

The construction of a residential subdivision at the proposed site will alter the visual landscape and be visible from Kūhiō Highway. It will not be visible from most areas of Keālia Kai or from the shoreline. There will be a setback from Kūhiō Highway, and we will investigate including a landscape buffer to mitigate visual impacts.

**Other Concerns**

The Draft EIS will address the project's impact on public services (fire, police, schools etc.) and utilities (water, sewer etc.). An economic and market study is being conducted and will be included in the Draft EIS. The objective of the proposed project is to provide residential house lots for local working families, and to satisfy the need for housing on the island. The impact of the loss of agricultural land will be discussed in the Draft EIS.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer". The signature is fluid and cursive, with the first name "Scott" being more legible than the last name "Ezer".

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission

LAND USE COMMISSION  
STATE OF HAWAII

2017 DEC 28 A 7:35

Jirair and Aderineh Saralou  
P. O. Box 687  
Kapaa, HI 96746  
Ph: (818) 800-9810  
saralous@aol.com

December 21, 2017

State of Hawaii Land Use Commission  
Department of Business, Economic Development, and Tourism  
P. O. Box 2359  
Honolulu, HI 96813  
**Attn: Mr. Daniel Orodenker**

RE: Petition filed with State of Hawaii Land Use Commission (LUC) by Kealia Properties LLC  
Docket No: A17-803 for the proposed project on Kauai identified as Kealia Mauka  
Homesites

SUBJECT: Comments and Concerns by property owner at Kealia Kai

Dear Mr. Orodenker,

As property owners at Kealia Kai, we would like to communicate to you and the Land Use Commission our comments and concerns in regards to the petition filed with LUC by Kealia Properties LLC proposing to build 235 home sites on 53.4 acres of land in Kealia, Kawaihau, Puna, Island of Kauai, State of Hawaii, with the TMK: (4) 4-7-004: por 001.

- At this time, it does not seem like there is enough information available to discern the petitioner's intentions for developing the remaining portion of the 2000 acres where the proposed project (53.4 acres) is located. This knowledge would be essential to foresee the manner in which the area may potentially be transformed in the future.
- In the submittal, it seems like there are several alternative plans proposed by the petitioner for the 53.4 acres. The alternative plan with fewer home sites and larger lot sizes appears to fit the area more appropriately.
- The proposed project area (53.4 acres) is across Kuhio Highway from the Kealia Kai Subdivision. It would be reasonable to expect that a potentially proposed project in this area would be complementary to the existing subdivision plans in the immediate area. The aforementioned 2000 acres was approved for a subdivision plan a few years ago with fewer homes and larger lot

sizes that remained agriculturally zoned. It seems like this type of subdivision would be more suitable than a high-density housing project with many home sites in a small acreage area.

- It appears that the potential approval of the petitioner's proposal by the State of Hawaii Land Use Commission for Land Use District Boundary Amendment from **Agricultural to Urban** (Residential) will predictably affect several characteristics of the area.
  - o The land parcel involved in this proposal is **Prime Agricultural land with highly fertile soil**. This land parcel is currently being used for **farming** by the local community. It would be great if an area with such attributes remain agriculturally zoned and the land be farmed for its intended purpose with its available resources to contribute to the needs and demands of the local community, as well as the visitors.
  - o The proposed land area is also currently being used as **cattle grazing pasture land** which accommodates the needs of the community members involved in **raising cattle**.
  - o The proposed land area has served as a fairly sizable **open-space** area on the East side of Kauai. The proposed project can potentially reduce this privilege.
  - o Potential approval of the petitioner's proposal, as one might expect, may give rise to several **environmental issues** as well as creating some levels of **public nuisance** for the current local residents and visitors. The matters that are concerning are listed below:
    - Adversely impacting **traffic** in the immediate and surrounding areas. Kuhio Highway (the only highway/roadway in the proposed project area) is a two-lane highway with strictly limited existing capability to accommodate the current traffic in the area.
    - Adversely **burdening public services** (fire, police, etc.), public facilities, drainage, potable water, waste water, etc.
    - Adversely impacting the availability of **potable water** (private water sources serve the area) as well as generation of waste water and solid waste by adding 235 homes in a small acreage area.
    - Adversely impacting the **agricultural water** quantity, allocation, easements, and interference with the infrastructure currently in place, for the communities that are agriculturally zoned and rely on the irrigation water there.
    - Potentially cause decline in the **property values** of the surrounding properties and subdivisions.
    - Adversely affecting the nearby **historic sites and scenic points** for the local community members as well as the visitors and potentially impacting the tourism industry which has vital economic value for the State of Hawaii and the County of Kauai.
    - Negatively impacting and burdening County of Kauai's budget (tax payer funds) that would be spent in the area, exacerbating the budget strains and limitations for County-wide public resources.



We greatly appreciate your attention to our concerns and comments. We would be more inclined to support the proposed project, if more information would become available to address our concerns.

As outlined in the prepared and filed documents with the LUC by the petitioner, there are several alternatives to the currently proposed plan that may impose fewer unfavorable impacts to the area and its current residents. We hope that the directors at the LUC will take these alternatives into consideration and opt for the options that mitigate the concerns of the community members.

Please do not hesitate to contact us with any questions.  
Thank you.

Best regards,

*Jirair Saralou*  
*Aderineh Saralou*

Jirair and Aderineh Saralou  
Kealia Kai Home Owners

March 15, 2018

Ms. Jirair and Ms. Aderineh Saralou  
P.O. Box 687  
Kapa'a, HI, 96746



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 21, 2017

Dear Mr. and Mrs. Saralou:

Thank you for your comment letter to the State of Hawai'i Land Use Commission (LUC) dated December 21, 2017. On behalf of the LUC, we offer the following responses to your comments:

- At the present time, the Petitioner has no intention of developing the remaining 2,000 acres of the TMK parcel within which the proposed Keālia Kai Homesites project is located. The owner's intent is to retain the area for agricultural activities.
- The Draft EIS will discuss alternatives to the proposed project, including: 1) an agricultural subdivision; 2) variations in development density (lower density, greater density); 3) variations in project area (larger and smaller); and 4) offering turnkey homes for sale. The alternative for lower density (i.e., larger lot sizes) which you state "appears to fit the area more appropriately" would be more likely to attract out of state residents and offshore investors than the proposed action, according to the Kaua'i County Planning Director and the project's market and feasibility analysis. As such, it is less effective at accomplishing the owner's objective to provide housing targeted to local Kaua'i residents.
- The proposed project is located adjacent to an existing residential subdivision, and is complementary to this existing use. The previous plan for a subdivision with fewer homes and larger lots is no longer proposed.
- The Draft EIS will address the characteristics of the area and address the potential project impacts that you reference. These include impacts on agriculture, open space, traffic, public services, historic and scenic points, and economic and fiscal impacts.

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer", with a stylized flourish at the end.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission

12-18-2017

Hawai'i Management Services, LLC

State of Hawai'i Land Use Commission

HHF Planners

I am a 25 year resident of Kauai, living on Kamole Road since I purchased my home in April, 2000.

The following are some of my concerns regarding the proposal of Kealia Mauka Homesites.

1. The proposed 53 acres to be divided into 235 house lots would be targeted for , but not restricted to, Kauai residents. These parcels could be purchased by anyone, from anywhere. This opens the door to another 1000-1500 people moving to Kauai, thereby stretching our resources even greater than they are stretched presently.
2. It is stated that this project is consistent with typical densities in the islands existing single-family residential communities. Are there any other 53 acres of gorgeous fertile agricultural land on Kauai that presently has 235 lots, ranging from 5600-7300 sf in size, each with a house and probable carport or garage and shed? If so, where is it located? What does it look like?
3. Why choose high rated "B" fertile agricultural land and build a very compact housing project?
4. The proposed housing project is planned to be accessed from Kealia Road. Presently attempting to access Kuhio Highway from Kealia Road is a real challenge. There is the North-South traffic on Kuhio Highway. There is the entrance to and exit from Kealia beach. There are turn lanes for Kealia beach and Kealia Road. There is a pedestrian crosswalk. There is already a high volume of traffic in this 40 mph area. With 235 houses planned, a conservative number of 500 additional cars would be expected to be using this intersection. If this project is granted then access to the subdivision should be considered to be located north of the project, across from Kealia Kai's entrance from Kuhio Highway.
5. The building of 235 houses and other structures would produce a significant amount of noise. It could be even worse if it's over 8 years.
6. An additional 1000-1200 people – adults and children- and their pets will naturally produce noise.
7. An additional 500 or more cars/trucks will add more traffic, more noise.
8. The visual impact will be devastating.
9. Under Section 7. Significant Criteria, this project does impact ( although not deemed significant) 1,2,4,6,7,8,and 12.

I am grateful that an Environmental Impact Study has been determined necessary.

Aloha

  
Karen Gibbons

[alohakareng@yahoo.com](mailto:alohakareng@yahoo.com)

March 15, 2018

Ms. Karen Gibbons

[alohakareng@yahoo.com](mailto:alohakareng@yahoo.com)



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001  
Your Emailed comments sent December 18, 2017

Dear Ms. Gibbons:

Thank you for your letter dated December 18, 2017 on the above reference EISPN. We offer the following responses to your comments.


1. You are correct that although the proposed Keālia Mauka house lots are intended for Kauaʻi residents, they could be purchased by anyone from anywhere. While possible, the lot sizes are smaller than those typically marketed to off-island second home buyers and investors.
2. According to the 2010 U.S. Census data, the average household size in the Kapaʻa area is 3.15 residents. Assuming a similar household size for the 235 lots, this would result in approximately 740 residents. The majority are expected to be existing Kauaʻi families.
3. The project area is designated in the Kauaʻi General Plan Land Use Map for residential use. It is also adjacent to an existing residential subdivision and appropriate for housing.
4. The project access via the existing Keālia Road is proposed to minimize traffic impacts to Kūhiō Highway, and is preferable to adding another point of entry. In its comments to the EISPN, the State of Hawaiʻi Department of Transportation indicated that no direct access shall be permitted from the site onto Kūhiō Highway. The Traffic Impact Analysis Report (TIAR) will look at the Keālia Road-Kūhiō Highway intersection and recommend any necessary traffic mitigation measures.
5. Noise impacts of the building of 235 houses will be discussed in the Draft EIS.
6. Noise impacts generated by new subdivision residents will be discussed in the Draft EIS.
7. Noise and traffic impacts from cars and trucks will be discussed in the Draft EIS.
8. Visual impact from Kūhiō Highway, Keālia Beach and the multi-use path will be addressed in the Draft EIS.
9. The Draft EIS will fully address the Chapter 343 HRS significance criteria.

## **HHF PLANNERS**

*places for people*

Your letter and this response will be reproduced in the Draft EIS. We appreciate your input on the EISPN.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ezer", with a stylized flourish at the end.

Scott Ezer  
Principal

cc: Moana Palama, Hawai'i Management Services LLC  
Daniel Orodener, State of Hawai'i Land Use Commission



Ross-boy and Cindi Link  
2306 Orrington Ave., Evanston IL 60201  
Kealia Kai Lots 1A/1B and 3A  
Ross-boy's mobile phone: (847) 420-0704  
Ross-boy's email: [RossLink@outlook.com](mailto:RossLink@outlook.com)

December 26, 2017

**Attn: Mr. Daniel Orodener**  
State Land Use Commission  
P. O. Box 2359  
Honolulu, HI 96804

**SUBJECT: Petition filed by Kealia Properties LLC, Docket No: A17-803**  
For the proposed project identified as Kealia Mauka Homesites on Kauai

Dear Mr. Orodener,

We own Lots 1A/1B and 3A (formerly 2 & 3), comprising 3 of the 35 home sites in the Kealia Kai subdivision across the street from the proposed Kealia Mauka location. Following is our feedback regarding the petition filed with the LUC by Kealia Properties LLC proposing to build 235 home sites on 53.4 acres of land in Kealia on the Island of Kauai, with TMK: (4) 4-7-004:001. We provided input to a feedback letter you may have received from our HOA, but our personal view is a little less negative than that of our HOA's, so we're providing our personal view here.

We are not opposed to this project, but we have concerns about it, most but not all of which were raised in the Kealia Mauka October 2017 Environmental Impact Statement (EIS) Preparation Notice. We believe we could be supportive of the project if our concerns are addressed, so we are raising them with you and also plan to discuss them with the Developer.

**Concern #1 - Traffic:** First and foremost, there is no doubt the project will increase traffic in the already congested area on the north end of Kapaa.

**Potential Solution(s):** An additional traffic light would almost certainly be necessary. Other actions to mitigate traffic buildups may also be needed.

**Concern #2 - Density:** An additional 235 homes on the north side of Kapaa is not ideal from our personal vantage points, but from the overall island's perspective, it is probably an acceptable tradeoff in order to provide needed, more affordable housing. Having said that, 235 additional homes in that area is probably enough.

**Potential Solution(s):** We would ask that the Developer agree no further subdivision will occur in TMK 4-7-004:001.

**Concern #3 – View from Kuhio Highway:** The Kealia Mauka homes on Kuhio Highway as planned will be somewhat of an eyesore both from the highway and from some homes at Kealia Kai.

**Potential Solution(s):** We at Kealia Kai are required to maintain a 100' to 300' setback from Kuhio Highway, planted with a Hau and Bougainvillea berm to minimize views of our homes. We would ask something similar from Kealia Mauka. Specifically, we would ask that the 22 homes adjacent to Kuhio Highway (less than 10% of the total) be deleted and replaced with green area, Hau, and Bougainvillea. This would provide about a 120' setback to Kealia Mauka and we believe everyone on the island would prefer that to having 22 homes right on the highway with what appears to be zero setback.

**Other Concerns:** Other concerns we have are not as problematic in our view, but given the relatively short notice we have had of this planned development, we would like to better understand them and look forward to doing so both through review of the EIS when complete and discussions with the Developer. Such additional concerns include:

- Any potential adverse impact on the availability of **public services** (fire, police, paramedics, etc.), public facilities, drainage, waste water, and other public services provided to the area (medical care, etc).
- Any potential adverse impact on **potable water** availability (private water sources serve the area), though our preliminary analysis suggests this is not a concern provided no further demands are made on the system (see Concern #2 above).
- Any potential adverse impact on **agricultural water** quantity, allocation, easements, and interference with the infrastructure currently in place, for the Kealia Kai Subdivision which is agriculturally zoned and relies on irrigation water.
- Excessive potential adverse impact on **property values** in our subdivision. We do not expect Kealia Mauka to have a positive impact on our property values, and in fact expect it to be at least somewhat negative. We just want some more time to ensure it would not be expected to have an excessive negative impact.

Thank you for your consideration of our concerns and suggestions for mitigating the most serious of them. We look forward to discussions with the Developer. Please feel free to contact us to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindi Link". The signature is stylized and fluid.

Ross-boy and Cindi Link

March 15, 2018

Mr. Ross-boy Link and Ms. Cindi Link  
2306 Orrington Ave.  
Evanston, IL 60201



**SUBJECT:** Keālia Mauka Homesites  
Environmental Impact Statement Preparation Notice (EISPN)  
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001  
Your Comment letter dated December 26, 2017

Dear Mr. and Ms. Link:

Thank you for your comment letter to the State of Hawaiʻi Land Use Commission (LUC) dated December 26, 2017. On behalf of the LUC, we offer the following responses to your comments:

**Concern #1--Traffic**

The Draft EIS will include a Traffic Impact Analysis Report (TIAR) which will estimate vehicle trips generated by the project and evaluate impacts on a number of roadway segments in the project vicinity. The TIAR will include recommended roadway improvements to mitigate the project-related increase in traffic.

**Concern #2—Density**

The project proponent has no plans for further development in TMK 4-7-004:001.

**Concern #3—View from Kūhiō Highway**

The construction of a residential subdivision at the proposed site will alter the visual landscape and be visible from Kūhiō Highway and possibly from areas of Keālia Kai. There will be a setback from Kūhiō Highway, and we will investigate including a landscape buffer to mitigate visual impacts.

**Other Concerns**

The Draft EIS will address the project's impact on public services (fire, police, schools etc.) and utilities (water, sewer etc.). An economic and market study is being conducted and will be included in the Draft EIS.

Your letter and this response will be reproduced in the Draft EIS. Thank you for your input.

Sincerely,

A handwritten signature in black ink that reads "Scott Ezer". The signature is fluid and cursive.

Scott Ezer  
Principal

cc: Moana Palama, Hawaiʻi Management Services LLC  
Daniel Orodener, State of Hawaiʻi Land Use Commission

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