

9.0 PARTIES CONSULTED DURING PREPARATION OF THE DRAFT AND FINAL EIS

9.1 Environmental Impact Statement Preparation Notice (EISPN)

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 (*). Table 9-1 summarizes the EISPN comments received. Copies of all EISPN comment letters and response are included at the end of this chapter.

9.1.1 PARTIES CONSULTED DURING THE EISPN

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, Facilities*
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
Commission on Water Resource Management*
Division of Forestry and Wildlife*
Land Division*

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
Keālia Town Tract residents (Ka'ao Road and Hopoe Road), Kamole Road residents
The Garden Island
Honolulu Advertiser

9.1.2 SUMMARY OF EISPN COMMENTS

<u>KEALIA MAUKA HOMESITES</u> <u>SUMMARY OF EISPN COMMENTS (as of 1/23/2018)</u>			
<u>Federal Agencies</u>	<u>Contact</u>	<u>Comment Ltr. Date</u>	<u>Notes</u>
<u>USFWS</u>	<u>Michelle Clark</u>	<u>12/27/2017</u>	<ul style="list-style-type: none"> • <u>No designated critical habitat in vicinity. Listed waterbird species that may occur or transit include Hawaiian stilt, Hawaiian coot, Hawaiian gallinule, and Hawaiian duck, Hawaiian goose, Hawaiian petrel, Newell’s shearwater and band rumped storm petrel.</u> • <u>Recommend incorporating mitigation for Hawaiian goose (Nene)</u> • <u>Recommended mitigation for Hawaiian seabirds including shielded outdoor lights, motion sensor switches on outdoor lights, avoid night construction during fledging period (Sept. 15-Dec 15)</u> • <u>Recommend mitigation for Hawaiian hoary bat, including not disturbing woody plants greater than 15 ft tall during birthing and pup rearing season (June 1-Sept. 15) and no barbed wire fencing</u>
<u>State Agencies</u>	<u>Contact</u>	<u>Comment Ltr. Date</u>	<u>Notes</u>
<u>Accounting and General Services</u>		<u>1/17/2018</u>	<ul style="list-style-type: none"> • <u>No comments</u>
<u>Department of Defense</u>	<u>Shao Yu Lee, O’ahu Land Manager</u>	<u>12/1/2017</u>	<ul style="list-style-type: none"> • <u>No comments</u>
<u>Department of Health, Environmental Planning Office</u>	<u>Laura Leialoha Phillips McIntyre</u>	<u>12/14/2017</u>	<ul style="list-style-type: none"> • <u>Consider health from broad perspective, account for social, economic and environmental determinants of health and well being</u> • <u>Standard comments regarding water quality, wastewater systems, clean air, noise, Phase I ESA, DCAB</u> • <u>EPA has developed environmental justice (EJ) mapping and screening tool called EJSCREEN. Attached EJSCREEN report for project area.</u>
<u>DOH Kaua’i District Health Office</u>	<u>Gerald N. Takamura</u>	<u>12/22/2017</u>	<ul style="list-style-type: none"> • <u>Use of individual wastewater systems not allowed. Have engineer submit plans for wastewater treatment works. Wailua WWTP capacity around 50% but there are other proposed housing developments</u> • <u>Standard comments regarding noise, dust, solid waste, clean water, NPDES, etc.</u>

<p><u>DOH Safe Drinking Water Branch</u></p>	<p><u>Jennifer Nikaido, SDWB Engineer</u></p>	<p><u>12/27/2017</u></p>	<ul style="list-style-type: none"> • <u>Submit signed water agreement to SDWB for review when construction plans submitted.</u> • <u>Project is substantial modification to Keālia Water system. Projects proposing substantial modification must receive approval by Director prior to construction or modification in accordance with HAR.</u> • <u>Standard comments regarding dual water system</u>
<p><u>DOH-HEER</u></p>	<p><u>Randall John Peard</u></p>	<p><u>Email 12/19/2017</u></p>	<ul style="list-style-type: none"> • <u>EIS approval or future development should be conditioned on assessment for potential of soil contamination from past sugarcane production activity. This is standard recommendation from DOH for all new residential or commercial developments.</u> • <u>If site only formerly used as sugarcane growing fields, chemicals of potential concern to be evaluated in soils limited to arsenic and organochlorine pesticides.</u> • <u>If Phase 1 ES reveals other sugarcane operations, additional chemicals of concern are required to be investigated for those areas</u>
<p><u>DOE-Facilities Development</u></p>	<p><u>Heidi Meeker, Planning Section</u></p>	<p><u>12/22/2017</u></p>	<ul style="list-style-type: none"> • <u>Schools serving project area are Kapa‘a Elementary, Kapa‘a Intermediate, Kapa‘a HS. Kapa‘a Elementary excess capacity expected to be eliminated over next 5 years. Kapa‘a Intermediate has capacity for 125 additional students, expected to remain same. Kapa‘a HS is overcapacity by 100 students.</u> • <u>DEIS should include discussion on whether project meets zoning and code requirements that allow for construction of Additional Dwelling Units (ADU) to assist DOE estimate number of students</u>
<p><u>DLNR-CWRM and DOFAW</u></p>	<p><u>Russell Tsuji</u></p>	<p><u>12/28/2017</u></p>	<p><u>CWRM</u></p> <ul style="list-style-type: none"> • <u>Standard comments related to water resources (coordinate with County and Hawaii DOA, use BMPs for stormwater management)</u> • <u>Discuss water requirements for potable and non-potable water, identify two wells and capacities, and water conservation and efficiency measures. Provided info on several wells.</u> <p><u>DOFAW</u></p> <ul style="list-style-type: none"> • <u>Hawaiian hoary bat has potential to occur. Recommends avoiding barbed wire and no disturbing woody plants during bat birthing and pup rearing season (June 1- Sept 15)</u> • <u>Hawaiian goose (Nene) has been observed in mauka pasture lands adjacent to Kūhiō</u>

			<p><u>Highway. Recommend survey be conducted during fall/winter nesting season between October and March to determine if birds are using area</u></p> <ul style="list-style-type: none"> • <u>Recommend shielded lights to minimize impacts to seabirds</u>
<u>DLNR-Land Division</u>	<u>Russell Tsuji</u>	<u>12/21/2017</u>	<p><u>Engineering Division</u></p> <ul style="list-style-type: none"> • <u>Standard flood hazard comments</u>
<u>Office of Planning (addressed to Matsubara & Tabata)</u>	<u>Josh Hekekoa, CZM or Tomas J. Oberding, Land Use Division</u>	<u>1/18/2018</u>	<ul style="list-style-type: none"> • <u>Attached “Issues of Concern in District Boundary Amendment Proceedings Based on LUC Decision-Making Criteria”.</u> <u>Should be addressed</u> • <u>DEIS should address population increase, development schedule</u> • <u>Address Hawai‘i State plan objectives, policies, guidelines</u> • <u>Address CZM objective and policies</u> • <u>Address stormwater runoff, wetlands, watershed, etc.</u>
<u>Office of Planning (same as letter above but addressed to Hawai‘i Management Services)</u>	<u>Josh Hekekoa, CZM or Tomas J. Oberding, Land Use Division</u>	<u>1/25/2018</u>	<ul style="list-style-type: none"> • <u>Attached “Issues of Concern in District Boundary Amendment Proceedings Based on LUC Decision-Making Criteria”.</u> <u>Should be addressed</u> • <u>DEIS should address population increase, development schedule</u> • <u>Address Hawai‘i State plan objectives, policies, guidelines</u> • <u>Address CZM objective and policies</u> • <u>Address stormwater runoff, wetlands, watershed, etc.</u>
<u>University of Hawai‘i at Mānoa, Water Resources Research Center</u>	<u>Darren T. Lerner</u>	<u>12/7/2017</u>	<ul style="list-style-type: none"> • <u>WRRC does not have capacity to review EISPN</u>
<u>Department of Transportation</u>	<u>Noren Kato</u>	<u>12/14/2017</u>	<ul style="list-style-type: none"> • <u>TIAR should address: existing and future ped and bike use along Kūhiō Highway.</u> • <u>Gated, unused access on Kūhiō Highway via Kealia Road should be noted in TIAR.</u> • <u>No direct access shall be permitted from site onto Kūhiō Highway. Project should include stipulation in the title documents for parcels adjacent to Kūhiō Highway that direct vehicle access onto Kūhiō Highway is not authorized.</u>
<u>County of Kauai</u>	<u>Contact</u>	<u>Comment Ltr. Date</u>	<u>Notes</u>
<u>Department of Public Works</u>	<u>Stanford Iwamoto, engineering division</u>	<u>12/21/2018</u>	<ul style="list-style-type: none"> • <u>Address air quality, drainage downstream, Kealia Rd use</u> • <u>TIAR should assume roundabout at Kūhiō Hwy & Mailihuna Rd as proposed by HDOT</u> • <u>TIAR should include trip generation and distribution for listed roadway segments</u>

<u>The Kaua'i Bus</u>	<u>Jeremy Kalawaia Lee</u>	<u>Email</u> <u>12/18/2017</u>	<ul style="list-style-type: none"> • <u>County of Kaua'i Transportation Agency would like to be kept abreast of any development actions</u>
<u>Transportation Agency (Lee Steinmetz, County Transportation Planner)</u>	<u>Lee Steinmetz, Transportation Planner</u>	<u>Email</u> <u>12/18/2017</u>	<ul style="list-style-type: none"> • <u>Include multimodal analysis of project to address:</u> <ul style="list-style-type: none"> ○ <u>bike and ped access from project area to Kealia Beach and Ke Ala Hele Makalae</u> ○ <u>to Kapa'a Elementary, St Catherin School and Kapa'a HS</u> ○ <u>to Kaua'i Bus mainline and potential improvements to bus stops serving project area</u> ○ <u>onsite and offsite improvements that could support mode shift goals in County Multimodal Land Transportation Plan</u>
<u>Other</u>	<u>Contact</u>	<u>Comment</u> <u>Ltr. Date</u>	<u>Notes</u>
<u>Kealia Kai Owners Association</u>	<u>Adrian Saralou, KKHOA President</u>	<u>12/19/2017</u>	<ul style="list-style-type: none"> • <u>Concern #1, Traffic—project will increase traffic in already congested north end of Kapa'a. Evaluate project access including necessary improvements to Kūhiō Highway</u> • <u>Concern #2, Density—Not ideal from our personal vantage point but from overall island perspective, probably acceptable tradeoff to provide needed affordable housing. Hsg would be better located closer to Kapa'a.</u> • <u>Concern #3, View from Kūhiō Hwy—may be eyesore from highway and Kealia Kai. Consider 300' setback as required for Kealia Kai. 22 homes adjacent to Kūhiō Highway should be eliminated and replaced with green area.</u> • <u>Other concerns—impact on public services, potable water, ag water, property values, loss of quality ag lands.</u>
<u>Jirair and Aderineh Saralou, Kealia Kai residents</u>	<u>Jirair and Aderineh Saralou</u>	<u>12/21/2017</u>	<ul style="list-style-type: none"> • <u>Not enough info to discern petitioner's intention for developing remaining 2000 acres</u> • <u>Alternative plan with fewer home sites and larger lots appears to fit area more appropriately</u> • <u>Potential LUC approval will affect several characteristics of area—agricultural and grazing land, open space, traffic, public services, ag water, surrounding property values, County budget</u>

<p><u>Karen Gibbons, Kealia Kai resident</u></p>	<p><u>Karen Gibbons</u></p>	<p><u>12/18/2017</u></p>	<ul style="list-style-type: none"> • <u>House lots not restricted to Kaua'i residents and could open door to another 1,000 to 1500 people moving to Kaua'i</u> • <u>Where are comparable density residential areas on ag land? What does it look like?</u> • <u>Why use B rated ag land for compact housing?</u> • <u>Access to and from Kealia Rd intersection is challenge. Consider access to subdivision north of project across Kealia Kai's entrance from Kūhiō Highway</u> • <u>Noise impacts due to increase people and cars</u> • <u>Visual impact will be devastating</u>
<p><u>Ross-boy and Cindi Link, Kealia Kai owners</u></p>		<p><u>12/26/2017</u></p>	<p><u>Provided input to KKOA letter. Personal perspective on concerns and potential solutions:</u></p> <ul style="list-style-type: none"> • <u>Concern #1, Traffic--additional light almost certainly necessary</u> • <u>Concern #2 Density--ask that developer agree no further subdivision will occur in TMK 4-7-004:001</u> • <u>Concern #3 View from Kūhiō Highway—Ask for setback from highway similar to Kealia Kai. Delete homes adjacent to Kūhiō Highway and replace with green area.</u> <ul style="list-style-type: none"> • <u>Other concerns—impact on public services, potable water, ag water, property values, loss of quality ag lands.</u>

9.2 DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

The Draft Environmental Impact Statement (DEIS) for the Proposed Action was prepared taking into consideration the comments received during the EISPN review period. Notice of availability of the DEIS was published in the May 8, 2018 edition of OEQC's *The Environmental Notice*. The DEIS 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 Lihū'e Public Library. The agencies, groups and individuals listed below were notified in writing of the DEIS.

The 45-day DEIS public comment period ended on June 22, 2018. Parties providing written comments are identified below with an asterisk (*). Table 9-3 below provides a summary of DEIS comments received. Copies of the comment letters and responses are included at the end of this chapter.

9.2.1 PARTIES CONSULTED DURING DEIS

Federal

Department of the Army, U.S. Army Corps of Engineers, Regulatory Branch*
Department of Agriculture, Natural Resources Conservation Service
Department of the Interior, Fish and Wildlife Service*
Department of the Interior, U.S. Geological Survey, Pacific Islands Water Science Center*
Environmental Protection Agency, Region IX, Pacific Islands Contact Office
Department of Commerce, National Marine Fisheries Service
Department of the Interior, National Park Service, Pacific Islands Support Office
Commander, Naval Facilities Engineering Command Pacific
Department of Transportation, Federal Aviation Administration
Department of Transportation, Federal Transit Administration
Department of Transportation, Federal Highways Administration
Department of Homeland Security, Coast Guard, Commander 14th Coast Guard District

State of Hawai'i

Department of Agriculture
Department of Accounting and General Services*
Department of Business, Economic Development and Tourism
DBEDT, Strategic Industries Division
Land Use Commission*
Office of Planning*
Department of Defense*
Department of Education*
Department of Hawaiian Home Lands
Department of Health,
Environmental Health Administration
Environmental Planning Office

Department of Land and Natural Resources*

DLNR Land Division*

Engineering Division*

Land Division-Kaua'i District*

Division of Forestry and Wildlife*

DLNR Commission on Water Resource Management

DLNR State Historic Preservation Division

Department of Transportation*

Department of Transportation, Statewide Transportation Planning Office

DOT Deputy Director of Highways

University of Hawai'i, Water Resources Research Center

Office of Hawaiian Affairs

County of Kaua'i

Fire Department*

Housing Agency

Department of Human Resources

Department of Planning*

Police Department*

Department of Public Works*

Kaua'i Transportation Agency

Department of Water*

Office of Economic Development

Kaua'i Emergency Management Agency

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

Kaua'i Island Utility Cooperative (KIUC)

Keālia Water Company Holdings, LLC

Keālia Irrigation Company, Inc.

Media and Libraries

The Garden Island
Honolulu Advertiser
Honolulu Civil Beat
Hawai'i Tribune Herald
West Hawai'i Today
Maui News
Moloka'i Dispatch

Libraries

Hawai'i State Library
Līhu'e Public Library
Kapa'a Public Library
University of Hawai'i Hamilton Library
Legislative Reference Bureau Library
University of Hawai'i, Kaua'i Community College Library
UH Edwin H. Mookini Library
UH Maui College Library

Organizations and Individuals

Keālia Kai Homeowners Association
Wailua-Kapa'a Neighborhood Association*
Sierra Club of Hawai'i, Kaua'i Group*
Kaua'i Board of Realtors
Kaua'i Chamber of Commerce
Kaua'i Planning and Action Alliance
All owners on adjacent Ka'ao Road, Hopoe Road, and Kamole Road subdivisions
Jirair and Aderineh Saralou
Ross-boy and Cindi Link
Tim Reis
Karen Gibbons*

(Responses received from the following private individuals: Barbara and David Beasley, Marj Dente, David Dinner, Marge Freeman, Karen Gibbons, John Harder, Mark Henley, Sharla Kalauawa, Agnes Marti Kini, Sylvia Partridge, Adam Roversi, Gabriela Taylor, Valerie Weiss)

9.2.2 SUMMARY OF DEIS COMMENTS

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
FEDERAL Department of the Army, U.S. Army Corps of Engineers	<u>Jason Brewer, Regulatory Specialist,</u> <u>Jason.D.Brewer@usace.army.mil</u>	<u>Ltr dated 6/28/2018</u>	<u>Project assigned reference number POH-2018-00115. Provided background info on Section 10 and Section 404 authority, waters of the US, etc. Proposer may request pre-application consult meeting recommended if proposal has substantial impacts to waters of the U.S. or if it is a large or controversial project.</u>	<u>The project will not obstruct or alter navigable waters of the U.S. and does not involve discharge of dredged or fill material into waters of the U.S.</u>
<u>U.S. Department of the Interior, Fish and Wildlife Service</u>	<u>Aaron Nadig, Island Team Manager, Pacific Islands Fish & Wildlife Office (PIFWO)</u>	<u>Ltr dated 5/23/2018</u>	<u>Due to workload constraints, PIFWO unable to address specific request. Have provided table listing protected species most likely to be encountered by projects in Hawaiian Islands.</u>	<u>FEIS will provide discussion on expanded list of endangered waterbirds that may occur in the vicinity, and conservation measures for those waterbirds.</u>
<u>U.S. Dept of the Interior, U.S. Geological Survey</u>	<u>Stephen S. Anthony</u>	<u>Ltr dated 6/19/2018</u>	<u>Due to prior commitments, unable to review document.</u>	<u>Acknowledged.</u>
STATE OF HAWAII				
<u>Department of Accounting and General Services</u>	<u>Gayle Takasaki</u> <u>536-0584</u>	<u>Ltr dated 6/8/2018</u>	<u>No comments</u>	<u>Acknowledged.</u>
<u>Department of Defense</u>	<u>Wade Ishii, Acting Assistant Chief Engineering Officer</u> <u>733-8441</u>	<u>Ltr dated 5/31/2008</u>	<u>No comments</u>	<u>Acknowledged.</u>
<u>Department of Education</u>	<u>Robyn Loudermilk, School Lands & Facilities Specialist</u> <u>784-5093</u>	<u>Ltr dated 6/20/2018</u>	<u>DOE provided student generation rate (SGR) used in DEIS to estimate 101 students at build out. Estimates are long term projections covering beyond project build out. If HIDEO had provided the estimates, the numbers would be qualified as follows: "When the project is mature and unit turnover is stabilized, approximately 101 HIDEO students will reside there."</u>	<u>FEIS discussion of projected school enrollment will include the disclaimer statement provided. FEIS has applied SGR to all 235 lots to provide a maximum impact scenario in the unlikely event that all future homeowners relocate from outside East Kaula I.</u> <u>Per email 8/1/2018 from HIDEO Office of School Facilities and</u>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
<p><u>Department of Land and Natural Resources, Land Division</u></p>	<p><u>Lydia Morikawa</u> <u>587-0410</u></p>	<p><u>Ltr dated</u> <u>6/20/2018</u></p>	<p><u>DOE does not concur with DEIS estimate of 21 new students based on assumption that 20% of project occupied by non-resident/vacation buyers.</u></p> <p><u>1) Engineering Division Standard comments regarding flood.</u></p> <p><u>2) Land Division Kaua'i District</u></p> <p><u>No comments.</u></p> <p><u>3) Division of Forestry & Wildlife</u></p> <p><u>Endangered seabirds may traverse area at night. To avoid construction impacts, avoid nighttime work requiring lights during seabird fledging season (9/15 to 12/15). Recommend homes install fully shielded outdoor lights. To minimize impacts to Hawaiian hoary bat, no disturbance to woody plants greater than 15 ft tall from 6/1 to 9/15. If nene present during construction, activities within 100 ft should cease. Follow DDFAW guidance if ohia trees are removed, trimmed or potentially injured.</u></p>	<p><u>Support Services, DOE will not be requesting fair share contribution for this project. Letter included as Appendix M.</u></p> <p><u>1) DEIS reports on analysis of FEMA flood zone within the Petition Area. Project will meet local County flood ordinances.</u></p> <p><u>2) Acknowledged.</u></p> <p><u>3) Will add to EIS discussion (FEIS excerpt provided).</u></p>
<p><u>Land Use Commission</u></p>	<p><u>Daniel E. Orodanker</u></p>	<p><u>Ltr dated</u> <u>6/20/2018</u></p>	<p><u>1) DEIS should include summary sheet summarizing impacts, proposed mitigation alternatives, unresolved issue, and compatibility.</u></p> <p><u>2) Project description should be included. Unable to locate source of specific costs from project description in Kodani PER (2017). Clarify how improvements will be financed, and if public funds will be requested. Rectify slight differences in unit counts/acreage between DEIS and PER and CBRE Market and Econometric Studies. Info on proposed lot prices should be included in general description.</u></p> <p><u>3) Alternative section--Include separate and distinct section on alternatives which could obtain objectives. Include discussion of alt of</u></p>	<p><u>1) FEIS includes summary sheet</u></p> <p><u>2) Costs cited in DEIS by Kodani are not from 2017 PER, but from separate internal document. Citation will be clarified to avoid confusion. FEIS will clarify no public funds will be requested. The slight discrepancies in unit count, e.g., in the CBRE Market and Econometric Studies, does not change stated conclusions and are within rounding margin of error.</u></p> <p><u>3) FEIS includes separate section on alternatives, including alternative of postponing action and alternative locations.</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>postponing action until further study and on alternative locations for project.</p> <p>4) Provide description of environmental setting, including environment in vicinity should be provided. <u>Disclose reason why cultural researcher was unable to access property with potential loi and water source and whether accuracy of conclusions was compromised in any way.</u></p> <p>5a) <u>Include discussion of how proposed action may confirm or conflict with objectives and terms of approved/proposed land use plans, policies and controls. Identify any incentives proposed to ensure lot buyers carry out conservation/sustainability measures.</u></p> <p>5b) <u>Necessary government approvals—describe status of each identified approval. Include required district boundary amendment from LUC as required approval for proposed project.</u></p> <p>6a) <u>Discussion on cumulative and secondary impacts (Section 6.2) should identify other developments with their specific impacts quantified by subject area to better assess overall cumulative impacts.</u></p> <p>b) <u>Marine biota: More fully address impact to nearshore environment, particularly marine biota, individually and cumulatively.</u></p> <p>c) <u>Absence of thorough discussion of impacts on school facilities. No evidence presented to support statement that most local students already attending Kaua'i public schools. May be coming from outside Kapa'a, needs discussion of potential impacts.</u></p> <p>d) <u>Address potential impact to agricultural production in vicinity, in County, and in State.</u></p>	<p>4) <u>FEIS will provide description of environmental setting and results of an updated September 2018 site visit from the hydrogeologist, which found the source of the irrigation supply is not a spring but a small perennial stream. Hydrogeologist concluded there is no possibility that increased use of the two Keālia wells will impact the flow of the stream. (FEIS excerpt provided)</u></p> <p>5a) <u>Discussion will be included in FEIS. (FEIS excerpt provided)</u></p> <p>5b) <u>Project Summary table has been updated.</u></p> <p>6a) <u>Cumulative impacts section will discuss cumulative impacts of other developments. (FEIS excerpt provided)</u></p> <p>b) <u>FEIS will include new section on marine biological resources. (FEIS excerpt provided)</u></p> <p>c) <u>Will address impacts on school facilities, including a scenario where students come from outside. (FEIS excerpt provided)</u></p> <p>d) <u>Provided location on 86 acres. Will address agricultural impacts and available ag land in East Kaua'i due to closure of Ljhu'e Plantation. Discussion of IAL</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>Not clear where additional 86 acres has been added and what it will be used for.</p> <p>No info provided on referenced ag land available in East Kaua'i due to closure of Lihue Plantation. Location, size, soil classification, and whether there is available water. Discuss how 36,000 acres on Kaua'i that are designated IAL will achieve goal of food self-sufficiency.</p> <p>e) No discussion of emergency management facilities and impact (State DOD, HI EMA, County EMA).</p> <p>f) Cultural Resources-include statement addressing customary and traditional rights under Article XII, Section 7 of Hawai'i State Constitution.</p> <p>g) Economic analysis analyzed public fiscal impacts—additional costs of State and County to support non-resident second home buyers should be provided and broken down by type of service and facility.</p> <p>7) Probable adverse effects which can't be avoided—include other interests and consideration of governmental policies thought to offset adverse effects. Discuss extent to which these countervailing benefits could be realized. Section 6.4 does not address in sufficient detail.</p> <p>8) Description of proposed mitigation requires further discussion on timing of each step in mitigation process and responsibilities and commitments of Petitioner to ensure implementation.</p> <p>9) Separate and distinct section summarizing unresolved issues and resolution should be provided.</p> <p>Wastewater service should be identified as unresolved issue, as County will issue a "will serve" letter only after zoning approval, which is not assured.</p>	<p>food self-sufficiency goal will be included.</p> <p>Lands current designated as IAL in County exceed IAL study recommendation by about 77%. County has decided not to pursue additional IAL designations.</p> <p>e) <u>New section on Emergency Management Facilities included. In FEIS (FEIS excerpt provided)</u></p> <p>f) <u>Statement addressing customary and traditional rights under Article XII, Section 7 of the constitution is included.</u></p> <p>g) <u>See response to comment in CBRE letter dated April 9, 2019 (Appendix F). No such analysis was conducted within CBRE scope of study.</u></p> <p>7) <u>Will summarize probable adverse effects which can't be avoided. (FEIS excerpt provided)</u></p> <p>8) <u>To be included in FEIS.</u></p> <p>9) <u>Section 6.5 on Unresolved Issues has been expanded and includes discussion of wastewater and others (FEIS excerpt provided)</u></p> <p>10) <u>Done.</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
<p><u>Office of Planning</u></p>	<p><u>Joshua Hekeia, CZM Program or Tomas Oberding, Land Use Division</u></p>	<p><u>Ltr dated 6/22/2018</u></p>	<p><u>10) List of persons or agencies consulted and had no comment shall be included; LUC should be listed as consulted agency.</u> <u>11) Statement that DEIS prepared under signatory's direction and supervision should be signed by Applicant, Keālia Properties LLC not consultant.</u> <u>12) Replace terms potable water and non-potable water with "drinking water" and "non-drinking water."</u> <u>13) Request that Phase I ESA be included as an appendix.</u></p>	<p><u>11) Statement will be signed by Applicant.</u> <u>12) Global replace done.</u> <u>13) New Phase I ESA specific to the Petition Area completed, incorporated in FEIS and attached as Appendix K.</u></p>
			<p><u>1) Previous Comments (EISPN comments 1/25/2018)</u> <u>Indicate whether Education Contribution Agreement with DOE is needed; incorporate development schedule and map showing circulation and lot development layout. Analysis of all parts of Hawai'i State Planning Act in HRS Chapter 226</u> <u>Assess conformance to objectives and policies of Hawai'i CZM Program</u> <u>Summarize project area in relation to potential impact to wetlands, perennial streams, tsunami evacuation and flood zones, etc.</u> <u>2) Project Description</u> <u>Disclose up front in Project Description the number of affordable units (or range).</u> <u>Description should also include sales prices. Clarify if any accessory or 'ohana units allowed.</u> <u>3) Noise</u> <u>Recommend noise study be undertaken to determine extent of noise impacts on 22 lots fronting Kūhiō Highway</u> <u>4) IAL</u> <u>Doesn't indicate whether lands are part of recommended IAL in County mapping study. Clarify current status of County IAL designation</u></p>	<p><u>1) The DOE Office of School Facilities and Support Services indicated that the fair share contribution will not be required; added to FEIS.</u> <u>All previous EISPN comments addressed.</u></p> <p><u>2) Estimated number affordable units included in DEIS. Can't currently predict sales prices.</u> <u>Added explanation that project will meet County workforce housing requirements (FEIS excerpt provided).</u> <u>3) A noise measurement and evaluation report has been completed and incorporated in FEIS and attached as Appendix J (FEIS excerpt provided)</u></p> <p><u>4) The Petition Area is not part of the County's recommended or designated IAL lands. County has</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>and note that final study yet to be transmitted to County Council.</p> <p>5) Infrastructure and Utilities Section 4.10.1 missing discussion of communication facilities to be provided.</p> <p>6) <u>Public Services</u></p> <p><u>Availability of civil defense warning systems in vicinity should be identified.</u></p>	<p>indicated it doesn't intend to pursue designation of additional IAL lands beyond what's already been designated under voluntary process. (FEIS excerpt provided)</p> <p>5) <u>Discussion of communications facilities added. (FEIS excerpt provided)</u></p> <p>6) <u>Discussion of civil defense warning systems added. (FEIS excerpt provided)</u></p>
<p><u>Department of Transportation</u></p>	<p><u>Blayne Nikaido, Transportation Planning Office, (808) 831-7979</u></p>	<p><u>Letter dated 7/13/2018</u></p>	<p>1) <u>TIAR should be revised for DOT review and acceptance. Proposed mitigation alternatives (roundabout, stop controlled or traffic signal) should be evaluated in detail to include: a) provision for pedestrian and bicyclist safety; b) potential realignment of Keālia Road to eliminate the skewed approach; c) deceleration lane, including right-turn lane for south bound vehicles; d) viability of traffic signal given high corrosion potential at this location; e) verify queues at intersection will be adequately contained within existing storage or that improvements to left-turn storage will be provided; f) availability of right-of-way for improvements; g) proposed traffic improvements based on this intersection evaluation.</u></p> <p>2) <u>Ped and bicycle modes of transportation not sufficiently addressed. Should be better identification of possible routing of bike and ped traffic based on likely origins and destinations. Development should provide appropriate improvements to accommodate these routings.</u></p> <p>3) <u>Any future development beyond the boundaries of Keālia Mauka Homesites will</u></p>	<p>1) <u>TIAR was updated to incorporate all comments. (FEIS excerpt provided) TIAR has been submitted for DOT review. FEIS County's preferred mitigation, although both roundabout and signal are viable options. (FEIS excerpt provided)</u></p> <p>2) <u>Project now includes improvements on Keālia Road. TIAR and FEIS updated to discuss existing ped and bike facilities and to evaluate impacts of improvements on ped and bike traffic on Keālia Road.</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>need to be evaluated for traffic impacts and may require traffic studies and traffic improvements at the <u>Keālia Drive/Kūhiō Highway intersection.</u></p>	<p>3) <u>Acknowledged.</u></p>
<u>COUNTY OF KAUAI</u>				
<u>Fire Prevention</u>	<u>Daryl Date, Fire Prevention Captain</u>	<u>Email dated 6/6/2018</u>	<p><u>Was unable to access DEIS using URL provided in letter. Basic concerns will be access and fire protection. Fire Dept. will push for minimum 20 foot road width.</u></p>	<p><u>Alternative URL provided to commenter via email with offer to send CD if necessary.</u> <u>Roads will have a minimum 20 foot width. Letter has been forwarded to project civil engineer.</u></p>
<u>Planning Department</u>	<u>Lee Steinmetz, Transportation Planning Officer</u>	<u>Ltr dated 6/20/2018</u>	<p><u>DEIS Page 4-46: while current condition is no sidewalk until after Kapa'a Stream Bridge, the HDOT Kapa'a Stream Bridge project will continue the mauka sidewalk across the bridge.</u> <u>DEIS Page 4-46: There is some pedestrian activity along Keālia Road, including people accessing the post office, food truck area and farmer market. In addition, walkers, runners and bicyclists regularly use Keālia Road.</u> <u>DEIS Page 4-56. Kūhiō Highway-Keālia Rd intersection: From County perspective, signal not preferred due to maintenance issues. EIS should explain why a roundabout is problematic, and provide more info on how intersection could be reconfigured to accommodate roundabout.</u></p>	<p><u>Page 4-46: FEIS revised to note that the HDOT project will continue the mauka sidewalk across the bridge. (FEIS excerpt provided)</u> <u>Page 4-46: FEIS discussion on pedestrian activity will be revised. (FEIS excerpt provided)</u> <u>Based on DEIS comments and discussions with County, roundabout is County's preferred mitigation. TIAR and FEIS revised to present this but also notes that both signal and roundabout are viable alternatives. (FEIS excerpt provided)</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p><u>DEIS Page 4-57: Improvements to Keālia Road: DEIS statements about poor connectivity along Keālia Road implies it will remain as is. With increased project traffic volume, additional bicycle and ped facilities may be needed on Keālia Road. Describe potential bike and ped improvements on Keālia Road including widened roadway with striped shoulders, bicycle climbing lane in uphill direction and shared lane markings in downhill direction, and/or paved path on one side. Incorporate recommended improvements in proposed mitigation.</u></p>	<p><u>Page 4-57: The project has been revised to include improvements to Keālia Road as mitigation for project-related traffic. These are discussed in the TIAR and FEIS. (FEIS excerpt provided)</u></p>
<u>Police Department</u>	<u>Michael M. Contrades, Deputy Chief</u>	<u>Ltr dated 5/14/2018</u>	<p><u>1) Concerns regarding need to provide additional public safety services to increased population. With potential for CPR, ADU and rental units, population could be higher. Area currently patrolled by one officer. Kawaihau District overall is one of largest residential districts and busiest in calls for police services.</u> <u>2) Only one officer currently serving area. Additional police personnel would be needed to meet adequate public safety needs.</u></p>	<p><u>1) While there will be increase in total residents in Keālia area, majority of subdivision residents are already living on Kaula'i and already being provided with police services. ADUs and CPRs will be prohibited using deed restrictions and CC&Rs. Vacation rentals not allowed.</u> <u>2) Given only one current officer, more police personnel will be needed. Police can be gradually increased as project builds out. Project fiscal benefits to County will provide adequate revenues for additional police personnel and equipment.</u></p>
<u>Department of Public Works</u>	<u>Stanford Iwamoto, Engineering Division 241-4896</u>	<u>Ltr dated 6/8/2018</u>	<p><u>1) Need to incorporate Kaula'i County Complete Streets Policy. Recommend working with DPW as street network and cross sections are finalized.</u> <u>2) Pre-development drainage flow volumes and patterns must be maintained. Must comply with County Storm Water Runoff System Manual.</u></p>	<p><u>1) Subdivision streets have been designed to meet the County's Subdivision Ordinance (Chapter 9 of the Kaula'i County Code), which was amended in 2013 to incorporate the County's Complete Streets Policy.</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
<u>Department of Water</u>	<u>Reginal Flores</u> <u>245-5418</u>	<u>Ltr dated</u> <u>6/15/2018</u>	<u>No objections to DEIS.</u> <u>At present, no DOW water service to proposed development. Prior to building permit/subdivision approval, applicant will be required to sign statement of waiver/release with DOW that will be recorded with final subdivision approval.</u>	<u>2) There will be no increase in storm water runoff offsite and no adverse impacts. Project will comply with County Storm Water Runoff System Manual.</u> <u>Statement will be included on final subdivision map and deeds that County water service not available and applicant will complete Waiver and Release Agreement with DOW.</u>
<u>ORGANIZATIONS</u>				
<u>Sierra Club of Hawai'i, Kaua'i Group</u>	<u>Kip Goodwin, Executive Committee</u>	<u>Ltr dated</u> <u>6/20/2018</u>	<p><u>1) Opening Comment: Opposed to LUC Boundary amendment. Project has characteristics of sprawl and contradicts guidelines in new 2018 County General Plan. Was not included in GP.</u></p> <p><u>2) Density—Proposed density too high: small lots not in keeping with existing 7,000 to 14,000 SF lots. R-6 residential zoning could accommodate 8,700 SF lots.</u></p> <p><u>3) Open Space—Impacts on existing community will be significant. Plan has no parks or community garden space. Tradewinds and view plans will be blocked. No setback from Kūhiō Highway.</u></p> <p><u>4) Traffic congestion—Congestion is top concern in East Kaua'i. No practical way for safe ped and bicycle traffic at Keālia Road-Kūhiō Highway intersection. Traffic delays at proposed traffic light will have cascading effect through Kapa'a-Wailua corridor.</u></p>	<p><u>1) Opening Comment: County issued Departmental Determination on July 5, 2016 stating that “there is clear intent in the 2000 General Plan, along with previous iterations of the plan, that the area generally is earmarked for ‘Residential Community’ growth adjacent to the existing subdivision in Keālia above the Keālia General Store... The proposed Conceptual Keālia Subdivision would generally be in alignment with the General Plan’s land use maps and texts.”</u></p> <p><u>2) Density: Lot sizes were established to keep prices affordable to local residents. Larger lots would result in lower</u></p>

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			<p>5) Infrastructure—Discussion of estimated wastewater generation is inadequate; do not include estimated generation for other already permitted developments and resorts.</p> <p>6) Conclusion—Sierra Club Kaula'i Group supports urban infill, higher density near jobs, schools and services as preferred route to provide affordable housing. Request Boundary Amendment not be granted.</p>	<p>density, but also higher sales prices.</p> <p>No adverse impact on public services is anticipated as the majority of future residents are already living on Kaula'i. While there may be need for increased police and fire personnel to serve the Keālia area, public costs will be offset by new property taxes and other fees.</p> <p>3) Open Space: There will be impacts on open space and views for residents. Open space buffer intended to mitigate visual impact. Noise study has been completed since DEIS, findings and mitigation discussed in FEIS. (FEIS excerpt provided)</p> <p>4) Traffic congestion: Project will include improvements to Keālia Road to increase vehicle, pedestrian and bicycle safety. Conceptual plans included in the FEIS.</p> <p>County indicated roundabout is its preferred mitigation at the Keālia Road-Kūhiō Highway intersection, and it is presented in FEIS as part of project. Either roundabout or traffic signal are viable. All intersection improvements will be funded by developer.</p> <p>5) Infrastructure: Wastewater Generation estimates in the</p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
<p><u>Wailua-Kapa'a Neighborhood Association (W-KNA)</u></p>	<p><u>Rayne Regush</u></p>	<p><u>Ltr dated 6/21/2018</u></p>	<p><u>W-KNA cannot support District Boundary Amendment and recommends rejection of DEIS due to significant omissions of info. Document lacks specificity, greater detail necessary. DEIS falls short in intent to satisfy county's need for housing.</u></p> <p><u>Inconsistent with 2000 and 2018 General Plan</u></p> <p><u>Questionable whether project area is within 2018 GP's future residential growth area.</u></p> <p><u>Kapa'a-Wailua Development Plan (1972) is current community plan for East Kaua'i has no reference to Keālia.</u></p> <p><u>General Plan Boundary Interpretation and Lack of Transparency</u></p> <p><u>Although developer communicated with Mayor and Planning Director in 2016, project was not included in 2018 GP update nor discussed during community outreach process, showing lack of transparency.</u></p> <p><u>Important Agricultural Land (IAL)</u></p>	<p><u>Preliminary Engineering Plan (PER) were based on data and analysis in the County's 2008 "Wailua Facility Plan." This document accounted for already-permitted developments and resorts including <u>Coco Palms, Coconut Plantation, and Coconut Village.</u></u></p> <p><u>Conclusion: Refer to previous response citing <u>County Planning Department</u> determination that the proposed action is consistent with <u>General Plan.</u></u></p>
				<p><u>Consistency with General Plan: The Petitioner applied for and received a <u>Boundary Interpretation for General Plan Designation (DD-2016-70)</u> from the <u>County of Kaua'i Planning Department on July 5, 2016.</u> (FEIS excerpt provided)</u></p> <p><u>Boundary Interpretation and Lack of Transparency: Refer to Mike Dahilig letter regarding General Plan consistency. (FEIS excerpt provided)</u></p> <p><u>IAL: The County's July 2015 IAL study evaluated all agricultural land on Kauai using eight criteria</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>Final study completed July 2015 (not adopted) identified project site as ag lands of importance.</p> <p><u>W-KNA Community Meeting 4/19/2018 should not be considered an EIS public scoping as it did not fully address DEIS nor include majority of those affected.</u></p> <p><u>Project Not Grounded in Community-based process</u></p> <p><u>W-KNA encouraged the applicant to meet specifically with the Keālia community as a group, but residents were not afforded that opportunity...it is clear that the project was not grounded in a community-based process from its inception.</u></p> <p><u>Urban Sprawl</u></p> <p><u>GP 2018 recommends in-fill in existing urban areas, creating population growth in this rural area is sprawl. Residents unable to safely walk to public transport and other facilities. No postal delivery will contribute to traffic.</u></p> <p><u>Alternatives</u></p> <p><u>DEIS doesn't explain why project limited to just 53 acres. Proposed R-6 zoning can have less density and larger lots 7,000 to 10,000 SF.</u></p> <p><u>Soil Contamination Studies</u></p> <p><u>Soil testing and compliance with DOH HEER recommendations should have been completed before and included in DEIS.</u></p>	<p>pursuant to Act 183 (SLH 2005). Lands with threshold scores at or above 28 met all eight IAL criteria at some level, and were considered for County IAL designation. Total of 53,547 acres met or exceeded threshold and shown on map in IAL study. <u>Report never transmitted to County Council and County hasn't adopted report or designated land for IAL. Only land to be designated on Kaua'i is the result of landowner self-designation.</u></p> <p><u>W-KNA Community Meeting: The landowner's representative and planning consultant attended the 4/19/2018 meeting at the request of W-KNA to provide information on the project. Meeting was organized, publicized, and hosted by W-KNA, and not intended to be EIS public scoping meeting.</u></p> <p><u>Project Not Grounded in Community-Based Process: Project was conceived through discussion between landowner and County administration to address current and projected shortage of workforce housing. Ongoing environmental review process has provided—and continues to provide—opportunity for community input. CIA included community interviews.</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p><u>Potable Water</u> <u>DEIS should include documentation regarding</u> <u>County declining to acquire Keālia Water</u> <u>Company improvements for Keālia Town Tract</u> <u>15 years ago. DEIS did not disclose that</u> <u>residents already have problems with poor water</u> <u>pressure.</u></p> <p><u>Public Safety</u> <u>a) Keālia Road in severe disrepair beyond</u> <u>Spaulding Monument.</u> <u>b) Without sufficient ingress/egress, residents</u> <u>are at risk during emergency evacuation,</u> <u>especially wildfire.</u> <u>c) Keālia Kai (36 lots) has 3 entrances compared</u> <u>to one for 235 lot petition area.</u> <u>d) Population increase will stress police and fire</u> <u>services.</u></p> <p><u>Inadequate Analysis of Keālia Road</u> <u>DEIS fails to evaluate use of Keālia Road</u> <u>between project site and Kūhiō Highway.</u> <u>Existing conditions not accurately described. No</u></p>	<p><u>Urban Sprawl: Refer to Mike</u> <u>Dahilig's letter.</u></p> <p><u>Alternatives: The alternative for a</u> <u>larger Petition Area was discussed</u> <u>in Section 2.4.4.1 of the DEIS. It</u> <u>is unlikely that the County would</u> <u>find a larger project area to be</u> <u>consistent with the General Plan.</u> <u>Larger Petition Area could result</u> <u>in more residents and traffic.</u></p> <p><u>Soil Contamination Studies:</u> <u>Subsequent to DEIS, Phase I ESA</u> <u>specific to Petition Area was done</u> <u>and results are included in FEIS.</u> <u>Soils testing will be conducted</u> <u>and compliance with Department</u> <u>of Health HEER</u> <u>recommendations will be</u> <u>completed prior to any ground</u> <u>disturbing activity on the site.</u> <u>(FEIS excerpt provided)</u></p> <p><u>Potable Water: Landowner's</u> <u>representative and project civil</u> <u>engineer not aware of incident</u> <u>you refer to. This issue was not</u> <u>mentioned during consultation</u> <u>with the County Department of</u> <u>Water.</u> <u>Project engineers are not aware of</u> <u>water pressure or quality</u> <u>problems.</u> <u>Water quality is regulated by the</u> <u>State Department of Health and</u> <u>results of recent water quality</u> <u>testing is in the Keālia Water</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>analysis of impact on existing Keālia Town Tract residents. Keālia Road shouldn't be only ingress/egress; what's HDOT justification for denying access from existing cane haul road? At intersection with Kūhiō Highway, need separate right and left turn lanes to prevent traffic back up on Keālia Road.</p> <p><u>Other Roadway Concerns</u> <u>What's justification for roundabout? Describe traffic flow at roundabout. Is signal Reference to new traffic signal "if warranted"—is signal HDOT approved? Impacts to traffic inside and outside project area minimized. Since Keālia Road is only access point, there will be significant traffic increase and intersection will worsen to LOS F and overcapacity during both peak hours.</u></p>	<p><u>System 2017 Consumer Confidence Report.</u></p> <p><u>Public Safety:</u> <u>a) Proposed Action will not impact areas of Keālia Road beyond Spalding Monument.</u> <u>b) Wildfire is ongoing concern statewide. Petitioner committed to working with Hawai'i Wildfire Management Organization and DLNR to reduce risk of wildfire.</u></p> <p><u>c) HDOT has indicated no direct access permitted from property onto Kūhiō Highway.</u> <u>d) Increase in population may require additional police and fire personnel. Increased cost to county more than offset by project's fiscal benefits.</u></p> <p><u>Inadequate Analysis of Keālia Road:</u> <u>Discussion of these items will be included in revised TIAR (2019) and FEIS. (FEIS excerpt provided)</u></p> <p><u>Other Roadway Concerns:</u> <u>Justification for roundabout and discussion of traffic flow added to FEIS. (FEIS excerpt provided)</u> <u>We concur there is urgent need to address traffic congestion and Applicant willing to do faire share to implement improvements recommended in 2015 Kapa 'a Transportation Solutions Report.</u></p>

Agency/Organization	Contact	Date	Comments	Response
			<p><u>Error in Project Vicinity Map</u> <u>Haua'ala Road misidentified on Figure 1-2, and description on page 4-45 is misleading.</u></p> <p><u>Wastewater Treatment and Disposal</u> <u>Analysis of future wastewater generation inadequate does not include 3 large coastal resorts permitted but unbuilt (Coco Palms, Coconut Plantation, Coconut Village). Lydgate STP will need relocation due to sea level rise.</u> <u>East Kaua'i Community Plan 2035 (Draft) discussion of future wastewater plant.</u> <u>Stormwater Drainage</u> <u>Ponding already occurs on Hopoe Road during heavy rains. Recommend detention basin be expanded alongside the 3 parcels on Hopoe Road.</u></p> <p><u>Development Schedule for infrastructure should be included.</u></p> <p><u>Visual Impacts</u> <u>No mitigation for Hopoe Road residents. Rural character of Keālia Town Tract significantly diminished. Unclear whether detention basins can also serve as recreation open space/parks.</u> <u>Undergrounding electrical line should be proposed. Recommend detention basin #2 be expanded along 3 Hopoe Road parcels to provide buffer. Vegetation wall or barrier</u></p>	<p><u>There is also urgent need for housing. Efforts to attain both transportation and housing objectives can and should occur on multiple fronts and should not be mutually exclusive goals.</u></p> <p><u>Error in project vicinity map (Figure 1-2) has been corrected</u> <u>Wastewater Treatment and Disposal: No sewer improvements planned for existing residences on Ka'ao Road or Hopoe Road. PER utilized data and analysis from 2008 Wailua Facility Plan which considered Coco Palms, Coconut Plantation and Coconut Village in Waipouli.</u> <u>General Plan acknowledges Kauai will be impacted by global warming and climate change.</u> <u>WWTP is above the 6-foot potential sea level rise scenario.</u></p> <p><u>Stormwater Drainage: Engineers not aware of existing ponding or drainage issues on Hopoe Road.</u> <u>Development Schedule: Discussion added to FEIS (FEIS excerpt provided)</u> <u>Visual Impacts, Scenic and Open Space: FEIS will discuss issues raised</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>needed to prevent car headlights on Roadway Lot B from shining into home on Hopoe Road.</p> <p><u>Social Impacts</u> <u>Changing land use designation to urban and population increase will impact community well-being. DEIS fails to highlight social characteristics of Keālia Town Tract. Despite proposed density, no designated park area for young children.</u></p> <p><u>Archaeological and Cultural</u> <u>CIA should interview Kama'āina residents of Keālia Town Tract. Address info on residents during 1950s, 1060s and 1970s, which were overlooked. Need to include info about New Stable Camp and Amberry Camp. Keālia Dispensary, night marcher stories. Get interviewee suggestions from Mr. Arinaga. LRFI seems inadequate, relies on previous studies focused on much larger area.</u> <u>Conclusion</u> <u>W-KNA does not support district boundary amendment. Project exemplifies sprawl. Subdivision does not reflect livable community that is safe and secure with features such as parks. Lot sizes inconsistent with adjacent neighborhood. Only one access point. DEIS has insufficient information and inaccuracies. Petition area is not cited as future urban area in recent General Plan, inconsistent with growth recommendations in GP 2000 and 2018.</u></p>	<p><u>Social Impacts: FEIS will discuss issues raised.</u></p> <p><u>Archaeological and Cultural: CIA has been amended to include interviews with residents and expanded history of subdivision. (FEIS excerpt provided). As requested by SHPD, Archaeological Monitoring Plan will be prepared and approved prior to start of project work.</u></p> <p><u>Conclusion: Issues have already been addressed in the response letter.</u></p>

Agency/Organization	Contact	Date	Comments	Response
<p><u>Barbara and David Beasley</u></p> <p>COMMUNITY INDIVIDUALS</p>		<p>Email dated <u>6/21/2018</u></p>	<p>We've been homeowners on Kamole Road for 17 years and share concerns. Would like more information on:</p> <ul style="list-style-type: none"> • <u>How does this "affordable" housing compare with similar development on the island? Could double number of people and autos in rural community. Is there a master plan looking at all development efforts across island?</u> • <u>How will expanded infrastructure needs be met and who will pay?</u> • <u>How will significant increase in eastside traffic be managed in one of worst traffic corridors on island? Kūhiō Highway already backed up from Kapa'a to near new fire station. Safety concerns with people and cars entering and exiting Keālia Beach. More difficult to exit Kamole Road onto Kūhiō Highway.</u> 	<p>See response letter in <u>FEIS Chapter 9</u></p>
<p><u>Mari Dente, Kapa'a resident</u></p>		<p>Email dated <u>6/21/2018</u></p>	<p>I am 40 year resident/owner on Kapa'i. Encouraging LUC not to approved Keālia Mauka. Area must remain open for agriculture, no homes. Reasons: 1) <u>Kūhiō Highway can't take additional congestion of over 500 vehicles;</u> 2) <u>lack of detail at public meeting on how sales will be restricted to local residents;</u> 3) <u>only access road narrow and unsafe;</u> 4) <u>unknown who pays for reconfiguration of Kūhiō Highway;</u> 5) <u>County not telling truth about this site, STP already overtaxed with disgusting odors.</u></p> <p>Keālia is exceedingly bad place for development. Not in Kapa'i General Plan, heavy traffic area, environmental nightmare, insult to local population that already lives in area.</p>	<p>See response letter in <u>FEIS Chapter 9</u></p>
<p><u>David Dinner</u></p>		<p>Email dated <u>6/22/2018</u></p>	<p>Keālia is exceedingly bad place for development. Not in Kapa'i General Plan, heavy traffic area, environmental nightmare, insult to local population that already lives in area.</p>	<p>See response letter in <u>FEIS Chapter 9</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
<u>Marge Freeman, Kapa'a resident</u>		<u>Email dated 6/6/2018</u>	<u>Project should not be allowed. 1) Ag designation should not be changed so mainland group can make money to be used on mainland. There's plenty of land in Kapa'a for future development. 2) Project is urban sprawl, too far from Kapa'a, inconsistent with General Plan. 3) Will add 2-3 cars per house and everyone will have to drive; 4) Lots are laid out in boring square pattern with no green space for children to play. Layout with 4 or 5 green spaces would help but still not make subdivision a good idea in this location.</u>	<u>See response letter in FEIS Chapter 9</u>
<u>Karen Gibbons, Kamole Road resident</u>		<u>Email dated 6/21/2018</u>	<u>Have grave concerns regarding proposal. In addition to ones sent 12/18/2017 (for EISPN), they are: 1) lots can be sold to anyone, despite targeting to Kapa'a residents; 2) there's nothing to prevent a Phase 2 for more lots; 3) no mention of impact to residents of Kamole Road; 4) what is financial impact to existing old time, local style homes in Keālia?</u>	<u>See response letter in FEIS Chapter 9</u>
<u>John Harder</u>		<u>Email dated 6/22/2018</u>	<u>Location is totally inappropriate for urban expansion. Should be located in Hanamaulu/Puhi corridor, close to jobs, shopping, adequate infrastructure. Impact of 300-400 cars. How can project justify cost of constructing a force main to carry sewage to Kapa'a? Once approve, would lead to pressure for additional growth. Please deny request to upzone existing ag land in favor of locating new residential development closer to existing urban core.</u>	<u>See response letter in FEIS Chapter 9</u>
<u>Mark Henley</u>		<u>Email dated 6/22/2018</u>	<u>Not in favor of project as it has been proposed, should be quashed entirely or revised significantly. Address following issues in EIS: 1) plan would increase size of Keālia to 7x as many households, significantly impacting current residents and public facilities. This is not only expansion of existing neighborhood but</u>	<u>See response letter in FEIS Chapter 9</u>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>major change to turn established ag township into crowded suburban environment. 2) project could set precedent for further encroachment into adjacent ag lands, despite it not being currently intended. 3) Keālia residents don't want major urban development in their backyards on ag lands. No evidence that more extensive housing was ever planned. 4) Pollution from proposed development not adequately addressed. noise from land development. air quality. water runoff. 5) Traffic impacts not adequately addressed. Commute times from Keālia and areas north into Kapa'a/Līhu'e should be calculated by unbiased outside agency. New traffic light would increase delays. Inland roadway should be considered for major inland development. 6) Affordability: not clear how development would lead to affordable housing. Would there be deed restrictions etc. 7) climate change no adequately addressed. Any new project with lifetime of 100 years should not plan to use current low lying roadways and sewer systems, but plan to use new roads in higher topography areas. Portions of two large ag lots owned by developer could be important in future access. Severe rainfall and periods of drought could become more common. 8) Sustainability: loss of prime ag land is great concern. development should occur on land less suited for ag.</p>	
<p><u>Sharla Kalauawa</u></p>		<p><u>Email dated 6/21/2018</u></p>	<p><u>Project should not be allowed to continue. Concern is traffic congestion that will compound overburdened roadways. Lot prices are expensive and how will "affordable" lots be limited to Hawai'i residents only? Where is water coming from? Who will build additional tanks and at whose expense?</u></p>	<p><u>See response letter in FEIS Chapter 9</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
<p><u>Agnes Marti Kini,</u> <u>Anahola resident</u></p>		<p><u>Email</u> <u>dated</u> <u>6/20/2018</u></p>	<p><u>Sewer—who will pay for County sewer hookups? Who will pay for existing residents to close cesspool/septic systems? Isn't Wailua STP already overburdened?</u> <u>No mail delivery service, Keālia Post Office is small and at maximum capacity.</u> <u>These concerns need to be addressed.</u> <u>As long time Anahola Resident, have concerns:</u> <u>1) Traffic Impacts—At least 460 more cars entering/existing Kūhiō Highway not good. We don't want light, we want a roundabout with pedestrian walkway above.</u> <u>2) Visual impact—impact from Kūhiō Highway will be eyecore. Put in super hedge like Keālia Makai.</u> <u>3) Traffic—Added cars on road. Encourage and help subsidize reopening of Princeville Airport to commercial/small commuter planes. Build small satellite government building on east/north side.</u> <u>4) Cultural and historic preservation—these issues are important to long-time residents. Suggest having community meeting and talk to residents. Offer monument or mini museum to memorialize history of plantation employees. Offer housing/neighborhood design that reflect cultural and rural farming.</u> <u>5) Affordable housing—we need more housing affordable to local Kaua'i residents.</u></p>	<p><u>See response letter in FEIS Chapter 9</u></p>
<p><u>Sylvia Partridge,</u> <u>Princeville resident</u></p>		<p><u>Email</u> <u>dated</u> <u>6/19/2018</u></p>	<p><u>Requesting that LUC stop the subdivision from being built because it's an inappropriate use of land. Best kept as agricultural. Location near existing dysfunctional traffic area, small mitigation proposed will not compensate. As a resident of Princeville, I have to drive through Kapa'a on my way to Līhu'e several times a week, hope that LUC will take hard decisions and make living on Kaua'i as pleasant as possible.</u></p>	<p><u>See response letter in FEIS Chapter 9</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
<p><u>Adam Roversi,</u> <u>Kilauea resident</u></p>		<p><u>Email</u> <u>dated</u> <u>5/17/2018</u></p>	<p><u>Generally support the proposed development with following caveat—residential homes will be isolated from commercial services unless residents drive, no services accessible by walking and biking. Recently approved General Plan encourages development of mixed use communities. Strongly encourage developer to seek and government to approve some low level commercial development to serve immediate community. Corner grocery store that’s walkable would create more livable community. small child care center, etc. Kaula’i needs housing but not more isolated suburban sprawl dependent on cars to be livable.</u></p>	<p><u>See response letter in FEIS Chapter 9</u></p>
<p><u>Gabriela Taylor, 48</u> <u>year Keapana</u> <u>Valley/Kapa’ua resident</u></p>			<p><u>Serious concerns about appropriateness of development. Subdivision is in wrong place with following negative impacts:</u> <u>1) Lack of transparency and consistency— project not listed in General Plan update. GP recommends urban infill housing, project is on ag. land;</u> <u>2) Cultural impacts—Long time Keālia residents were never interviewed. Cultural and archaeological impacts not addressed in DEIS. Arch and cultural documents overlooks decades of history between 1940s and 1970s and doesn’t discuss Kumukumu Camp and other features such as Dispensary.</u> <u>3) Keālia Road—only one entrance/exit onto Kūhiō Highway, adding another 450 cars is hazardous. Proposed traffic light may create more dangerous situation for pedestrians with existing speeding cars.</u> <u>4) Urban sprawl and traffic—GP update emphasized restricting development to Kaula’i’s urban center to decrease traffic. Project would increase traffic in Kapa’ua, when combined with 3 already approved resorts in Waipouli and Wailua.</u></p>	<p><u>See response letter in FEIS Chapter 9</u></p>

<u>Agency/Organization</u>	<u>Contact</u>	<u>Date</u>	<u>Comments</u>	<u>Response</u>
			<p>5) <u>Housing Affordability—What’s to stop developers from building homes that aren’t affordable, flipping properties, selling to non-residents. Local Keālia community not supporting this, will have serious impacts on Kāua’i quality of life. Stop this proposed development.</u></p>	
<p><u>Valerie Weiss, Kapa’ā resident</u></p>		<p><u>Email dated 6/19/2018</u></p>	<p><u>Until roads and bridges brought up to standards and can accommodate traffic, it’s irresponsible to add a subdivision. Fix gridlock first and then add sprawl second.</u></p>	<p><u>See response letter in FEIS Chapter 9</u></p>

EISPN Comments



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,

Leih 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 blue ink signature of 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, 154th Civil Engineer Squadron (154th 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 that reads "Scott Ezer". The signature is fluid and cursive.

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 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

Dear Mr. Ezer:

**SUBJECT: Environmental Impact Statement Preparation Notice (EISPN) 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 EISPN to our office via the OEQC link:

http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2017-11-23-KA-EISPN-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. 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 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

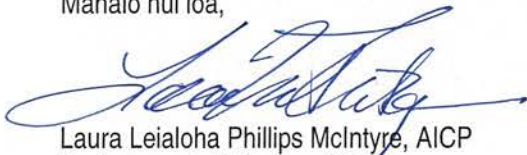
EPO also encourages you to examine and utilize the Hawaii Environmental Health Portal at: <https://eha-cloud.doh.hawaii.gov>. This site provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local 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.

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 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)
Daniel Orodener, Executive Officer, LUC (via email: 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)

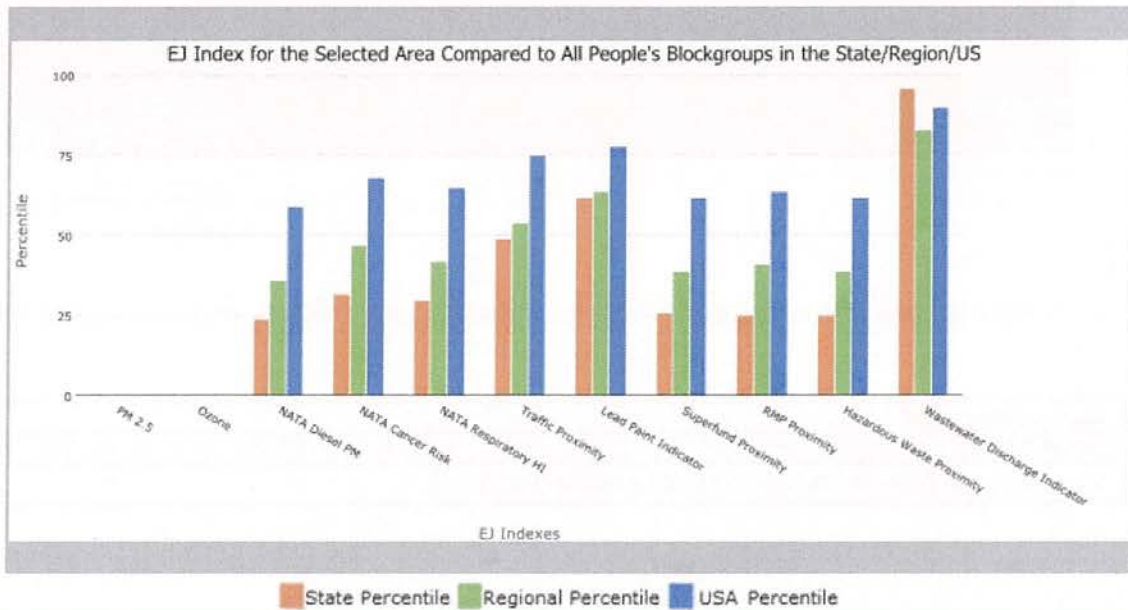


1 mile Ring Centered at 22.104293,-159.305009, HAWAII, EPA Region 9

Approximate Population: 337

Input Area (sq. miles): 3.14

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
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.

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

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
Environmental Indicators							
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
Demographic Indicators							
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

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 Orodener, State of Hawai'i Land Use Commission



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 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.

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places for people

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



**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 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)

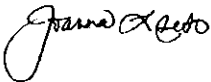
Mr. Scott Ezer
December 27, 2017
Page 2

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 only]
Mr. Greg Kingsley, Kealia Water Co. Holdings, LLC
[via 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 that reads "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

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). 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
(808) 933-9921 (office)

--

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.

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". 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



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:

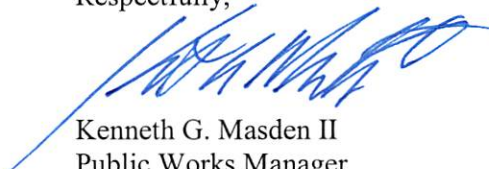
The Department of Education (DOE) has the following comments for the Environmental Impact Statement Preparation Notice (EISPN) for the proposed Kealia Mauka Homesite Project (Project). According to the EISPN, the proposed Project is for the development of 235 single-family house lots on approximately 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.

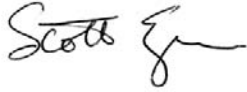
As requested, the Draft EIS will include a discussion on whether the project meets zoning and code requirements that allows for the construction of Additional Dwelling Units (ADU), in order to assist the DOE in estimating the number of students. We are working with Ms. Heidi Meeker of your Facilities 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 that reads "Scott Ezer". The signature is written in a cursive, flowing style.

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@mshkauai.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".

Russell Y. Tsuji
Land Administrator

Enclosure(s)

cc: David Orodener; Dept. of Business, Economic Development and Tourism
Daniel.e.oroedener@hawaii.gov
Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

RECEIVED
LAND DIVISION

2017 DEC 14 AM 11:00



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

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/oegc/> (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:

Cary S. Chang, Chief Engineer

Date:

12/12/17

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



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

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

To
FROM:
SUBJECT:

R
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: *Wesley T. Matsunaga*
 Print Name: Wesley T. Matsunaga
 Date: 12/7/17

Attachments

cc: Central Files

DEC 14 2017
LAND DIVISION

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

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 read "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
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

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

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: *[Signature]* 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/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: /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: 18760.1

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.

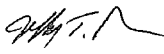
JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR

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.

- 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



SUZANNE
CHAIR
OF
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

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

RECEIVED
LAND DIVISION
2017 DEC 26 AM 10:43
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

The Division of Forestry and Wildlife has received your inquiry regarding the Kealia Mauka Homesites 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.

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.

HHF PLANNERS

places for people

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,



Scott Ezer
Principal

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



UNIVERSITY
of HAWAII®
MĀNOA

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

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,

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.

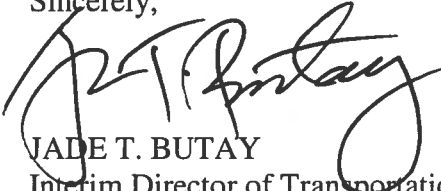
Additionally, no direct access shall be permitted from the subject project onto Kuhio Highway. The subject project should include a stipulation in the title documents for parcels adjacent to Kuhio Highway that direct vehicle access to Kuhio Highway is not authorized.

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,

A handwritten signature in black ink, appearing to read "Jade T. Butay". The signature is stylized with a large, looping initial "J" and "B".

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.

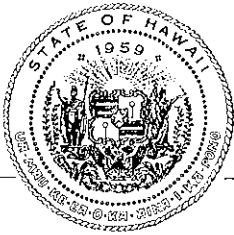
Your letter and this response will be reproduced in the Draft EIS. Thank you for your input on the EISPN.

Sincerely,

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

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

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DTS201801250944BE

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
- 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/stomwater_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

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 Hekckia 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)

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, 6th 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 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.

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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 that reads "Scott Ezer". The signature is written in a cursive, flowing style.

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, Lihu'e, 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 (EISPN) for the Keālia Mauka Homesites project. We have reviewed the EISPN 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;

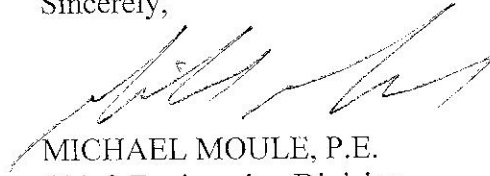
An Equal Opportunity Employer

- 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.

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 that reads "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: Wednesday, December 20, 2017 11:39 AM
To: Leslie Kurisaki
Subject: FW: Kealia Mauka Homesites (4)4-7-004: por. 001 EISPN

FYI

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

From: Jeremy Lee [mailto:jlee@kauai.gov]
Sent: Monday, December 18, 2017 3:00 PM
To: moana@mskauai.com
Cc: Celia Mahikoa <cmahikoa@kauai.gov>; Lee Steinmetz <lsteinmetz@kauai.gov>; Michael Dahilig <mdahilig@kauai.gov>; Michael Moule <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

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 that reads "Scott Ezer". The signature is fluid and cursive.

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.orođenker@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.orođenker@hawaii.gov' <daniel.e.orođenker@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 Kapa'a Elementary School, Saint Catherine School, and Kapa'a High School,
- Bicycle and pedestrian access from the project area to the Kaua'i 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 Kaua'i Multimodal Land Transportation Plan

Regards,
Lee Steinmetz

Lee Steinmetz
County of Kauai Transportation Planner
808.241.4978
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



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".

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 Orodener

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. Orodener,

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.

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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" written in a larger, more prominent script 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

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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 that reads "Scott Ezer".

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

March 15, 2018

Ms. Karen Gibbons

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.

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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 written in a cursive, flowing style.

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

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 that reads "Cindi Link". The signature is written in a cursive, flowing style.

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".

Scott Ezer
Principal

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

