

DEIS Comments and Responses

FEDERAL GOVERNMENT



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

June 28, 2018

SUBJECT: Comments Regarding Kealia Mauka Homesites, Kealia, Island of Kauai, Hawaii, Department of the Army File Number: POH-2018-00115

Kealia Properties, LLC
Attention: Moana Palama
Hawaii Management Services, LLC
Post Office Box 1630
Koloa, HI 96756

Dear Ms. Palama:

The United States (U.S.) Army Corps of Engineers, Alaska District (Corps) is providing this letter as a written comment to the May 4, 2018, HHF Planners Notification Letter for a proposed residential subdivision on 53.4 acres of land at Kealia, Kauai. The project site is located within Tax Map Key (TMK) (4) 4-7-004:001. Your project has been assigned number POH-2018-00115, Kealia Mauka Homesites, which should be referred to in all future correspondence with us.

The Corps' regulatory authorities are based on two laws: Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403), which prohibits the obstruction or alteration of navigable waters of the U.S. without a permit from the Corps; and Section 404 of the Clean Water Act (CWA), which prohibits the discharge of dredged or fill material into waters of the U.S. without a Corps permit.

Waters of the U.S. include, but are not limited to, tidal waters, rivers, both perennial and intermittent streams, and wetlands. Wetlands are defined as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

The Corps' evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a

practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Jason.D.Brewer@usace.army.mil, by mail at the address above, or by phone at (907) 753-2823 if you have questions. For more information about the District Regulatory Program, please visit our website at: www.poh.usace.army.mil/Missions/Regulatory.aspx. Thank you for your cooperation with the Honolulu District Regulatory Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Brewer", with a long, sweeping horizontal line extending to the right.

Jason Brewer
Regulatory Specialist

July 10, 2019

Mr. Jason Brewer
Regulatory Specialist
Department of the Army
Honolulu District, U.S. Army Corps of Engineers
Fort Shafter, Hawai'i 96858-5440



Dear Mr. Brewer:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001
POH-2018-00115**

Thank you for your comment letter dated June 28, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project, POH-2018-00115.

We appreciate the information provided on Section 10 of the Rivers and Harbors Act, which prohibits the obstruction or alteration of navigable waters of the U.S. without a permit from the Corps, and Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into waters of the U.S. without a Corps permit. The Keālia Mauka project will not obstruct or alter navigable waters of the U.S., nor does it involve discharge of dredged or fill material into waters of the U.S.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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



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-0308

May 23, 2018

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

Subject: Draft Environmental Impact Statement (DEIS) for a proposed residential subdivision at Kealia, Kauai

Dear Ms. Palama:

Thank you for your recent correspondence requesting technical assistance on species biology, habitat, or life requisite requirements. The Pacific Islands Fish and Wildlife Office (PIFWO) of the U.S. Fish and Wildlife Service (Service) appreciates your efforts to avoid or minimize effects to protected species associated with your proposed actions. We provide the following information for your consideration under the authorities of the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 *et seq.*), as amended and Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712).

Due to significant workload constraints, PIFWO is currently unable to specifically address your information request. The table below lists the protected species most likely to be encountered by projects implemented within the Hawaiian Islands. Based on your project location and description, we have noted the species most likely to occur within the vicinity of the project area, in the **'Occurs In or Near Project Area'** column. Please note, this list is not comprehensive and should only be used for general guidance.

If you are representing a federal action agency, please use the official species list on our web-site for your section 7 consultation. You can find out if your project occurs in or near designated critical habitat here: <https://ecos.fws.gov/ipac/>.

Under section 7 of the ESA, it is the Federal agency's (or their non-Federal designee) responsibility to make the determination of whether or not the proposed project "may affect" federally listed species or designated critical habitat. A "may affect, not likely to adversely affect" determination is appropriate when effects to federally listed species are expected to be discountable (*i.e.*, unlikely to occur), insignificant (minimal in size), or completely beneficial. This conclusion requires written concurrence from the Service. If a "may affect, likely to adversely affect" determination is made, then the Federal agency must initiate formal

consultation with the Service. Projects that are determined to have “no effect” on federally listed species and/or critical habitat do not require additional coordination or consultation.

Implementing the avoidance, minimization, or conservation measures for the species that may occur in your project area will normally enable you to make a “may affect, not likely to adversely affect” determination for your project. 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 assist you with the ESA compliance. If the proposed project is funded, authorized, or permitted by a Federal agency, then that agency should consult with us pursuant to section 7(a)(2) of the ESA. If no Federal agency is involved with the proposed project, the applicant should apply for an incidental take permit under section 10(a)(1)(B) of the ESA. A section 10 permit application must include a habitat conservation plan that identifies the effects of the action on listed species and their habitats, and defines measures to minimize and mitigate those adverse effects.

We appreciate your efforts to conserve endangered species. We regret that we cannot provide you with more specific protected species information for your project site. If you have questions that are not answered by the information on our website, you can contact PIFWO at (808) 792-9400 and ask to speak to the lead biologist for the island where your project is located.

Sincerely,

Island Team Manager
Pacific islands Fish and Wildlife Office

The table below lists the protected species most likely to be encountered by projects implemented within the Hawaiian Islands. For your guidance, we've marked species that may occur in the vicinity of your project

<u>Scientific Name</u>	<u>Common Name / Hawaiian Name</u>	<u>Federal Status</u>	<u>Occurs In or Near Project Area</u>
Mammals			
<i>Lasiurus cinereus semotus</i>	Hawaiian hoary bat/ `ōpe`ape`a	E	<input checked="" type="checkbox"/>
Reptiles			
<i>Chelonia mydas</i>	Green sea turtle/honu - Central North Pacific DPS	T	<input type="checkbox"/>
<i>Erectmochelys imbricate</i>	Hawksbill sea turtle/ honu`ea	E	<input type="checkbox"/>
Birds			
<i>Anas wyvilliana</i>	Hawaiian duck/ koloa	E	<input checked="" type="checkbox"/>
<i>Branta sandvicensis</i>	Hawaiian goose/ nēnē	E	<input checked="" type="checkbox"/>
<i>Fulica alai</i>	Hawaiian coot/ `alae kea	E	<input checked="" type="checkbox"/>
<i>Gallinula galeata sandvicensis</i>	Hawaiian gallinule/ `alae `ula	E	<input checked="" type="checkbox"/>
<i>Himantopus mexicanus knudseni</i>	Hawaiian stilt/ ae`o	E	<input checked="" type="checkbox"/>
<i>Oceanodroma castro</i>	Band-rumped storm-petrel/ `akē`akē	E	<input checked="" type="checkbox"/>
<i>Pterodroma sandwichensis</i>	Hawaiian petrel/ `ua`u	E	<input checked="" type="checkbox"/>
<i>Puffinus auricularis newelli</i>	Newell's shearwater/ `a`o	T	<input checked="" type="checkbox"/>
<i>Ardenna pacificus</i>	Wedge-tailed Shearwater/ `ua`u kani	MBTA	<input type="checkbox"/>
<i>Gygis alba</i>	White Tern/ manu-o-kū	MBTA	<input type="checkbox"/>
<i>Buteo solitarius</i>	Hawaiian hawk/ `io	E	<input type="checkbox"/>
Insects			
<i>Manduca blackburni</i>	Blackburn's sphinx moth	E	<input type="checkbox"/>
<i>Megalagrion pacificum</i>	Damselfly, Pacific Hawaiian	E	<input type="checkbox"/>
<i>M. xanthomelas</i>	Damselfly, Orangeblack	E	<input type="checkbox"/>

Below are our general conservation measures to avoid and minimize potential impacts to federally listed species that may occur in your project area:

Endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*): 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 3 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 incorporate 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.

Endangered Hawaiian petrel (*Pterodroma sandwichensis*), Threatened Newell's shearwater (*Puffinus auricularis newelli*), and Endangered Band-rumped storm-petrel (*Oceanodroma castro*): Newell's shearwaters are found in the highest densities on Kauai with lower densities on all of the other islands, except Lanai. Hawaiian Petrel populations are greatest on Maui, Lanai, and Kauai with lower densities on Hawaii and Molokai. Band-rumped storm-petrels are found in low densities throughout the islands. All islands may experience overflight at night.

For all projects, Hawaiian seabirds may traverse the project area at night during the breeding, nesting and fledging seasons (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 incorporate 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.

Endangered nene (Hawaiian goose, *Branta* (= *Nesochen*) *sandvicensis*): Nene are found on the islands of Hawaii, Maui, Molokai, and Kauai predominately, with a small population on Oahu. They are observed in a variety of habitats, but prefer open areas, such as pastures, golf courses, wetlands, natural grasslands and shrublands, and lava flows. Threats to the species include introduced mammalian and avian predators, wind facilities, and vehicle strikes.

To avoid and minimize potential project impacts to nene we recommend you incorporate the following applicable measures into your project description:

- Do not approach, feed, or disturb nene.
- If nene are observed loafing or foraging within the project area during the breeding season (September through April), have a biologist familiar with the nesting behavior of nene 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 3 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 nene 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.

Endangered Hawaiian waterbirds (Hawaiian stilt, *Himantopus mexicanus knudseni*; Hawaiian coot, *Fulica alai*; Hawaiian common gallinule, *Gallinula galeata sandvicensis*; Hawaiian duck, *Anas wyvilliana*): 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. While the Hawaiian stilt, Hawaiian coot, and Hawaiian duck may be found on all islands, the Hawaiian common gallinule is restricted to Kauai and Oahu.

If your project may create, either purposefully or inadvertently, any kind of standing water as part of the project activities, including excavation or grading for construction or roadwork, then it may attract Hawaiian waterbirds to the site. In particular, the Hawaiian stilt is known to nest in sub-optimal locations (e.g. any ponding water), if water is present. Hawaiian waterbirds attracted to sub-optimal habitat may suffer adverse impacts, such as predation and reduced reproductive success, and thus the project may create an attractive nuisance. Therefore, we recommend you work with our office during project planning so that we may assist you in developing measures to avoid impacts to listed species (e.g., fencing, vegetation control, predator management).

To avoid and minimize potential project impacts to Hawaiian waterbirds we recommend you incorporate 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 the 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 3 days of project initiation and after any subsequent delay of

work of 3 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.

July 10, 2019

Mr. Aaron Nadig
Island Team Manager
United States Department of the Interior
Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850



Dear Mr. Nadig:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated May 23, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Comment 1: *Due to significant workload constraints, PIFWO is unable to specifically address your information request....Based on your project location and description, we have noted the species most likely to occur within the vicinity of the project area...*

Response: We acknowledge that PIFWO was unable to specifically address the information request, but was able to provide general guidance regarding species most likely to occur within the vicinity of the project area. The DEIS includes potential impacts to and conservation measures for protecting sea birds, the Hawaiian hoary bat and the Nēnē. The Final EIS will include a discussion of potential impacts on an expanded list of endangered birds (waterbirds) that you have indicated may occur in the vicinity of the project area. This list includes the following birds: Hawaiian duck/koloa (*Anas wyvilliana*), the Hawaiian coot/'ālae kea (*Fulica alai*), the Hawaiian gallinule/'ālae 'ula (*Gallinula galeata sandvicensis*) and the Hawaiian stilt/ae'o (*Himantopus mexicanus knudseni*). Conservation measures for the Hawaiian waterbirds will be added under 3.7.2.2 Recommended Mitigation.

Comment 2: *If you are representing a federal action agency, please use the official species list on our web-site for your section 7 consultation. You can find out if your project occurs in or near designated critical habitat here...*

Response: The project is not a federal action, as there is no federal agency involvement, federal funds, or federal permits. The proposed project is not in the vicinity of a federally designated critical habitat. Consultation in accordance with Section 7 of the Endangered Species Act is not required.

Page 2

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Pacific Islands Water Science Center
1845 Wasp Boulevard, Building 176
Honolulu, Hawaii 96818
Phone: (808) 690-9600/Fax: (808) 690-9599

June 19, 2018

Ms. Moana Palama
Kealia Properties LLC
Hawai'i Management Services LLC
P.O. Box 1630
Kōloa, Hawai'i 96756

Dear Ms. Palama:

Subject: Draft Environmental Impact Statement (DEIS)
Keālia Mauka Homesites
Kawaihau District, Island of Kaua'i
TMKs: (4) 4-7-004: por.001

Thank you for forwarding the subject DEIS from HHF Planners to the U.S. Geological Survey Pacific Islands Water Science Center for review and comment. We regret however, that due to prior commitments and lack of available staff, we are unable to review the document.

We appreciate the opportunity to participate in the review process.

Sincerely,

Stephen S. Anthony
Center Director

cc: Mr. Daniel Orodener, Executive Officer
State of Hawai'i Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Mr. Scott Ezer
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813

July 10, 2019

Mr. Stephen S. Anthony
Center Director
United States Department of the Interior
U.S. Geological Survey
Pacific Islands Water Science Center
1845 Wasp Boulevard, Building 176
Honolulu, Hawaii 96819



Dear Mr. Anthony:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 19, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project.

We acknowledge that you do not have available staff to review the document. Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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

STATE OF HAWAII

DAVID Y. IGE
GOVERNOR



RODERICK K. BECKER
COMPTROLLER

AUDREY HIDANO
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

(P)1442.8

JUN - 8 2018

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

Dear Ms. Palama:

Subject: Draft Environmental Impact Statement (DEIS) for
Kealia Mauka Homesites
Kawaihau District, Kauai, Hawaii
TMK: (4) 4-7-004: por 001

Thank you for the opportunity to provide comments for the subject project. Based on the information provided, we have no comments to offer at this time as the proposed project does not impact any of the Department of Accounting and General Services' projects or existing facilities.

Please keep us informed regarding the development as we may have comments as project develops.

If you have any questions, your staff may call Ms. Gayle Takasaki of the Planning Branch at 586-0584.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith S. Kogachi".

KEITH S. KOGACHI
Acting Public Works Administrator

GT:mo

c: Mr. Eric Akena, DAGS KDO
Mr. Daniel Orodener, DBEDT Land Use Commission
~~Mr. Scott Ezer, HHF Planners~~

July 10, 2019

Mr. Keith S. Kogachi
Acting Public Works Administrator
State of Hawaii
Department of Accounting and General Services
P.O. Box 119
Honolulu, HI 96810-0119



Dear Mr. Kogachi:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your letter dated June 8, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project.

We acknowledge you have no comments to offer as the proposed project does not impact any Department of Accounting and General Services' projects or existing facilities.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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

DAVID Y. IGE
GOVERNOR



ARTHUR J. LOGAN
MAJOR GENERAL
ADJUTANT GENERAL

KENNETH S. HARA
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

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

May 31, 2018

HHF Planners
Attn: Mr. Scott Ezer
733 Bishop Street, Suite 2590
Honolulu, HI 96813

Dear Mr. Ezer:

Subject: Draft Environmental Assessment Impact Statement (EIS) for
Kealia Mauka Homesites
Kawaihau District, Island of Kaua'i
TMKs: (4) 4-7-004: por. 001

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 project.

If you have any questions or concerns, please have your staff contact Mr. Wade Ishii, Acting Assistant Chief Engineering Officer at (808) 733-8441.

Sincerely,

A handwritten signature in blue ink that reads "Wade J. Ishii".

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

c: Ms. Havinne Okamura, Hawaii Emergency Management Agency

July 10, 2019

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



Dear Colonel Mitsuyoshi:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated May 31, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We note that the State of Hawai'i Department of Defense has no comments on the project.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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 EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

June 20, 2018

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

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

Dear Ms. Palama:

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

The HIDOE previously commented on the Project Environmental Impact Statement Preparation Notice, by letter dated December 22, 2017, on whether Additional Dwelling Units (ADU) will be allowed as they will contribute to student estimates. The DEIS notes that the proposed lot sizes of the Project do not allow for the construction of ADUs. There will only be one single-family dwelling per lot.

Subsequently, at the request of the Project consultant, HIDOE suggested a student generation rate (SGR) utilizing information from a comparable subdivision also located on Kauai. The SGR was used in the DEIS to say that the Project may generate approximately 101 students at full buildout, which could occur over a ten year period.


As there are disclaimers with the creation of any SGR, there is also a disclaimer regarding student estimates produced from a SGR. The student estimates are long-term projections covering a time frame that goes beyond a project build out. If the HIDOE had provided the DEIS estimates, the numbers would be qualified as follows: "When the Project is mature and unit turnover is stabilized, approximately 101 HIDOE students will reside there."

Ms. Moana Palama
June 20, 2018
Page 2

The analysis offered a minimal estimate of impact to all Kauai public schools of 21 new students. This was based on the assumption that 20 percent of the 235 Project lots, 47 lots, would be sold to non-resident/vacation home buyers. We do not concur with this island wide conclusion and do not understand how the Project related number was extrapolated into an island wide number.

Thank you for the opportunity to comment. Should you have any questions, please contact Robyn Loudermilk, School Lands and Facilities Specialist, of the Planning Section of the Facilities Development Branch at (808) 784-5093.

Respectfully,



Kenneth G. Masden II
Public Works Manager
Planning Section

KGM:rl

c: Daniel Orodener, Executive Officer, State Land Use Commission, DLNR
Leslie Kurisaki, HHF Planners

July 10, 2019

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



Dear Mr. Masden:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 20, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Comment: *...The student estimates are long term projections covering a time frame that goes beyond a project build out. If the HIDOE had provided the DEIS estimates, the numbers would be qualified as follows: "When the Project is mature and unit turnover is stabilized, approximately 101 HIDOE students will reside there."*

Response: Section 4.12.5 (Schools) of the Final EIS (FEIS) will include your statement verbatim in the discussion of projected school enrollment. We will also clarify that the student estimates represent long term projections covering a time frame beyond the project build out. The discussion of potential impacts and mitigation will read as follows in the FEIS (newly added text will be shown in double underline):

4.12.4.2 Potential Impacts and Mitigation

Public school enrollment generated by the Proposed Action was estimated using student generation rates provided by the DOE Office of School Facilities and Support Services. The student generation rates (SGR) for elementary, middle, and high school students were calculated by the DOE using the Kealaula Subdivision in Ele'ele as a comparable. This subdivision targets a similar sales demographic and has lot sizes similar to the Proposed Action.

Student Generation			
Level	Rate (SGR)	Hsg Units	# Students
Elementary	0.2241	235	53
Middle	0.0345	235	11
High School	0.1552	235	<u>37</u>
Total			101

The SGR are subject to the following disclaimers:

1. That the SGR is based on student addresses currently in the HIDOE system and may not be accurate due to inaccurate student addresses (i.e. data entry errors);
2. That Pre-K and Charter school students are excluded from the SGR calculations;
3. That it is assumed that the information regarding street names, addresses, and number of built units are accurate; and
4. That the project is not at mature build out as the subdivision has 61 lots with 58 housing units built.

Utilizing these SGR, the proposed 235 residential lots may generate a total of 101 school-aged children. This includes 53 elementary school age children ($235 \times 0.2241 = 53$ students); 11 middle school age students ($235 \times 0.345 = 11$ students); and 37 high school age students ($235 \times 0.1552 = 37$ students). The student estimates based on the SGR are long term projections covering a time frame that goes beyond project build out. When the project is mature and unit turnover is stabilized, approximately 101 Hawai'i DOE students will reside there.

There will be restrictive covenants prohibiting Additional Dwelling Units (ADU) for this development, so no more than one single-family home would be built on each lot.

Because the Keālia Mauka residential lots are targeted to local residents, most of these 101 students are already attending Kaua'i public schools, although not necessarily in the Kapa'a schools complex. The economic and market study estimates that over 80 percent of the prospective buyers will be existing Kaua'i residents, and the remaining 20 percent expected to be non-resident second/vacation home buyers (CBRE, 2017). Many, if not most of the non-resident second/vacation home buyers will be empty nesters without school aged children. Those with school-aged children may also choose to send their children to Kaua'i's private, rather than public schools. A nominal to negligible number of public school students will be generated by these households (CBRE, 2019).

The proposed off-site improvements are roadway and utility infrastructure, and will have no impact on school enrollment or facilities.

Educational Contribution Agreement

Educational Contribution Agreements (ECA's) are legal agreements between the DOE and a developer detailing how a developer will mitigate impacts to public school capacity via cash, land, or combination of both. They are executed for developments with a residential component 1) located in a designated School Impact Fee District, or 2) to implement a fair share contribution to the DOE condition on a discretionary approval. When a development is not located within a designated School Impact Fee District, and subject to a discretionary approval, the DOE determines on a case by case basis the impacts to school facilities and whether a fair share contribution is required.

In an email dated August 1, 2018, the DOE indicated that it would not be requesting a fair share contribution for the Keālia Mauka project (see Appendix M).

Comment: *The analysis offered a minimal estimate of impact to all Kauaʻi public schools of 21 new students. This was based on the assumption that 20 percent of the 235 Project lots, 47 lots, would be sold to non-resident/vacation home buyers. We do not concur with this island wide conclusion and do not understand how the Project related number was extrapolated into an island wide number.*

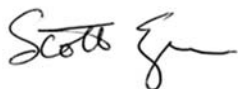
Response: We stand by the DEIS statement that most of the Keālia Mauka lots would be sold to current Kauaʻi residents, and that about 20 per cent of the 235 lots (47 lots) are expected to be sold to non-resident/vacation home buyers. Second home/non-resident purchasers represent some 18.9% of all housing units on Kauaʻi, and range from 8.3% to 32.8% in the greater Kapaʻa area (Wailua to Anahola); a proportion that has been increasing over time. In their market and econometric studies, CBRE has conservatively assumed the percentage would be similar at Keālia Mauka and used a stabilized figure of 20% of all inventory. This estimate is supported by numerous studies on Maui, Hawaiʻi Island, and Kauaʻi. School aged children associated with these 47 households will be the only new students added to Kauaʻi schools.

However, we acknowledge your comment that the HIDOE's student generation rate (SGR) is intended to be specific to the schools servicing the project area, i.e., the Kapaʻa High School Complex Area. As stated in the previous response, the FEIS will apply the HIDOE's SGR to all 235 lots. This will estimate the maximum number of new students to the Kapaʻa High School complex.

Thank you for your participation in this process. Your letter and this response will be reproduced in the FEIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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

June 20, 2018

Kealia Properties LLC
Attention: Ms. Moana Palama
P.O Box 1630
Koloa, Hawaii 96756

via email: moana@mskauai.com

Dear Ms. Palama:

SUBJECT: Draft Environmental Impact Statement (DEIS) for **Kealia Mauka Homesites**; Kawaihau District, 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, (b) Land Division – Kauai District and (c) Division of Forestry & Wildlife on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

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

Russell Y. Tsuji
Land Administrator

Enclosure(s)

cc: D. Orodenker, State Land Use Commission
S. Ezer, HHF Planners
Central Files

daniel.e.orozenker@hawaii.gov
sezer@hht.com

DAVID Y. IGE
GOVERNOR OF HAWAII



18 MAY 09 PM 12:20 ENGINEERING
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

May 8, 2018

MEMORANDUM

TO:

DLNR Agencies:

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

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Draft Environmental Impact Statement (DEIS) for **Kealia Mauka Homesites**

LOCATION:

Kawaihau District, Island of Kauai; TMK No. (4) 4-7-004:001 (por.)

APPLICANT:

Kealia Properties, LLC

Transmitted for your review and comment is information on the above-referenced project. Please submit any comments by **June 20, 2018**.

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

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

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

Signed:

Print Name:

Carty S. Chang, Chief Engineer

Date:

5/10/18

Attachments

cc: Central Files

RECEIVED
LAND DIVISION
2018 MAY 18 AM 11:12
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

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

LD/Russell Y. Tsuji

**Ref: Draft Environmental Impact Statement (DEIS) for Kealia Mauka Homesites,
Kawaihau District, Island of Kauai; TMK No. (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). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. 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:

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

Signed: _____

CARTY S. CHANG, CHIEF ENGINEER

Date: _____

5/14/00



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 8, 2018

MEMORANDUM

To: From

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
2018 MAY 18 AM 11:19
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

To

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environmental Impact Statement (DEIS) for **Kealia Mauka Homesites**
LOCATION: Kawaihau District, Island of Kauai; TMK No. (4) 4-7-004:001 (por.)
APPLICANT: Kealia Properties, LLC

Transmitted for your review and comment is information on the above-referenced project. Please submit any comments by **June 20, 2018**.

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

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

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

Signed:

Print Name:

Date:

Wesley T. Matsunaga
Wesley T. Matsunaga
5/14/18

Attachments

cc: Central Files

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

May 8, 2018

MEMORANDUM

TO:
Fr.

DLNR Agencies:

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

To.

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environmental Impact Statement (DEIS) for **Kealia Mauka Homesites**
LOCATION: Kawaihau District, Island of Kauai; TMK No. (4) 4-7-004:001 (por.)
APPLICANT: Kealia Properties, LLC

Transmitted for your review and comment is information on the above-referenced project. Please submit any comments by **June 20, 2018**.

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

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

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

Signed: _____

Print Name: **DAVID G. SMITH, Administrator**

Date: 6/8/18

Attachments

cc: Central Files

RECEIVED
LAND DIVISION
2018 JUN 14 AM 11:11
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
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
KAIKOLAWE 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

Date: June 8, 2018

TO: Mr. Russell Y. Tsuji
Land Administrator, Land Division

FROM: David G. Smith *DES*
Administrator, Division of Forestry and Wildlife

SUBJECT: Division of Forestry and Wildlife (DOFAW) Comments on the Kealia Mauka Homesites Draft Environmental Impact Statement (DEIS)

DOFAW is responding to the May 8, 2018 memo from Land Division requesting comments on the subject DEIS. Keālia Properties, LLC has petitioned the State of Hawai'i Land Use Commission (LUC) to amend the Agricultural Land Use District Boundary into the Urban Land Use District. The Petition Area is comprised of 53 acres of land. Keālia Properties, LLC proposes to develop a residential subdivision within the Petition Area, consisting of approximately 235 lots.

Endangered seabirds such as the threatened Newell's shearwater (*Puffinus newelli*) and the endangered Hawaiian petrel (*Pterodroma sandwichensis*) and Band-rumped storm petrel (*Oceanodroma castro*) are not likely to be in the vicinity of the project area but they may traverse the area at night to and from their mountain nesting grounds. Bright artificial lighting can adversely impact seabirds causing disorientation which could result in collision with manmade structures or grounding of birds. To avoid take of listed seabirds during construction, it is recommended that nighttime work requiring construction lights be avoided during the seabird fledging season from September 15 to December 15. This is the period when young seabirds take their maiden voyage to the open sea. For nighttime lighting when the facility is operational, DOFAW recommends that lights to be used are fully shielded to minimize impacts. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i visit: <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

It is also strongly recommended that individual homes and buildings install outdoor lights that are fully-shielded to minimize attracting seabirds into the residential area. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i visit: <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

The applicant should be aware that artificial lighting can adversely impact State- and Federally-listed seabirds that may pass through the area at night causing disorientation which could result in collision with manmade artifacts or grounding of birds. For any nighttime lighting during construction and when the facility is operational, DOFAW recommends that lights used be fully shielded to minimize impacts. For illustrations and guidance related to seabird-friendly light

styles that also protect the dark, starry skies of Hawai'i visit:
<https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

The State and Federally listed Hawaiian Hoary Bat or 'Ōpe'ape'a (*Lasiurus cinereus semotus*) has the potential to roost in the project area. To minimize the potential for risk of injury or mortality to juvenile bats or other 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. DOFAW also recommends avoiding using barbed wire, as bat mortalities have been documented as a result of becoming ensnared by barbed wire during flight.

The State and Federally listed Nēnē has the potential to occur in the vicinity of the proposed project site. It is against State law to harm or harass a listed species. If a bird is present during ongoing construction activities, then all activities within 100 feet (30 m) of the bird should cease, and the bird should also not be approached. Work may continue after the bird leaves the area of its own accord. If a nest is discovered at any point, please contact the Kauai DLNR-Division of Forestry and Wildlife office at 808-274-3433.

To prevent the spread of rapid 'ōhi'a death (ROD), if 'ōhi'a trees are present and will be removed, trimmed, or potentially injured, DOFAW requests that the information and guidance at the following website be reviewed and followed: <https://cms.ctahr.hawaii.edu/rod>.

We appreciate your efforts to work with our office for the conservation of native species. Should the scope of the project change significantly, 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 James Cogswell, Wildlife Program Manager (808) 587-4187 or James.M.Cogswell@hawaii.gov.

July 10, 2019

Mr. Russell Y. Tsuji
Land Administrator
State of Hawaii
Department of Land and Natural Resources
Post Office Box 621
Līhu'e, Hawai'i 96766



Dear Mr. Tsuji:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 20, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Engineering Division

Comment: *State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.*

Response: The DEIS has determined that the Petition Area is in the Federal Emergency Management Agency (FEMA)'s flood Zone X, areas of minimal flood hazard, determined to be outside the 500-year flood zone. The project will meet the local Kaua'i County flood ordinances.

Land Division

Comment: *We have no comments.*

Response: We acknowledge that Land Division has no comments.

Division of Forestry and Wildlife

Comment 1: *Endangered seabirds, Newell's shearwater (*Puffinus newelli*) and Hawaiian petrel (*Pterodroma sandwichensis*) and the Band-rumped storm petrel (*Oceanodroma castro*) could traverse the area at night. These seabirds are sensitive to bright artificial lighting that could potentially cause collision with manmade structures or grounding of the birds. DLNR recommends avoiding nighttime construction involving lights during fledging season from September 15 to December 15. To minimize impacts, the suggestion is to use seabird-friendly light styles or lights that are fully shielded both during construction and when residential areas are fully operational.*

Comment 2: *The State and Federally listed Hawaiian Hoary Bat or 'Ōpe'ape'a (Lasiurus cinereus semotus) has the potential to roost in the study area. To minimize risk of potential injury or mortality to juvenile bats, DOFAW recommends avoiding clearing of tall woody plant species during bat birthing and pup rearing season (June 1 through September 15) and also avoiding the use of barbed wire which could result in bats becoming ensnared.*

Comment 3: *The State and Federally listed Nēnē has the potential to occur in the vicinity of the Petition Area. DOFAW recommends ceasing activities within 100 feet (30m) of bird if one is identified and not approaching the bird. Work can continue once the bird leaves the area.*

Response: The Final EIS (Section 3.7) will include a discussion of these issues. Section 3.7.2.2 (Recommended Mitigation) will be revised as follows (newly added text shown in double underline):

3.7.2.2 Recommended Mitigation

Construction Period

All Areas. During the construction phase of the project, the following mitigation measures and training are recommended to avoid adverse impacts to listed faunal species:

- If nighttime construction activity or equipment maintenance is proposed during the construction phases of the project, all associated lights should be shielded, and when large flood/work lights are used, they should be placed on poles that are high enough to allow the lights to be pointed directly at the ground.
- If Hawaiian goose (Nēnē) are observed loafing or foraging within the Petition Area during the Hawaiian goose breeding season (September through April), have a biologist familiar with nesting behavior survey for nests in and around the Petition Area prior to the start of work. Repeat surveys after any subsequent delay of work three or more days (during which time the birds may attempt to nest).
 - Cease all work immediately and contact the USFWS 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.

Petition Area. In areas of the Petition Area where Nēnē 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.

Off-Site. There are existing trees along Keālia Road that may be used by Hawaiian hoary bats. In order to avoid or minimize adverse impacts to pupping bats, woody vegetation along Keālia Road taller than 15 feet in height should not be cleared between June 1 and September 15, the period in which bats are potentially at risk.

Operational Period

All Areas. Once the subdivision is completed and occupied and all off-site improvements are completed, the following is recommended:

- If streetlights or exterior facility lighting is installed in conjunction with the project, it is recommended that the lights be shielded to reduce the potential for interactions of nocturnally flying seabirds with external lights and man-made structures (Reed et al., 1985; Telfer et al., 1987).
- Avoid clearing tall woody vegetation taller than 15 feet in height between June 1 and September 15 to avoid adverse impacts to Hawaiian Hoary bats. Avoid the use of barbed wire which could ensnare bats.

Comment 4: *DOFAW recommends following guidance from CTAHR to prevent the spread of rapid 'ōhi'a death (ROD) if 'ōhi'a trees are present and will be removed, trimmed, or potentially injured.*

Response: A botanical survey of the Petition Area identified no 'ōhi'a lehua trees in the vicinity of the project area. No mitigation is required.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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



DAVID Y. IGE
Governor

LUIS P. SALAVERIA
Director
MARY ALICE EVANS
Deputy Director

DANIEL E. ORODENKER
Executive Officer

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

June 20, 2018

Ms. Moana Palama
Keālia Properties LLC
Hawai'i Management Services LLC
P.O. Box 1630
Kōloa, Hawai'i 96756

Dear Ms. Palama:

Subject: Docket No. A17-803/Keālia Properties, LLC
Draft Environmental Impact Statement (DEIS)
Keālia Mauka Homesites
Tax Map Key: (4) 4-7-004: por. 001

We have reviewed the DEIS for the subject project and have the following comments to offer:

- 1) In accordance with Hawai'i Administrative Rules (HAR) §11-200-17(b), the DEIS shall contain a summary sheet that concisely discusses, among other things, significant beneficial and adverse impacts, proposed mitigation measures, alternatives considered, unresolved issues, and compatibility with land use plans and policies. The DEIS does not include this summary sheet. We note that the *Project Summary* included as part of the DEIS fails to address this requirement.
- 2) In accordance with HAR §11-200-17(e), a project description shall be included. In its description of the project, the DEIS identifies the estimated development costs of the project and references Kodani & Associates as the basis for the various figures. Based on our review of Appendix G entitled *Preliminary Engineering Report for Kealia Residential Subdivision* by Kodani & Associates Engineers, LLC, dated July 11, 2017, we are unable to locate where the specific costs are identified in the report. In addition, clarification should be provided as to how the

Petitioner intends to finance these improvements and whether any public funds will be requested for any portion of these improvements.

We would like to point out that there are slight differences between the DEIS and the report in the number and size of the lots and the number/acreage of the parks proposed for the project. These differences should be rectified as they may affect the analysis and conclusions regarding the project's impact on infrastructure. Please also note that similar discrepancies appear in the *Market and Econometric Studies* prepared by CBRE.

As the project will involve the development of for-sale residential lots, information on the proposed lot prices should be included as part of its general description. While we acknowledge that the *Market and Econometric Studies* suggest "appropriate affordable lot prices based on application of formulae used in past years to 2017 income levels," the actual lot prices proposed by the Petitioner should be identified.

- 3) In accordance with HAR §11-200-17(f), a separate and distinct section on the alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected is required. A discussion on the alternative of postponing action pending further study and on alternative locations for the proposed project should be included in this section to fully address this requirement.
- 4) In accordance with HAR §11-200-17(g), a description of the environmental setting, including a description of the environment in the vicinity of the proposed action, should be provided. In the DEIS, reference is made to the potential impact of the project on a natural spring feeding a taro lo'i. It is further stated that the cultural researcher was unable to gain access to the property to verify the location of the lo'i or its water source during preparation of the Cultural Impact Assessment. Instead, an estimate of the lo'i's location and an educated guess of the water source were made by the hydrogeologist. In the interest of providing full disclosure and given the significance of the issue, clarification should be provided as to the reason the cultural researcher was unable to access the property and

whether not viewing the lo'i and water source firsthand compromised in any way the accuracy of the conclusions reached in regard to the potential impact of the project on groundwater resources.

- 5) In accordance with HAR §11-200-17(h), a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed land use plans, policies, and controls for the area affected shall be included. The discussion in the DEIS regarding Act 181, SLH 2011, as it relates to sustainability points out that individual lot buyers will be encouraged to, among other things, utilize energy efficient design, water efficient features, and renewable energy. We request that any incentives and other mechanisms proposed to ensure the lot buyers carry out these conservation measures be identified.

HAR §11-200-17(h) also requires that a list of necessary governmental approvals required for the proposed action be provided. While the *Project Summary* does contain such a listing, it fails to describe the status of each identified approval as required. It also neglects to include the required district boundary amendment from the Land Use Commission (LUC) as a required approval for the proposed project.

- 6) In accordance with HAR §11-200-17(i), the probable impact of the proposed action on the environment shall be addressed, including the interrelationships and cumulative environmental impacts of the proposed action and other related developments. We believe that the discussion on cumulative and secondary impacts (Section 6.2) should identify the other developments with their specific impacts quantified by subject area to better assess the overall cumulative impacts on the environment.

One area which should be more fully addressed is the potential impact of the project to the nearshore environment, particularly the marine biota, both individually from the project and cumulatively with other existing developments, including the Kealia Kai and Ka'ao Road Subdivisions. As neither a formal inventory of the marine resources nor a marine resource impact assessment was prepared, this matter

should be thoroughly discussed in compliance with the environmental review requirements.

We also note the absence of a thorough discussion of the project's impact on school facilities in Kapa`a. The DEIS points out that the current excess capacity at Kapa`a Elementary School will be eliminated and the existing over capacity at Kapa`a High School will continue over the next five years, which is well within the expected ten-year buildout of the project.¹ However, it is concluded that the project's students (from non-resident second/vacation home buyers) to Kaua`i's public schools over the buildout period will not have a significant adverse impact. While the projected number of these students may be minimal, the number of students from local households are expected to be much larger. Although the DEIS states that most of these local students are already attending Kaua`i's public schools (although not necessarily in the Kapa`a schools complex), no evidence is provided to support this statement. To the extent that such students may be coming from outside Kapa`a, we believe that a discussion to address their potential impact on the future capacities of Kapa`a's existing school facilities is warranted.

Additionally, the potential impact to agricultural production in the vicinity of the Petition Area and in the County of Kaua`i and the State should be addressed. While the DEIS indicates that an additional 86 acres has been added to one of the existing leases on the parcel to address the urbanization of the Petition Area, it is not clear where this additional acreage is located and for what it will be used. Reference is also made of the agricultural land that is available in the East Kaua`i region due to the closure of Līhu`e Plantation to offset the loss of the Petition Area. However, no further information is provided on the location and size of this agricultural land, its soil classification, and whether there are sufficient quantities of water to support viable agricultural production on it. Relatedly, the statement that the project will not adversely impact County and State efforts toward the goal of food self-sufficiency as nearly 36,000 acres on Kaua`i have been

¹ According to the *Market and Econometric Studies*, full absorption/sell out of the finished lots is estimated to be completed within seven years.

designated as Important Agricultural Land should be supported by a discussion as to how this acreage achieves that goal.

We further note that there is no discussion in the DEIS on the existing emergency management facilities in the area and on the potential impacts on such facilities from the project. We request that the Final EIS address this matter, including any plan to fund and construct adequate emergency management measures to serve the Petition Area as may be required by the State Department of Defense, Emergency Management Agency, and the County Emergency Management Agency.

With respect to the impact on cultural resources, please include a statement in the appropriate section of the document addressing Hawaiian customary and traditional rights under Article XII, section 7, of the Hawai'i State Constitution.

Finally, we note that the economic analysis of the project analyzed the public fiscal impacts of only the non-resident component of the project in terms of the cost to the State and County of Kaua'i of providing government services to them on a per capita basis. It was assumed that the cost of providing government services to the project's resident households were already being absorbed, and therefore do not represent increased funding costs spending from the State and County. We request that the additional costs to the State and County to support the non-resident, second-homeowner demographic within the project be broken down by the type of service and facility.

- 7) In accordance with HAR §11-200-17(l), all probable adverse environmental effects which cannot be avoided should be addressed. As part of this discussion, other interests and considerations of governmental policies that are thought to offset the adverse environmental effects of the proposed action should be included. In addition, the extent to which these countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects should be discussed. The existing paragraph in the DEIS (section 6.4)

intended to address this requirement fails to delve into these areas to the extent required.

- 8) In accordance with HAR §11-200-17(m), descriptions of proposed mitigation measures should be provided, including a discussion of any performance bonds, if any, that may be posted and other provisions to assure that the measures will, in fact, be undertaken. While we acknowledge the DEIS includes descriptions of various measures, we believe that the matter requires further discussion as to the timing of each step in the mitigation process as well as the responsibilities and commitments of the Petitioner (and other parties as the case may be) to ensure that such measures are implemented as represented.
- 9) In accordance with HAR §11-200-17(n), a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the problems should be provided. We request that the issue of wastewater service be identified as an unresolved issue as the County of Kaua'i will issue a "will serve" letter to the project only following the receipt of zoning approval, which is not assured. Until this happens, we believe the matter is unresolved.
- 10) In accordance with HAR §11-200-17(p), a list of persons or agencies who were consulted during the consultation process and had no comment shall be included in the DEIS. The LUC should be listed as a consulted agency under the heading of State of Hawai'i.
- 11) In accordance with HAR §11-200-20(d), the applicant shall sign and date the original copy of the DEIS and shall indicate that the statement and all ancillary documents were prepared under the signatory's direction or supervision and that the information submitted, to the best of the signatory's knowledge fully addresses document content requirements as set forth in sections 11-200-17, and 11-200-18, as appropriate. While we acknowledge that there is a statement to that effect in the DEIS, the signature is that of the consultant and not the applicant, which is Keālia Properties, LLC. Further, as the document is the DEIS, the statement incorrectly states that "[t]his final

environmental impact statement and all ancillary documents..." fully addresses the EIS document content requirements.

- 12) In the DEIS, there are several references to the terms *potable water* and *non-potable water*. We request that they be replaced by the terms *drinking water* and *non-drinking water*, respectively. We have been advised that although potable water has generally been used to mean drinking water, the State Department of Health (DOH) uses the latter term specifically to indicate water for human consumption that is derived from surface water and/or groundwater and is regulated by the DOH pursuant to HAR chapter 11-20.
- 13) We request that the Phase I Environmental Site Assessment, which was prepared for the previous landowners and included the Petition Area as part of its study area, be included as an appendix to the document to fully disclose the potential impacts of encountering hazardous substances, including contaminants and pesticides as well as heavy metals (i.e., arsenic), from previous agricultural activities on the Petition Area during development of the proposed homesites.

We have no further comments to offer at this time. Thank you for the opportunity to comment on the subject DEIS.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

DANIEL E. ORODENKER
Executive Officer

c: Scott Ezer/Leslie Kurisaki, HHF

July 10, 2019

Mr. Daniel E. Orodener, Executive Officer
Land Use Commission
Department of Business, Economic Development and Tourism
State of Hawai'i
P.O. Box 2359
Honolulu, Hawai'i 96804



Dear Mr. Orodener:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 20, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Comment 1: *In accordance with Hawai'i Administrative Rules (HAR) 11-200-17(b), the DEIS shall contain a summary sheet that concisely discusses among other things, significant beneficial and adverse impacts, proposed mitigation measures, alternatives considered, unresolved issues, and compatibility with land use plans and policies.*

Response: Chapter 1 (Introduction) of the Final EIS (FEIS) will include a summary sheet with the items listed above.

Comment 2: *Project description shall be included. Based on our review of Appendix G, Preliminary Engineering Report, we are unable to locate where the specific costs are identified. Citation should be provided as to how the Petitioner intends to finance these improvements and whether any public funds will be requested.*

There are slight differences between the DEIS and the report in the number and size of the lots and the number/acreage of the parks...these differences should be rectified as they may affect the analysis and conclusions regarding the project's impact on infrastructure. Information on the proposed lot prices should be included as part of general description...actual lot prices proposed by the Petitioner should be identified.

Response: The estimated development cost cited in the DEIS and prepared by Kodani and Associates is not from their 2017 Preliminary Engineering Report (Appendix G), but was from a separate internal document. The citation for the cost estimate will be clarified to avoid confusion. Section 2.3.2.5 (Estimated Development Costs) of the FEIS will include the following statement (text added since DEIS is shown in FEIS with double underline):

All on and off-site project-related costs will be funded by the Petitioner. No public funds will be requested for the project improvements.

We acknowledge that there are some slight discrepancies in unit counts, for example, the CBRE Market and Econometric Studies assumed 236 lots, not 235. According to CBRE, the difference from a single lot is insignificant in their analysis, and does not change the projected project absorption, economic impact, or public fiscal assessment. The difference would be within the rounding/margin of error. It does not affect conclusions regarding infrastructure impact.

A discussion of lot prices has been added to Chapter 2 (Project Description), Chapter 4 (Housing) and Chapter 5 (discussion of County Housing Policy). The following was added to the project description in Section 2.3.1.1:

The project will meet the workforce housing requirements of Kaua'i County Ordinance No. 860, which established a new chapter in the Kaua'i County Code (1987, as amended) relating to the housing policy for the County of Kaua'i. The County's Housing Policy requires a portion of residential and resort developments to include housing "that may be rented or sold at price levels that are affordable to households that earn from eighty percent (80%) and below of the Kaua'i median household income to one-hundred forty percent (140%) of the Kaua'i median household income."

The County's Housing Policy, as it applies to the Keālia Mauka Homesites, is discussed in more detail in Section 5.2.5 of this FEIS. The workforce housing requirement for Keālia Mauka, adjusted for applicable developer incentives, is estimated at 36 units (i.e., lots).

Table 2-1 below shows the distribution of 36 workforce housing lots by income level and price. Based on 2017 "for sale limits," median income, and mortgage rates, lot-only sales prices would range from \$81,000 (80% of median income) to \$110,900 (140% of median income). Actual sales prices will depend on conditions at the time of sale.

Table 2-1: Compliance with the Housing Policy for the County of Kaua'i

Assumes Mortgage Rate: 4.25%

<u>HUD Income Limit (family of 4)</u>	<u>Annual Household Income</u>	<u>For Sale Price</u>	<u>Estimated* Lot- Only Sales Price</u>	<u>Percent of total workforce housing (and number of lots)</u>
<u>80% Median</u>	<u>\$68,250</u>	<u>\$310,800</u>	<u>\$81,000</u>	<u>20% (7 lots)</u>
<u>100% Median</u>	<u>\$79,200</u>	<u>\$369,300</u>	<u>\$92,000</u>	<u>30% (11 lots)</u>
<u>120% Median</u>	<u>\$95,050</u>	<u>\$453,800</u>	<u>\$95,050</u>	<u>30% (11 lots)</u>
<u>140% Median</u>	<u>\$110,900</u>	<u>\$538,400</u>	<u>\$110,900</u>	<u>20% (7 lots)</u>
<u>TOTAL</u>				<u>100% (36 lots)</u>

Source: Kaua'i County Housing Agency, effective 4/14/2017, URL=<http://www.kauai.gov>

*Assumes lot-only price will represent approximately 26% of the For Sale Price established by County. Actual lot-only prices to be determined by County of Kaua'i Housing Agency

The remaining Keālia Mauka lots will be sold at prevailing market prices. As of April 2019, market prices for the lots would range from approximately \$190,000 to \$235,000. The market study estimates that full absorption/sell out of the finished lots will be completed within seven years (CBRE, 2017).

Comment 3: *A separate and distinct section on alternatives which could obtain objectives is required. A discussion on the alternative of postponing action pending further study and on alternative locations for project should be included to fully address this requirement.*

Response: Section 2.4 (Alternatives Considered) of the FEIS include a discussion of the alternative of postponing action pending further study and alternative locations that are owned by the project proponent. The following has been added to the document:

2.4.6 Postponing Action Pending Further Study

In accordance with HAR §11-200-17(f), a discussion on the alternative of postponing action pending further study is required. There are, in fact, further studies that may be completed prior to the start of project construction. However, they do not require postponement of the Proposed Action.

For example, soil testing for contaminants associated with past agriculture use is a mitigation recommended by the State Department of Health (DOH), and will be completed prior to earthwork. This study involves preparation of a soil sampling plan to be approved by the DOH Hazard Evaluation and Emergency Response (HEER) office, and approval of the test results and recommendations. Any contaminated soils and materials will be remediated to the satisfaction of DOH HEER prior to construction. This issue is discussed in Section 4.8, Hazardous and Regulated Materials and Waste.

It is always possible that the Proposed Action could be postponed due to changes in economic or market conditions or as the result of a natural disaster (e.g., hurricane). These are unpredictable and beyond the control of the Petitioner. The project site is located away from the coastline and not within an area vulnerable to natural hazards, which minimizes these risks. However, there is little benefit to postponing the Proposed Action to conduct further studies. The market study indicated an immediate demand for the proposed housing product. While some further studies may be conducted prior to construction, the Petitioner does not intend to postpone the Proposed Action.

2.4.7 Alternative Locations for the Proposed Project

HAR §11-200-17(f) also requires a discussion on alternative locations for the proposed project. The Petitioner owns some 2,000 acres of land within the Keālia area that are currently used for grazing and agricultural activity. These areas, comprising TMK (4) 4-7-004-001 and (4) 4-7-003:002, are shown in Figure 1-3.

Within these 2,000 acres, the Petition Area is the most appropriate for a residential subdivision. The site is adjacent to an existing residential subdivision, minimizing sprawl and spot

development. The future subdivision can utilize an existing road (Keālia Road) for access to Kūhiō Highway, and does not require creation of a new access point onto the highway, something the State Department of Transportation has prohibited.

The County has determined that residential development of the Petition Area is consistent with the General Plan land use plan, and the project has the expressed support of the County Planning Department. It is uncertain whether this would be the case for an alternative location. If another location were proposed, a formal determination from the County would be needed. There are no other locations under the Petitioner's control that offer the characteristics necessary for a residential development: i.e., adequate acreage, developable topography, proximity to utility and roadway infrastructure, and consistency with County land use plans. While there may be other undeveloped lands closer to downtown Kapa'a, they are not under the control of the Petitioner and therefore are not considered feasible alternatives.

Comment 4: *A description of the environmental setting, including description of the environment in the vicinity, should be provided. Reference is made to the potential impact on a natural spring feeding a taro lo'i...clarification should be provided as to the reason the cultural researcher was unable to access the property and whether not viewing the lo'i and water source compromised in any way the accuracy of the conclusions reached in regard to the potential impact on groundwater resources.*

Response: In response to your comment as well as concerns raised by a community member regarding potential project impacts on a "natural spring" feeding a taro lo'i, hydrogeologist Tom Nance of Tom Nance Water Resources Engineering (TNWRE) conducted a site visit in April 2018 to investigate the water source. As reported in the DEIS, Mr. Nance was unable to access the site with the water seep, as it was on private property.

On September 19, 2018, Mr. Nance went back to investigate the source of the irrigation supply, was able to access the site, and make conclusions about the water source. The following text has been added to Section 3.4.2.3 of the FEIS:

Updated Hydrogeological Letter Report, September 2018

Subsequent to publication of the DEIS, hydrogeologist Tom Nance of TNWRE was asked to return to investigate the source of irrigation supply for the lo'i. During this second visit on September 19, 2018, he was able to access the site and walk the length of the small stream from its culvert crossing beneath a private dirt road up to its headwater at about 160 to 200-foot elevation. He reported the following observations in traversing the approximately 2,200 foot length of the stream and summarized his conclusions below:

- The headwater consists of two locations where shallow groundwater emerges. At mid-morning on September 19, 2018, virtually no water was emerging from either "spring" location.
- About 25 feet downstream, a flow of two to three gallons per minute (GPM) was observed (visual estimate).

- The flow in the stream progressively increased moving downstream. At about mid-length where there is a culvert crossing for a foot path, the flow had increased to about 40 to 50 GPM.
- At the makai side of the road culvert discharging into the lo'i, the flow rate was on the order of 75 to 100 GPM.

In other words, the source of irrigation for the lo'i is not a spring in the classical sense. Rather, it is a small but perennial stream, the flow rate of which progressively increases as it moves downstream. There are many such streams on Kaua'i which traverse the relatively poorly permeable, later-stage Koloa volcanics. In fact, there is another such stream located about 1,500 feet to the west which is delineated on the USGS Kapa'a Quadrangle map. Due to the stream's location, its elevation, and manner of its source of supply, there is no possibility that increased use of Keālia Well Nos. 0618-009 and 0618-010 will impact the flow in the stream.

The findings are reported in a September 20, 2018 memorandum which is also in Appendix I. The September 2018 report reaffirms the earlier conclusion that the project's water use will not impact the water source of the taro lo'i in question.

Comment 5a: *Include discussion of how the 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.*

Response: Chapter 5 of the FEIS discusses the conformance of the Proposed Action to approved and proposed land use plans, policies and controls, including State Land Use law, Hawai'i State Plan and Functional Plans, Coastal Zone Management Program, County General Plan and East Kaua'i Development Plan.

Section 5.1.7 of the FEIS addresses Sustainability. In response to your comment regarding incentives or mechanisms to ensure lot buyers carry out conservation/sustainability measures, the following statement is included:

The individual lot buyers will be responsible for constructing their own homes, and will be required to comply with County building codes, which incorporate principles for conservation of water and electricity. Kaua'i County building codes have been updated to reflect the International Building Code (IBC) standards, which have built-in mechanisms for conservation of water and electricity. Today's codes provide for energy efficiency including low flush toilets, low flow showers, and use of energy saving appliances. These standards will be enforced at the time building permits are obtained by individual lot buyers.

Comment 5b: *List of necessary governmental approvals...Project Summary...fails to describe the status of each identified approval as required. It also neglects to include the required district boundary amendment from the Land Use Commission as a required approval.*

Response: The Project Summary table in Section 1.1 includes a list of governmental approvals required. This table will be updated as follows (revised text double underlined):

1.1 PROJÉT SUMMARY

Permits/Approvals Required:	Permit/Approval	Status
	Federal Government	
	<u>U.S. Coast Guard</u> <ul style="list-style-type: none"> <u>Section 9 Bridge Permit (for sewer main crossing on Kapa'a Stream Bridge)</u> 	<u>Sewer main to be installed as part of HDOT-proposed Kapa'a Stream bridge. Permit requirements to be confirmed/satisfied as part of that project.</u>
	State of Hawaii	
	State of Hawai'i Land Use Commission <ul style="list-style-type: none"> Land Use District Boundary Amendment Department of Health <ul style="list-style-type: none"> National Pollutant Discharge Elimination System (NPDES) Permit Construction Noise Permit Department of Land and Natural Resources, State Historic Preservation Division <ul style="list-style-type: none"> Historic Preservation Review, Chapter 6E, HRS Department of Transportation <ul style="list-style-type: none"> Permit to Perform Work Upon State Highway Private Storm Drain Connection and/or State Highways Division Storm Drain System 	<u>In process.</u> <u>NPDES and noise permit to be obtained prior to start of construction.</u> <u>During Chapter 6E review, SHPD requested supplemental archaeological inventory survey (AIS), which was completed in 2019. SHPD review of the AIS is pending.</u> <u>Permits to be obtained prior to start of construction.</u>
	County of Kauai	
	Kaua'i County Council <ul style="list-style-type: none"> Zoning Amendment Planning Commission Subdivision Approval 	<u>To be obtained following Land Use District Boundary Amendment.</u> <u>To be obtained following Zoning amendment</u>
	Department of Public Works <ul style="list-style-type: none"> Grading, grubbing, and stockpiling permits, building permit 	<u>To be obtained prior to start of construction.</u>

Comment 6a: Probable impact of the proposed action on the environment shall be addressed, including the interrelationships and cumulative environmental impacts of the proposed action and other related developments. 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.

Response: Other proposed developments in the East Kaua'i area will have cumulative impacts for the areas of traffic, schools, housing, economic and fiscal impacts, water resources, and

utilities. The cumulative impact on traffic has been quantified by the Traffic Impact Analysis Report (TIAR). Cumulative impacts on other resource areas may occur, but are less directly quantifiable. Section 6.2 (Cumulative and Secondary Impacts) of the FEIS has added the following text:

The Proposed Action will bring more cars to the Keālia area, and will have a cumulative impact on traffic and intersection level of service (LOS). The impact of the Proposed Action, as well as other residential developments proposed over the next twenty years were evaluated in the Traffic Impact Analysis Report (TIAR) (Appendix H). Other known residential developments that the TIAR projected to be completed by 2027 (the TIAR analysis base year) include: Piilani Mai Ke Kai, a Department of Hawaiian Home Lands project in Anahola; Kulana Subdivision, a 172-unit agricultural subdivision north of Oloheua Road; and Hokua Place located near Kapaʻa Middle School, which will include 100 single family units and 700 multi-family units as well as neighborhood retail. The TIAR also considered the cumulative traffic impacts of several resort residential projects including Coconut Plantation (192 units); Coconut Beach Resort (330 units); and Coco Palms (350-room resort). These projects will contribute to a significant growth in traffic, independent of the Proposed Action.

The project will contribute to a cumulative demand on utilities in the region, including demand on the Wailua Wastewater Treatment Plant (WWTP). Cumulative impacts have been considered in the FEIS analysis. The Preliminary Engineering Analysis (Kodani, 2017) considered the cumulative impact of other permitted developments in its analysis of wastewater generation. Data and analysis from the County Department of Public Work's 2008 Wailua Facility Plan used, and this data included projected wastewater demand from proposed developments, including the Coco Palms, Coconut Plantation, Coconut Village coastal resorts. The County is currently updating and reevaluating the 2008 Wailua Facility Plan flow projections to incorporate the proposed Keālia Mauka Homesites. The County is also proceeding with planned capital improvement projects at the WWTP to improve the treatment process.

Given the 20-year projected population growth in the region, additional demands on fire, police, and schools are inevitable with or without the project. Because the project is targeted at local residents, the majority of future Keālia Mauka residents are already living on Kauaʻi. As such, the net increase in demand for public services islandwide will not be significant. However, demand for police and fire personnel in the immediate Keālia area will increase. The anticipated fiscal benefits to the County from the project will more than off-set the cost of additional public services.

Comment 6b, Marine biota: *One area to be more fully addressed is the potential impact to the nearshore environment, particularly the marine biota, both individually from the project and cumulatively.*

Response: The FEIS includes a new Section 3.8, Marine Biological Resources, addressing existing conditions and potential project impacts to the nearshore environment. The project is not expected to have an impact on marine water quality or marine biota.

3.8 Marine Biological Resources

3.8.1 Existing Conditions

The Petition Area is located about one-quarter mile upland or mauka of the ocean at its nearest point. A recent baseline survey of the marine biological environment in the vicinity of Keālia was completed in 2016 by SWCA Environmental Consultants for the proposed Kapaʻa Bridge and Mailihuna Intersection Project, Kūhiō Highway (SWCA Environmental Consultants, 2016). The information in this section is drawn primarily from this study.

3.8.1.1 Protected Species

Three federally protected marine species may occur in the nearshore waters in the Keālia vicinity. The endangered Hawaiian monk seal (*Neomonachus schauinslandi*) is endemic to the Hawaiian archipelago and is found mostly in the Northwestern Hawaiian Islands. Increasing sightings have been reported from the Main Hawaiian Islands. Hawaiian monk seals spend most of their time in the ocean but rest on sandy beaches, and sometimes use beach vegetation as shelter from wind and rain. They are known to occur along Kauaʻi's eastern shore.

The threatened green sea turtle (*Chelonia mydas*) and endangered Hawksbill sea turtle (*Eretmochelys imbricata*) are also known to occur in the shallow protected waters off the Keālia coast. Keālia Beach contains beach habitat that could support Hawaiian monk seal pupping, nursing, and haul out. The shallow water areas could also support foraging for the two turtle species.

3.8.1.2 Critical Habitat

Critical habitat for the Hawaiian monk seal occurs in the offshore areas. Critical habitat was first designated for the Hawaiian monk seal in 1986 and expanded in 1988. In September 2015, a revised critical habitat area was designated for the Main Hawaiian Islands and the Northwestern Hawaiian Islands.

The Island of Kauaʻi provides approximately 28 miles of coastline that support preferred pupping and nursing areas and significant haul out areas, as well as 215 square miles of marine foraging habitat essential to Hawaiian monk seal conservation. The critical habitat include the entirety of Keālia Beach (SWCA, 2016), which is south east of the upland Petition Area.

3.8.2 Potential Impacts and Mitigation

3.8.2.1 Impacts

Hawaiian Monk Seal. Between 2005 and 2014, there were 184 reported sightings of monk seals at Keālia Beach (SWCA, 2016). Of these sightings, 112 reports consisted of 26 uniquely identifiable seals. The nearshore marine waters of and around Keālia Beach provide suitable foraging habitat, as does the riverine habitat of the Kapaʻa Stream, which crosses Kūhiō Highway about 1,800 feet (0.3 mile) south of Keālia Road.

No construction activity is proposed in the vicinity of Keālia Beach or other marine or riverine waters. The closest project-related construction activity would be improvements to the Kūhiō Highway-Keālia Road intersection. The construction would be limited to the highway right-of-way, a distance of about 350 feet from the shoreline. It is highly unlikely that construction-related noise, traffic, or human activity would impact any monk seals who may be foraging in the water or hauled out on the beach.

There is the potential for indirect harm to monk seals through the inadvertent introduction of contaminants or construction related debris into nearshore waters. Construction period runoff will be avoided through the use of construction best management practices. In the long term, there will be no net runoff offsite from the Keālia Mauka subdivision. In conclusion, the project will have no adverse impact on Hawaiian monk seals.

Sea Turtles. No critical habitat has been designated for either the green or hawksbill sea turtles. The green turtle is federally listed as endangered and also listed as threatened by the State of Hawai'i. The hawksbill sea turtle is listed as endangered by both the federal government and the State of Hawai'i. In Hawai'i, disease and habitat loss (i.e., coral reef communities) are the primary threats to the green and hawksbill sea turtles, respectively. Other threats include ingestion or entanglement of marine debris, boat strikes, water contamination (e.g., runoff, dredging and noise), harvesting, loss or degradation of nesting habitat, and nest and hatchling predation (SWCA, 2016). The 2016 SWCA field survey did not observe any sea turtles in its study area, but it was noted that Keālia Beach provides suitable habitat for turtle basking, nesting, foraging, and predator avoidance.

There is no potential for impact to sea turtles. There will be no construction activity or noise in the vicinity. There will be no release of debris or pollutants into the nearshore waters during either construction or operation of the subdivision. Although the project will increase the human population in the Keālia area, it is unlikely to increase human-related disturbance (e.g., harassment) or human activity that could increase turtle mortality (e.g., boat propellers, fishing net entanglement, etc.). The Proposed Action is not expected to have an adverse impact on sea turtles or the marine environment.

Comment 6c, School Facilities: *We also note the 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. To the extent that such student may be coming from outside Kapa'a, we believe a discussion to address their potential impact on the future capacities of existing school facilities is warranted.*

Response: The statement in the DEIS that the majority of future subdivision residents are currently living on Kaua'i was based on the market and econometric studies conducted by CBRE (2017). Second home/non-resident purchasers represent some 18.9% of all housing units on Kaua'i, and range from 8.3% to 32.8% in the greater Kapa'a area (Wailua to Anahola), a proportion that has been increasing over time. CBRE has conservatively assumed the percentage would be similar at Keālia Mauka and used a stabilized figure of 20% of all inventory. This percentage is supported to numerous studies CBRE has completed on Maui, Hawai'i Island, and elsewhere on Kaua'i.

We and CBRE stand by the statement in the DEIS that that there will be a minimal net increase in school enrollment islandwide on Kauaʻi. However, we acknowledge that there will be an increase in students within the Kapaʻa complex, and therefore Section 4.12.5.2 (Potential Impacts and Mitigation) of the FEIS will include the following text:

4.12.4.2 Potential Impacts and Mitigation

Public school enrollment generated by the Proposed Action was estimated using student generation rates provided by the DOE Office of School Facilities and Support Services. The student generation rates (SGR) for elementary, middle, and high school students were calculated by the DOE using the Kealaula Subdivision in Eleʻele as a comparable. This subdivision targets a similar sales demographic and has lot sizes similar to the Proposed Action.

Student Generation			
Level	Rate (SGR)	Hsg Units	# Students
Elementary	0.2241	235	53
Middle	0.0345	235	11
High School	0.1552	235	37
Total			101

The SGR are subject to the following disclaimers:

1. That the SGR is based on student addresses currently in the HIDOE system and may not be accurate due to inaccurate student addresses (i.e. data entry errors);
2. That Pre-K and Charter school students are excluded from the SGR calculations;
3. That it is assumed that the information regarding street names, addresses, and number of built units are accurate; and
4. That the project is not at mature build out as the subdivision has 61 lots with 58 housing units built.

Utilizing these SGR, the proposed 235 residential lots may generate a total of 101 school-aged children. This includes 53 elementary school age children (235 x 0.2241= 53 students); 11 middle school age students (235 x 0.345= 11 students); and 37 high school age students (235 x 0.1552= 37 students). The student estimates based on the SGR are long term projections covering a time frame that goes beyond project build out. When the project is mature and unit turnover is stabilized, approximately 101 Hawaiʻi DOE students will reside there.

There will be restrictive covenants prohibiting Additional Dwelling Units (ADU) for this development, so no more than one single-family home would be built on each lot.

Because the Keālia Mauka residential lots are targeted to local residents, most of these 101 students are already attending Kauaʻi public schools, although not necessarily in the Kapaʻa schools complex. The economic and market study estimates that over 80 percent of the prospective buyers will be existing Kauaʻi residents, and the remaining 20 percent expected to be non-resident second/vacation home buyers (CBRE, 2017). Many, if not most of the non-resident second/vacation home buyers will be empty nesters without school aged children. Those with

school-aged children may also choose to send their children to Kauaʻi's private, rather than public schools. A nominal to negligible number of public school students will be generated by these households (CBRE, 2019).

The proposed off-site improvements are roadway and utility infrastructure, and will have no impact on school enrollment or facilities.

Educational Contribution Agreement

Educational Contribution Agreements (ECA's) are legal agreements between the DOE and a developer detailing how a developer will mitigate impacts to public school capacity via cash, land, or combination of both. They are executed for developments with a residential component 1) located in a designated School Impact Fee District, or 2) to implement a fair share contribution to the DOE condition on a discretionary approval. When a development is not located within a designated School Impact Fee District, and subject to a discretionary approval, the DOE determines on a case by case basis the impacts to school facilities and whether a fair share contribution is required.

In an email dated August 1, 2018, the DOE indicated that it would not be requesting a fair share contribution for the Keālia Mauka project (see Appendix M).

Comment 6d: *Address potential impact to agricultural production in vicinity, in County, and in State. Not clear where additional 86 acres has been added and what it will be used for. No information is provided on referenced ag land available in East Kauaʻi due to closure of Lihūʻe Plantation. Location, size, soil classification, and whether there is available water. Discuss how 36,000 acres on Kauaʻi that are designated IAL will achieve goal of food self-sufficiency.*

Response: The 86 acres in question have been added to the agricultural license which RKL Ranch has with Keālia Properties, LLC to offset RKL's loss of the 55 acres associated with the Petition Area currently under license to RKL. This additional acreage is located at the mauka limit of the Petitioner's property bordering Hauaala Road (TMK 4-7-004:001 portion).

ALISH values for this parcel are Prime (70%) and Other (30%). LSB values for this parcel are B (80%) and C (20%). This acreage will be utilized for cattle grazing only, and will not be irrigated.

With respect to your comment regarding IAL and agricultural self-sufficiency for the island of Kauaʻi, the State Land Use Commission has approved five landowner requests to designated IAL on Kauaʻi for a total of about 37,430 acres. The County of Kauaʻi Planning Department completed a study on IAL in July 2015. Included as part of this study, the Planning Department concluded that approximately 21,158 acres of land in food production would be required to feed a population of 70,000. Given that lands designated IAL in the County now exceed this recommendation by about 77%, the County has decided not to pursue additional IAL designations.

Comment 6e: *No discussion of emergency management facilities and impact (State DOD, HI EMA, County EMA).*

Response: The FEIS will include a new Section 4.12.3 (Emergency Management Facilities), with a discussion of the County's emergency management system and Multi-Hazard Mitigation and Resilience Plan, with the following discussion:

Existing Conditions. The Kaua'i Emergency Management Agency (formerly Civil Defense) is responsible for coordinating and integrating efforts among all levels of government and the private sector to mitigate against, prepare for, respond to, and recover from natural disasters, acts of terrorism, and other threats and hazards. Natural hazards including flood, tsunami, seismic activity and dam-related flooding were discussed in Section 3.5 of this EIS.

The County of Kaua'i's Multi-Hazard Mitigation and Resilience Plan (County of Kaua'i, 2015) identifies emergency services infrastructure in the County. These include the emergency operations center in Lihu'e; police and fire stations; hospitals, clinics and dispensaries; civil defense sirens; tsunami signs and warnings; and community shelters. The Multi-Hazard Mitigation and Resilience Plan is discussed in Section 5.2.6.3 of this EIS.

Outdoor warning sirens are maintained throughout the island to alert the public to emergencies. The nearest emergency siren for the Keālia area is located on Kamole Road, on the makai side of Kūhiō Highway, approximately 1,200 feet from the center of the Petition Area. Monthly tests of the Statewide Outdoor Warning Siren System are conducted by the State. The County has also implemented Connect 5, a mass notification system allowing the County to disseminate voice and text messages regarding civil defense emergencies in minutes.

Emergency shelters have also been identified by the Hawai'i State Civil Defense and Kauai Emergency Management Agency. The nearest official emergency shelters, according to the Multi-Hazard Mitigation and Resilience Plan, are at Kapa'a Elementary School and Kapa'a High School, both located about one mile south of the project area. The elementary school has a shelter capacity of 1,209 occupants and the high school has a capacity of 3,569 occupants (County of Kaua'i, 2015). The schools are approved as shelters for tsunami, flooding, and hurricane.

Potential Impacts and Mitigation. As stated previously, it is expected that the majority of the future Keālia Mauka residents are already living on island, many in East Kaua'i, and the new subdivision would not generate a significant net increase in population. There is not expected to be a significant impact to emergency management facilities. Existing warning sirens and emergency shelters will be adequate to accommodate the new subdivision residents.

Comment 6f: *Please include a statement in the appropriate section of the document addressing customary and traditional rights under Article XII, Section 7 of Hawaii State Constitution.*

Response: A statement addressing Hawaiian customary and traditional rights under Article XII, section 7 of the Hawai'i State Constitution has been added to the Cultural Impact Assessment (CIA) (Management Summary, p. x, and Section 8.5 Analysis, p. 181). The following statement will be also be included in Section 4.5, Cultural Resources, Section 4.5.2.4, Analysis:

...As noted above, no culturally significant resources were identified within the current project area. At present, there is no documentation nor testimony indicating that traditional or customary native Hawaiian rights are currently being exercised "for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (Hawai'i State Constitution, Article XII, Section

7) within the current project area. Additionally, no traditional cultural practices are known to currently occur within the project area...

Comment 6g: *The economic analysis analyzed public fiscal impacts of only the non-resident component of the project in terms of the cost to the State and County of Kaua'i... We request that the additional costs to the State and County to support the non-resident, second-homeowner demographic within the project be broken down by the type of service and facility.*

Response: See CBRE response to this comment in their letter dated April 9, 2019 (FEIS, Appendix F). They indicate no such specific analysis was conducted within their scope of study. As noted in their report (**emphasis added**):

“We have analyzed the public fiscal impacts considering only the non-resident component of KMH, relative to tax benefits flowing to the State and County of Kauai and the cost of providing government services to them on a per capita basis.”

CBRE has indicated that based on that per capita cost (of providing government services) within a county-wide perspective, the service and facilities required by these non-resident homeowners would be identical to the existing budget and planning allowances for the County as-a-whole. Determination of the need for additional, specific facilities and services (e.g., police, fire, EMS, schools) would be best estimated by those departments/providers.

Comment 7: *Address all 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 counter veiling benefits could be realized. Section 6.4 does not address in sufficient detail.*

Response: Section 6.4, Probable Adverse Effects that Cannot be Avoided, will discuss other interests and considerations of governmental policies that offset the adverse effects of proposed action. These unavoidable adverse effects include construction period noise, dust and traffic congestion, the loss of grazing acreage, impacts on schools and public facilities, visual impacts, and increased traffic volumes. The mitigation proposed for these impacts discussed in Chapters 3 and 4 of the FEIS will be summarized in Section 6.4. The countervailing benefit to these impacts is the provision of housing opportunities for Kaua'i residents, an urgent and high priority need supported by the County administration and public policy. The discussion in Section 6.4 will address the extent to which these countervailing benefits could be realized by alternatives to the proposed action that would avoid some or all of the adverse environmental effects, and conclude with the following paragraph:

In summary, the Proposed Action will result in unavoidable environmental impacts. These impacts represent short and long-term trade-offs in order to meet the project's primary objective, to provide housing opportunities for Kaua'i residents, including workforce housing. This "countervailing benefit" responds to an urgent need which is a high priority of the County of Kaua'i, and supported by public policy (e.g., Housing Policy for the County of Kaua'i (Ordinance 860)). While the goal of additional housing could also be realized by the alternatives discussed in Section 2.4 of this FEIS, no alternative (other than "No Action") is without environmental impact. Of the alternatives discussed, the Proposed Action was determined to be the most consistent

with the County General Plan, compatible with County workforce housing policies, and consistent with the County's goal to provide housing opportunities for Kaua'i residents.

Comment 8: *Description of proposed mitigation should be provided including discussion of any performance bonds...timing of each step in mitigation process and responsibilities and commitments of Petitioner to ensure implementation.*

Response: The timing and implementation of, and the responsibility for the proposed mitigation measures will be discussed in the FEIS.

Comment 9: *A separate and distinct section that summarizes unresolved issues and contains either a discussion of how issues will be resolved prior to commencement of action or what overriding reasons there are for proceeding without resolving the problems should be provided. Wastewater service should be identified as unresolved issue, as County will issue a "will serve" letter only after zoning approval, which is not assured.*

Response: Section 6.5, Unresolved Issues, has been expanded, and includes the following new text, including discussion of wastewater service:

Noise mitigation at Kūhiō Highway boundary. According to the Noise Measurement and Evaluation Report for the project, noise mitigation is recommended for lots along the Kūhiō Highway frontage. Adequate mitigation could be accomplished through construction of a 4-foot high noise wall or berm(s), or combination of the two. The proposed mitigation will consider the preferences of the County and State Department of Transportation, as well as the results of further engineering and feasibility studies. The issue will be resolved during the project's subdivision approval phase, and specified in the subdivision approval conditions.

Keālia Road-Kūhiō Highway intersection improvements. Both a roundabout and a traffic signal have been identified by the TIAR as feasible alternatives for mitigation of traffic impacts at the Keālia Road-Kūhiō Highway intersection. The County has expressed its preference for the construction of a roundabout. Final plans for the roundabout still need to be developed. Since Kūhiō Highway is a State owned highway, the formal concurrence and participation of the Department of Transportation (HDOT) is also required prior to finalizing plans for the intersection.

County Provision of Sewer Service. The County Department of Public Works, Wastewater Management Division has indicated that it will issue a "will serve" letter for wastewater service after the project has received zoning approval. The project civil engineers have been in contact with the Department of Public Works and connection to the County's system is not expected to be a problem. However, confirmation of sewer service remains a pending issue.

Off-site wastewater improvements. The exact location of the proposed wastewater pump station near Kūhiō Highway is yet to be determined, but will be identified with the approval of the County of Kaua'i Department of Public Works, Wastewater Management Division. It is anticipated that the pump station will be on land owned by the Petitioner and will be dedicated to the County at the completion of the project.

The extension of a sewer main in the Kūhiō Highway right-of-way is proposed. The sewer main will need to cross Kapa'a Stream before connecting to an existing sewer manhole near the Kaiakea Fire Station. The Hawai'i Department of Transportation Kaua'i District Engineer has confirmed that the sewer main can be attached to the new Kapa'a Stream Bridge project on Kūhiō Highway near Mailihuna Road (letter dated February 25, 2019). The sewer main's stream crossing may require a separate Section 9 bridge permit from the Coast Guard, if the Coast Guard determines it is not already covered in the Kapa'a Stream Bridge approvals. Follow up coordination with the HDOT and the Coast Guard will be needed.

Compliance with Housing Policy for the County of Kaua'i. The project will comply with Ordinance 860, Housing Policy for the County of Kaua'i requiring a portion of the development to include workforce housing. The workforce housing requirement is developed in cooperation with the County Housing Agency prior to final subdivision or zoning approval, whichever occurs first. The final requirement will identify the number of lots and the price levels for the workforce housing requirement, and will be included in the final subdivision or zoning conditions.

Other unresolved issues addressed in Section 6.5 include soil testing, noise mitigation at Kūhiō Highway, Keālia Road-Kūhiō Highway intersection improvements, location of the wastewater pump station, and compliance with the County's housing policy.

Comment 10: *A list of persons or agencies who were consulted during the consultation process and had no comment shall be included; the LUC should be listed as a consulted agency under the heading of State of Hawai'i.*

Response: Chapter 9 of the FEIS will include a list of all consulted parties and agencies, and note what their comments were (or if they had no comment). The LUC will be added to the list of consulted agencies.

Comment 11: *The statement that the DEIS and all ancillary documents were prepared under signatory's direction and supervision should be signed by the Applicant, Keālia Properties LLC, not the consultant.*

Response: The FEIS will include the signature of the Applicant, Keālia Properties, LLC.

Comment 12: *Replace the terms potable water and non-potable water with "drinking water" and "non-drinking water." The State Department of Health (DOH) uses the latter term specifically to indicate water for human consumption that is derived from surface water and/or groundwater and is regulated by DOH pursuant to HAR Chapter 11-20.*

Response: References will be changed throughout the document.

Comment 13: *We request that the Phase I Environmental Site Assessment, which was prepared for the previous landowners and included the Petition Area as part of its study area, be included as an appendix to the document to fully disclose the potential impacts of encountering hazardous substances, including contaminants and pesticides, as well as heavy metals (i.e., arsenic) from previous agricultural activities on the Petition Area during development of the proposed homesites.*

Response: A Phase I ESA specific to the Petition Area was completed by EnviroServices & Training Center subsequent to the publication of the DEIS. The findings are summarized in Section 4.8 of the FEIS. The Phase I report will be included as Appendix K. Section 4.8 will include this paragraph:

In response to a comment received during the DEIS comment period, a new Phase I ESA was completed for the Petition Area by EnviroServices & Training Center, LLC (ETC). Unlike the 2005 study that focused on a larger 2,000 acre study area (including the Keālia Mauka site), the 2018 study focused specifically on the 53.4 acre Petition Area. The study is included as Appendix K. As with the 2005 study, the purpose and goal of this Phase I ESA was to conduct an inquiry to identify recognized environmental conditions (REC). The scope of work included a review of property information, regulatory data base, a visual site reconnaissance of the site and adjacent properties, and interviews with owner(s), site manager(s), occupant(s), local government officials, and others with past and prior use history.

Section 4.8.2 (Potential Impacts and Mitigation) was revised to incorporate the findings of the 2018 Phase I ESA:

The findings of the 2018 Phase I ESA support the conclusions and recommendations presented in the DEIS. Document review and visual inspection of the property showed no evidence of the generation, storage, or disposal of hazardous or regulated wastes.

At the same time, historical real property tax records, aerial photographs, document review, and user provided documentation indicate past use of the subject property for sugarcane cultivation and plantation housing. Historical sugarcane production in Hawai'i (i.e., pre-World War II) included the application of arsenic-containing pesticides/herbicides, even though no pesticide mixing areas were found in connection with the subject property and surrounding areas. This finding is considered a historical REC. The Phase I ESA states that "Based on the past and prior use of the subject property coupled with the DOH HEER Office's comment letter, [we] cannot dismiss the potential presence of contamination from this historical REC and as such this past use is considered a REC for the subject property. No other significant findings to indicate suspect RECs, historical RECs, controlled RECs or *de minimis* conditions were identified." (ETC, 2018)

As recommended by the DOH HEER office, and in accordance with current State policies, soil testing will be conducted in the Petition Areas proposed for residential or recreational use. 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 DOH HEER office for review and approval. Test results and recommendations will be submitted to the DOH HEER office for review and approval prior to construction.

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Thank you for your participation in this process. Your letter and this response will be reproduced in the FEIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

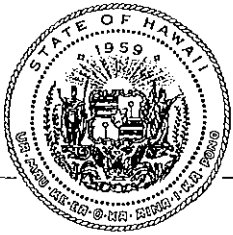
Sincerely,

HHF Planners

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

Scott Ezer, Principal

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



OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

DTS201806221255BE

June 22, 2018

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

Dear Ms. Palama:

Subject: Kealia Mauka Homesites, Draft Environmental Impact Statement
Kealia, Kawaihau, Kauai
Docket: A17-803 Kealia Properties, LLC
Tax Map Key: (4) 4-7-004: 001 (por.)

Thank you for the opportunity to review the subject Draft Environmental Impact Statement (EIS) for Kealia Mauka Homesites. The Petitioner is proposing to develop 235 lots ranging from 5,500 square feet to 7,300 square feet on 53.4 acres at Kealia, Kawaihau, Kauai. The buyers of the lots will be responsible for home construction. The lot sizes are designed to provide workforce housing in accordance with the County of Kauai Ordinance No. 860. The lots will be served with potable water, wastewater, electrical, telecommunications, drainage and roads.

The Petition Area located two miles north of Kapaa is currently in the State Agricultural District and used for cattle grazing. A State Land Use District Boundary Amendment petition was filed on October 16, 2017 to reclassify the Petition Area from the Agricultural to the State Urban District to undertake the proposed development. 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) has reviewed the Draft EIS and offers the following:

1. Previous Comments. In response to OP's EIS Preparation Notice comments of January 25, 2018, the Draft EIS:
 - a. Has addressed most of the relevant issues of concern relative to Land Use Commission (LUC) decision making criteria and the areas of State concern.
 - b. Provided analysis on the projected number of students to be generated by the proposed development relative to the capacity of existing schools, but has not

indicated whether an Education Contribution Agreement with the State Department of Education is needed.

- c. Incorporated a schedule of development and a map showing the circulation and lot development layout.
 - d. Included an analysis on all parts of the Hawaii State Planning Act in Hawaii Revised Statutes, (HRS) Chapter 226.
 - c. Assessed how the proposed action conforms to the objectives and supporting policies of the Hawaii Coastal Zone Management Program in HRS § 205A-2.
 - f. Summarized the project area in relation to potential impacts to wetlands, perennial streams, tsunami evacuation and flood zones, nearshore water quality, and the coastal ecosystem.
2. Section 2.3.1 Project Description. Without being specific, the Draft EIS notes that the development “will provide lots that will meet the workforce housing requirements of Kauai County Ordinance No. 860.” This seemed to imply that all lots will be priced for workforce housing. Not until Section 5.2.5 is it mentioned that 30% of the lots equating to 71 of the total 235 lots will be workforce housing lots, and that this could be cut in half to 36 lots using the incentives allowed in the Ordinance. We recommend that the number of affordable units, at least in terms of range of lots, be disclosed up front in the Project Description portion of the EIS.

In accordance with the LUC’s Hawaii Administrative Rules 15-15-50 (c)(8) relating to the contents of a petition, the project description should also indicate the sales prices for the lots.

The Draft EIS notes that no more than one single-family dwelling unit will be allowed per lot. The EIS should clarify if any accessory, additional, or ohana dwelling units could be allowed. If so, the relevant sections of the EIS such as traffic and utilities should be revised to reassess project impacts.

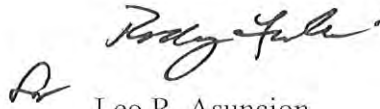
3. Section 4.3 Noise. Noise-sensitive residential uses would be located immediately adjacent to Kuhio Highway, where at least 22 lots will be directly affected. We note that no noise assessment study was conducted for the proposed project in the Draft EIS. We recommend that a noise study be undertaken to determine the extent of noise impacts on future residents of the subdivision, and how noise will be adequately mitigated, including consideration for additional setbacks to mitigate the impacts of highway noise.
4. Section 4.7.1.2 Important Agricultural Lands. While the Draft EIS describes the County IAL study and notes that the Kealia Mauka site is not designated IAL, it does not indicate if the

subject lands are part of the recommended IAL lands in the County mapping study. Furthermore, the current status of County IAL designation should be clarified, the Draft EIS noting only that the final study has yet to be transmitted to the County Council. It is our understanding that the County does not intend to pursue the designation of additional IAL lands beyond what has already been designated under the voluntary landowner process.

5. Section 4.10 Infrastructure and Utilities. Section 4.10.1 is missing a discussion of communications facilities to be provided to the subdivision.
6. Section 4.12 Public Services. With an estimated 700 residents in the future subdivision, the availability of any civil defense warning systems in the project vicinity should be identified.

We have no further comments on the Draft EIS at this time. If you have any questions, please contact Joshua Hekeia of our CZM program at (808) 587-2845 or Tomas Oberding of our Land Use Division at (808) 587-2883.

Sincerely,


Leo R. Asuncion
Director

- c: DBEDT, Land Use Commission, Daniel Orodener, Executive Officer
HHF Planners, Scot Ezer, Vice President

July 10, 2019

Mr. Leo Asuncion, Director
Office of Planning
State of Hawai'i
235 South Beretania Street, 6th Floor
Honolulu, Hawai'i 96813



Dear Mr. Asuncion:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 22, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Comment 1: *Previous Comments of January 25, 2018—“...has not indicated whether an Education Contribution Agreement with the State Department of Education is needed.”*

Response: According to an email from the Department of Education Office of School Facilities and Support Services dated August 1, 2018, the DOE will not be requesting a fair share contribution for this project. The FEIS will be revised as follows (Note: all FEIS text revised since the DEIS will be shown double underlined):

Educational Contribution Agreement

Educational Contribution Agreements (ECA's) are legal agreements between the DOE and a developer detailing how a developer will mitigate impacts to public school capacity via cash, land, or combination of both. They are executed for developments with a residential component 1) located in a designated School Impact Fee District, or 2) to implement a fair share contribution to the DOE condition on a discretionary approval. When a development is not located within a designated School Impact Fee District, and subject to a discretionary approval, the DOE determines on a case by case basis the impacts to school facilities and whether a fair share contribution is required.

In an email dated August 1, 2018, the DOE indicated that it would not be requesting a fair share contribution for the Keālia Mauka project (see Appendix M).

Comment 2: *Section 2.3.1 Project Description. ...We recommend that the number of affordable units, at least in terms of range of lots, be disclosed up front in the Project Description portion of the EIS.*

*Project Description should also include sales prices for the lots.
Clarify if any accessory or 'ohana units could be allowed.*

Response: The estimated number of affordable units, per Kaua'i County Ordinance No. 860, was provided in the DEIS. Final lot sales price can be affected by a number of factors, including the length of time it takes to go through the entitlement process. At this time, it would not be prudent to guess what the actual sales prices will be. However, the following has been added to the FEIS, Section 2.3.1 in the Project Description:

The project will meet the workforce housing requirements of Kaua'i County Ordinance No. 860, which established a new chapter in the Kaua'i County Code (1987, as amended) relating to the housing policy for the County of Kaua'i. The County's Housing Policy requires that residential developments with 26 units or more include housing "that may be rented or sold at price levels that are affordable to households that earn from eighty percent (80%) and below of the Kaua'i median household income to one-hundred forty percent (140%) of the Kaua'i median household income."

The County's Housing Policy, as it applies to the Keālia Mauka Homesites, is discussed in more detail in Section 5.2.5 of this FEIS. The workforce housing requirement for Keālia Mauka, adjusted for applicable developer incentives, is estimated at 36 units (i.e., lots).

Table 2-1 below shows the distribution of 36 workforce housing lots by income level and price. Based on 2017 "for sale limits," median income, and mortgage rates, lot-only sales prices would range from \$81,000 (80% of median income) to \$110,900 (140% of median income). Actual sales prices will depend on conditions at the time of sale.

TABLE 2-1: COMPLIANCE WITH THE HOUSING POLICY FOR THE COUNTY OF KAUA'I

Assumes Mortgage Rate: 4.25%

<u>HUD Income Limit (family of 4)</u>	<u>Annual Household Income</u>	<u>For Sale Price</u>	<u>Estimated* Lot- Only Sales Price</u>	<u>Percent of total workforce housing (and number of lots)</u>
<u>80% Median</u>	<u>\$68,250</u>	<u>\$310,800</u>	<u>\$81,000</u>	<u>20% (7 lots)</u>
<u>100% Median</u>	<u>\$79,200</u>	<u>\$369,300</u>	<u>\$92,000</u>	<u>30% (11 lots)</u>
<u>120% Median</u>	<u>\$95,050</u>	<u>\$453,800</u>	<u>\$95,050</u>	<u>30% (11 lots)</u>
<u>140% Median</u>	<u>\$110,900</u>	<u>\$538,400</u>	<u>\$110,900</u>	<u>20% (7 lots)</u>
<u>TOTAL</u>				<u>100% (36 lots)</u>

Source: Kaua'i County Housing Agency, effective 4/14/2017, URL=<http://www.kauai.gov>

*Assumes lot-only price will represent approximately 26% of the For Sale Price established by County. Actual lot-only prices to be determined by County of Kaua'i Housing Agency

The remaining Keālia Mauka lots (235 less 36=199) will be sold at prevailing market prices. As of April 2019, market prices for the lots would range from approximately \$190,000 to \$235,000. The market study estimates that full absorption/sell out of the finished lots will be completed within seven years (CBRE, 2017).

Additional Dwelling Units (ADU) and Condominium Property Regime (CPR) will be prohibited using deed restrictions.

Comment 3: *Section 4.3 Noise. Noise-sensitive residential uses would be located immediately adjacent to Kūhiō Highway where at least 22 lots will be directly affected...We recommend that a noise study be undertaken to determine the extent of noise impacts on future residents of the subdivision, and how noise will be adequately mitigated, including consideration of additional setbacks to mitigate the impacts of highway noise.*

Response: In response to comments received during the DEIS comment period, a noise measurement and evaluation study was conducted to measure the existing noise in the project area, evaluate sound levels with respect to State and local noise regulations, and to provide conceptual approaches to noise mitigation. It discussed both construction period and long-term noise impacts. The study findings will be discussed in Section 4.3 of the Final EIS and the report is included in the Final EIS appendix. The following is an excerpt from Section 4.3.2.1, discussing long-term noise impacts on the 22 lots adjacent to Kūhiō Highway:

Either with or without the project, the noise model shows that future traffic noise will approach or exceed 67 dB, the HDOT Noise Abatement Criteria for residential land uses. "Approach" is defined as 1 dB below the 67 dB threshold. If this were a highway project, the first row of residences along the eastern (makai) property line would be considered to be impacted by traffic noise. The CENSEO study recommended that noise mitigation be considered for any new residences fronting the highway. Recommended mitigation includes either four-foot tall earthen berms or noise barrier walls at the makai property line.

The Final EIS Section 4.3.3 includes the following discussion of noise mitigation for homes adjacent to Kūhiō Highway:

General sound mitigation methods and techniques for traffic noise include earthen berms and barrier walls. Construction noise and vibration can be mitigated with proper planning and/or various types of barriers. Each of these conceptual approaches is discussed below.

Earthen Berms

Earthen berms are mounds of earth running between the noise source and receiver, and typically constructed at a maximum 2:1 slope. Attenuation of up to 15 dBA can be achieved with earthen berms if they are constructed several feet higher than the line of sight between the source and receiver. Because earthen berms deflect sound upwards rather than horizontally, no additional sound is reflected to the opposite side of the noise source area. However, because of the amount of land required to achieve an effective height, earthen berms are not always practical to implement.

Barrier Walls

As with earthen berms, barrier walls must interrupt the pathway of the noise between source and receiver in order to be effective. Noise attenuation can be up to 15 dBA if the wall is several feet higher than the line-of-sight between the noise source and receiver. Barrier walls must be continuous and solid, without any holes, gaps or openings, and have a minimum density of 4 pounds per square foot (psf). They may be constructed of wood, masonry, or precast concrete.

Acoustically absorptive and weather resistant material should be installed on the wall surface facing the noise source in order to reduce sound energy reflections.

The appropriate type of noise mitigation along Kūhiō Highway will be determined during the subdivision approval process and subsequent design process.

Comment 4: *Section 4.7.1.2 Important Agricultural Lands. While the DEIS describes the County IAL study and notes that Keālia Mauka is not designated IAL, it does not indicate if the subject lands are part of the recommended IAL lands in the County mapping study.*

Response: The explanation of IAL in the FEIS will be expanded, with the following double underlined text added:

The 2015 IAL study evaluated all agricultural land on Kauaʻi based on eight criteria, and identified lands meeting the threshold score of 28 or above. The lands meeting or exceeding the threshold were shown on a map in Appendix C of the IAL study. A total of 53,547 acres met or exceeded the threshold. The Petition Area is shown on the map as meeting the IAL threshold criteria. Although the final IAL study was completed in July 2015, it was never transmitted to the Kauaʻi County Council, and the County has not adopted the report as policy or designated any land for IAL.

At present, the only land on Kauaʻi to be designated as IAL is the result of landowner self-designation. Four major landowners on Kauaʻi have received approval from the LUC for IAL designation of nearly 36,000 acres of land, exceeding the minimum of 21,158 acres identified in the 2015 IAL study. The subject Keālia Mauka site is not part of the designated IAL lands. The County has indicated that it does not intend to pursue designation of additional IAL lands beyond what has already been designated under the voluntary landowner process. The use of the Petition Area for residential use will not have an adverse impact on the County's efforts to establish food self-sufficiency.

Comment 5: *Section 4.10 Infrastructure and Utilities. Section 4.10.1 is missing a discussion of communications facilities to be provided to the subdivision.*

Response: This section will be revised to include communications facilities to be provided. The following was added to Sections 4.10.1.1 and 4.10.1.2:

Telephone service to the area is provided by Hawaiian Telcom and cable service is provided by Spectrum (formerly Oceanic Time Warner).

When off-site improvements are made to Keālia Road, the overhead electrical, telephone and cable line will be extended from Kūhiō Highway to the project site.

Comment 6: *Section 4.12 Public Services. With an estimated 700 residents in the future subdivision, the availability of any civil defense warning systems in the project vicinity should be identified.*

Response: A new Section 4.12.3, Emergency Management Facilities, was added to the Final EIS, which addressed civil defense warning systems:

4.12.3.1 Existing Conditions

The Kauaʻi Emergency Management Agency (formerly Civil Defense) is responsible for coordinating and integrating efforts among all levels of government and the private sector to mitigate against, prepare for, respond to, and recover from natural disasters, acts of terrorism, and other threats and hazards. Natural hazards including flood, tsunami, seismic activity and dam-related flooding were discussed in Section 3.5 of this EIS.

The County of Kauaʻi's Multi-Hazard Mitigation and Resilience Plan (County of Kauaʻi, 2015) identifies emergency services infrastructure in the County. These include the emergency operations center in Līhuʻe; police and fire stations; hospitals, clinics and dispensaries; civil defense sirens; tsunami signs and warnings; and community shelters. The Multi-Hazard Mitigation and Resilience Plan is discussed in Section 5.2.6.3 of this EIS.

Outdoor warning sirens are maintained throughout the island to alert the public to emergencies. The nearest emergency siren for the Keālia area is located on Kamole Road, on the makai side of Kūhiō Highway, approximately 1,200 feet from the center of the Petition Area. Monthly tests of the Statewide Outdoor Warning Siren System are conducted by the State. The County has also implemented *Connect 5*, a mass notification system allowing the County to disseminate voice and text messages regarding civil defense emergencies in minutes.

Emergency shelters have also been identified by the Hawaiʻi State Civil Defense and Kauai Emergency Management Agency. The nearest official emergency shelters, according to the Multi-Hazard Mitigation and Resilience Plan, are at Kapaʻa Elementary School and Kapaʻa High School, both located about one mile south of the project area. The elementary school has a shelter capacity of 1,209 occupants and the high school has a capacity of 3,569 occupants (County of Kauaʻi, 2015). The schools are approved as shelters for tsunami, flooding, and hurricane.

4.12.3.2 Potential Impacts and Mitigation**Petition Area**

As stated previously, it is expected that the majority of the future Keālia Mauka residents are already living on island, many in East Kauaʻi, and the new subdivision would not generate a significant net increase in population. There is not expected to be a significant impact to emergency management facilities. Existing warning sirens and emergency shelters will be adequate to accommodate the new subdivision residents.

Off-Site

Construction of off-site infrastructure improvements will not impact emergency management facilities or services.

HHF PLANNERS

places for people

Page 6

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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



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

JADE T. BUTAY
DIRECTOR

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

IN REPLY REFER TO:
DIR 0545
STP 8.2467

July 13, 2018

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

Dear Ms. Palama:

Subject: Kealia Mauka Homesites
Draft Environmental Impact Statement
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 lots 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.

Our Department of Transportation (DOT) comments on the subject project are as follows:

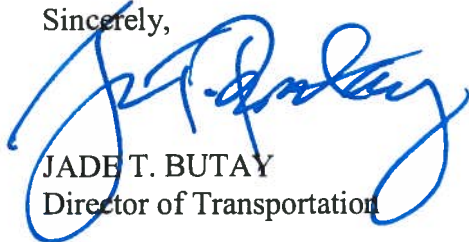
Highways Division

1. The Traffic Impact Analysis Report should be revised for DOT review and acceptance. The various proposed mitigation alternatives identified in the study (i.e. roundabout, stop controlled or traffic signal) should be evaluated in detail to include:
 - a. Provision for pedestrian and bicyclist safety.
 - b. Potential realignment of Kealia Road to eliminate the skewed approach.
 - c. A deceleration lane, including a right-turn lane for South-bound vehicles as the speed limit on Kuhio Highway is posted at 50 miles per hour until shortly before this junction and then posted at 40 miles per hour through the current intersection.
 - d. The viability of a traffic signal given the high corrosion potential (high maintenance cost) at this location.

- e. Verify that queues at the intersection will be adequately contained within the existing storage or that improvements to left-turn storage will be provided.
 - f. Availability of right-of-way for improvements.
 - g. Proposed traffic improvement based on this intersection evaluation.
2. Pedestrian and bicycle modes of transportation are not sufficiently addressed. There should be better identification of the possible routing of bike and pedestrian traffic based on likely origins and destinations. The development shall provide appropriate improvements to accommodate these routings.
3. Any future development by the subject landowner/applicant beyond the boundaries of the Kealia Mauka Homesites will need to be evaluated for traffic impacts and may require traffic studies and traffic improvements at the Kealia Drive/Kuhio Highway intersection.

If there are any questions, please contact Mr. Blayne Nikaido of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7979 or by email at blayne.h.nikaido@hawaii.gov.

Sincerely,



JADE T. BUTAY
Director of Transportation

c: Leo Asuncion, Office of Planning
Scott Ezer, HHF Planners
Daniel Orodener, Land Use Commission

July 10, 2019

Mr. Jade T. Butay, Director of Transportation
State of Hawai'i
Department of Transportation
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097



Dear Mr. Butay:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated July 13, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Highways Division

Comment 1: *The Traffic Impact Analysis report should be revised for DOT review and acceptance. The various proposed mitigation alternatives should be evaluated in detail to include:*

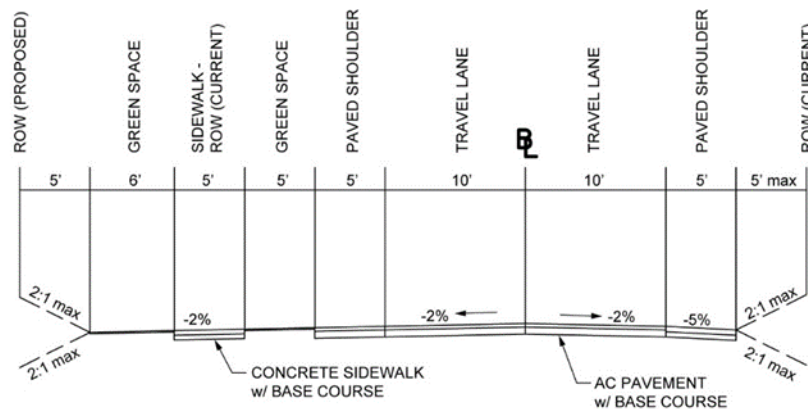
- a. Provision for pedestrian and bicyclist safety*
- b. Potential realignment of Keālia Road to eliminate the skewed approach*
- c. A deceleration lane, including a right-turn lane for south-bound vehicles*
- d. The viability of a traffic signal given the high corrosion potential (high maintenance cost) at this location*
- e. Verify that queues at the intersection will be adequately contained within the 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.*

Response: The TIAR (Austin Tsutsumi & Associates, May 10, 2019) has been updated to incorporate your comments above.

Keālia Road Improvements. The Proposed Project now includes improvements to Keālia Road to increase pedestrian and bicycle safety. The Keālia Road improvements are described in detail in Section 2.3 of the FEIS (Project Description), and includes a roadway cross section (shown below). The improvements are also discussed in the Chapter 4 (Roadways and Transportation) as part of "Future Year 2027 Sustainable Transportation" improvements:

The proposed traffic mitigation for the project will include improvements to Keālia Road between the Petition Area and Kūhiō Highway. Proposed improvements include widening the right of way from 40 feet to 56 feet, and the addition of shoulders and sidewalks. The road will include two 10-foot vehicle travel lanes, 5-foot paved shoulders, a 5-foot wide concrete sidewalk and green space between the paved road shoulder and sidewalk. The paved shoulder may be used by bicyclists who are uncomfortable using the vehicular travel lane.

Keālia Road Improvements



TYPICAL ROADWAY CROSS SECTION
NOT TO SCALE

Keālia Road-Kūhiō Highway intersection. The TIAR (Section 3.2, Sustainable Transportation) has been revised to provide additional details on existing and future pedestrian/bicycle routes, including new figures (TIAR Figures 3.1 to 3.3) to show pedestrian, bicycle, and transit facilities in relation to potential destinations. The pedestrian and bicycle routes have been overlaid on the illustrations of the two alternatives for the Keālia Road-Kūhiō Highway intersection. This has been incorporated in FEIS Figures 4-12 and 4-13.

The FEIS includes a comparison of the two mitigation options for the Keālia Road-Kūhiō Highway intersection: 1) install a traffic signal, and 2) construct a roundabout, and identifies the roundabout as the County's preferred option. Section 4.11.2.2 of the FEIS includes the following explanation:

The April 2018 DEIS presented a traffic signal as the recommended mitigation for this intersection, primarily due to its expected lower design and construction costs. During the DEIS comment period, the County of Kaua'i indicated that a roundabout is their preferred option. In response to the County's preference, the roundabout is presented in this FEIS as part of the "Proposed Action." Because a traffic signal remains a viable option, it is also discussed here.

The TIAR and FEIS recommendation (Section 4.11) is as follows:

Future Year 2027 Recommendations. In summary, the TIAR concluded that either a traffic signal or roundabout would provide adequate traffic mitigation at the Keālia Road/Kūhiō Highway intersection for vehicular, bicycle and pedestrian traffic. Both a signal and roundabout are

feasible options. Due to the County of Kaua'i's stated preference for a roundabout, this FEIS presents the roundabout as the proposed mitigation for the Proposed Action.

Anticipated mitigation measures required as part of the roundabout are listed below. The proposed mitigation is based on the single conceptual roundabout design evaluated in the TIAR and shown in Figure 4-11. Actual improvements required will depend on the final roundabout design.

Construct a single-lane, three-leg roundabout.

- Realign the skewed eastbound approach of Keālia Road.
- Realign the northbound approach of Kūhiō Highway.
- Provide a southbound right-turn bypass onto Keālia Road prior to the roundabout.
- Relocate the existing northbound and southbound bus stops/bus bays along Keālia Road to south of the intersection.
- Relocate electrical utility poles.
- Reconstruct the Keālia Surf Shack signs and fences at the northwest corner of the intersection.
- Provide crosswalks along all three (3) approaches.

With the proposed mitigation, all approaches will operate at LOS D or better during both peak hours of traffic. Additionally, the intersection will operate with overall LOS B/C during the AM/PM peak hours.

Comment 2: *Pedestrian and bicycle modes of transportation are not sufficiently addressed. There should be better identification of possible routing of bike and pedestrian traffic based on likely origins and designations.*

Response: The TIAR (May 2019, see Section 3.2) has an expanded discussion of pedestrian, bicycle, and transit accessibility, including three new figures to show existing pedestrian, bicycle, and transit facilities. A description of existing pedestrian and bicycle conditions and public transit will be included in the FEIS. See response to Comment 1 above regarding proposed improvements to Keālia Road.

The FEIS discusses two options for the Kūhiō Highway/Keālia Road intersection: traffic signal, and a roundabout, the County's preferred option. The impacts of both of these options on pedestrians and bicyclists is discussed in the FEIS.

Comment 3: *Any future development by the landowner/applicant beyond the boundaries of the Keālia Mauka Homesites will need to be evaluated for traffic impacts and may require traffic studies and traffic improvements at the Keālia Drive/Kūhiō Highway intersection.*

Response: Acknowledged.

Page 4

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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 Orodenker, State of Hawai'i Land Use Commission

COUNTY OF KAUA I

Leslie Kurisaki

From: Moana Palama <moana@mskauai.com>
Sent: Wednesday, June 06, 2018 1:22 PM
To: Leslie Kurisaki
Cc: Scott Ezer
Subject: FW: Kealia Mauka Homesites

6/6/2018

From: Daryl Date [mailto:DDate@kauai.gov]
Sent: Wednesday, June 06, 2018 10:00 AM
To: moana@mskauai.com
Subject: Kealia Mauka Homesites

To Whom It May Concern:

I was not able to access the DEIS using the URL provided in the letter.

Basic concerns from the Fire Department will be access and fire protection. I am assuming the fire hydrants in this subdivision will be overseen by the Department of Water. As far as access, the Fire Department will push for a minimum 20 foot road width.

There may be other issues that arise being that the site plan could not be seen.

Please feel free to contact me.

Daryl Date

Fire Prevention Captain
County of Kauai
Piikoi Building
4444 Rice Street, Suite 315
Lihue, HI 96766
Phone: 808-241-4982
Fax: 808-241-6508

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.8048 / Virus Database: 4793/15718 - Release Date: 06/06/18

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

July 10, 2019

Captain Daryl Date
Fire Prevention Captain
County of Kaua'i Fire Department
Piikoi Building
4444 Rice Street, Suite 315
Līhu'e, HI 96766



Dear Captain Date:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your email to Moana Palama dated June 6, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. At the time, you indicated that you were not able to access the DEIS using the URL provided in the letter, and we subsequently provided you an alternative URL.

Your email noted that the Fire Department's basic concerns will be access and fire protection, and that the Fire Department will push for a minimum 20-foot road width. The project roadways will meet this minimum width, and your letter has been forwarded to the project civil engineer.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

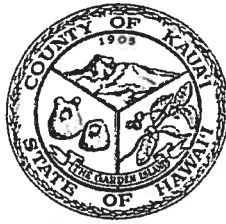
HHF Planners

A handwritten signature in black ink, appearing to read "Scott Ezer", is written over a light blue horizontal line.

Scott Ezer, Principal

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

Bernard P. Carvalho Jr.
Mayor



Michael A. Dahilig
Director of Planning

Wallace G. Rezentes Jr.
Managing Director

Ka'aina S. Hull
Deputy Director of Planning

PLANNING DEPARTMENT
County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766
TEL (808) 241-4050 FAX (808) 241-6699

June 20, 2018

To: Mr. Daniel Orodener, Executive Officer, Land Use Commission, State of Hawai'i

From: Lee Steinmetz, Transportation Planning Officer

RE: **KEĀLIA MAUKA DRAFT EIS**

Thank you for the opportunity to comment on the Draft EIS for the above-mentioned project.
Please note the following comments:

Page 4-46: "...there is no sidewalk until after the Kapa'a Stream Bridge..."

While this is the current condition, HDOT's Kapa'a Stream Bridge project will continue the mauka sidewalk across the bridge and connect to Mailihuna Road, creating a continuous mauka sidewalk on Kūhiō Highway between Keālia Road and Mailihuna Road.

Page 4-46: "...and no pedestrian activity along Keālia Road..."

There is some pedestrian activity, including people accessing the post office, food truck area, and farmers market, from both Keālia Beach/Kūhiō Highway and Kaa'o Road. In addition, walkers, runners, and bicyclists regularly use Keālia Road from the Kūhiō Highway intersection to access Spaulding Monument for fitness and recreation.

Page 4-56: "The TIAR evaluated two potential mitigations for the Kūhiō Highway/Keālia Road intersection. The first was to construct a roundabout. However, this option is problematic from a design standpoint due to the skew of the intersection. The preferred mitigation is to install a traffic signal to improve operations along Keālia Road..."

Please explain why the skew of the intersection makes a roundabout problematic. Typically, roundabouts perform better at skewed intersections than signals. From the County's perspective, a traffic signal is not preferred, due to the maintenance issues of signals in the highly corrosive coastal exposure, improved safety of a roundabout vs. a signalized intersection, and concern of signals within the coastal zone/SMA. Please address these issues in the DEIS, and provide more information on how the intersection could be reconfigured to accommodate a roundabout.

Page 4-57: "These improvements to sustainable transportation modes will benefit future

residents of Keālia Mauka. That said, the major constraint to the use of sustainable mode of transportation by residents will continue to be poor connectivity between the subdivision and Kūhiō Highway. The narrow width of Keālia Road, lack of sidewalks or shoulders, combined with the uphill terrain and roadway curves makes this segment uninviting – and potentially dangerous – for bicycling and walking.”

This statement implies that Keālia Road will remain the same as it is today. Please note that with the current low volumes of vehicle traffic, some pedestrians and experienced bicyclists feel comfortable sharing the existing travel lanes with vehicles. However, with the increased volume projected with the Keālia Mauka project, additional bicycle and pedestrian facilities may be needed on Keālia Road to support safe, sustainable transportation. In addition, more people of all ages may feel safer walking and biking if facilities were improved for biking and walking on Keālia Road. Please describe potential improvements to Keālia Road between Kūhiō Highway and the project entrance, including (but not limited to) a widened roadway with striped shoulders suitable for use by bicyclists and pedestrians; a bicycle climbing lane in the uphill direction and shared lane markings in the downhill direction; and/or a paved path on one side of the road suitable for bicycle and pedestrian use. Please incorporate recommended bicycle/pedestrian improvements on Keālia Road in the proposed mitigation.

Please feel free to contact Lee Steinmetz at (808) 241-4978, or lsteinmetz@kauai.gov if you require additional information. Thank you again for the opportunity to comment.

c: Mr. Scott Ezer, HHF Planners; Ms. Moana Palama, Hawai'i Management Services LLC; Larry Dill, HDOT Kaua'i District Engineer; Lyle Tabata, Acting County Engineer; Michael Moule, Engineering Division Chief, Department of Public Works; Michael Dahilig, Director of Planning

July 10, 2019

Mr. Lee Steinmetz
Transportation Planning Officer
Planning Department
County of Kaua'i
4444 Rice Street, Suite A-473
Līhu'e, Hawai'i 96766



Dear Mr. Steinmetz:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter to Mr. Daniel Orodener, Executive Officer, Land Use Commission, dated June 20, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Comment: *Page 4-46: "...there is no sidewalk until after the Kapa'a Stream Bridge..."
While this is the current condition, HDOT's Kapa'a Stream Bridge project will continue the mauka sidewalk across the bridge...*

Response: The Final EIS (Section 4.11.1.2) will be updated to add this information as follows:

Within Kapa'a Town, Kūhiō Highway has sidewalks on both sides of the road from the Kukui Street intersection to just north of the Kūhiō Highway/Lehua Street intersection. The sidewalk continues north along the mauka side of Kūhiō Highway until the Kawaihau Road intersection. Beyond that, there is no sidewalk until after the Kapa'a Stream bridge, where the sidewalk on the mauka side of the highway resumes until the intersection with Keālia Road. HDOT's Kapa'a Stream Bridge project will continue the mauka sidewalk and connect to Mailihuna Road, creating a continuous mauka sidewalk.

Comment: *Page 4-46: "And no pedestrian activity along Keālia Road..."
There is some pedestrian activity, including people accessing the post office, food truck area, and farmers market...In addition, walkers, runner and bicyclists regularly use Keālia Road from the Kūhiō Highway intersection...for fitness and recreation.*

Response: The Final EIS (Section 4.11.1.2) will be updated to include this information as follows:

Keālia Road, from Kūhiō Highway up to the existing Keālia Town Tract subdivision, is a narrow two lane road without sidewalks or shoulders. There is minimal pedestrian activity along Kūhiō Highway near the Keālia Road intersection, and limited pedestrian activity along Keālia Road. Users include those going to the post office, food truck and farmer's market, as well as recreational runners and bicyclists accessing Spalding Monument.

Comment: *Page 4-56: "The TIAR evaluated two potential mitigations for the Kūhiō Highway/Keālia Road intersection...The preferred mitigation is to install a traffic signal to improve operations along Keālia Road..."*

Please explain why the skew of the intersection makes a roundabout problematic. Typically, roundabouts perform better at skewed intersections than signals. From the County's perspective, a traffic signal is not preferred, due to the maintenance issues of signals in the highly corrosive coastal exposure, improved safety of a roundabout vs. a signalized intersection, and concern of signals within the coastal zone/SMA. Please address these issues in the DEIS...

Response: Based on comments such as yours and follow up discussions with the County, it is understood that a roundabout is the County's preferred mitigation for the Keālia Road-Kūhiō Highway intersection. The TIAR has been updated to reflect this, and the Final EIS present the roundabout as part of the Proposed Project. Both the TIAR and Final EIS explain that both a signal and roundabout are viable options, but that a roundabout is the County's preference. The traffic impacts of both options are presented. The traffic recommendation in Section 4.11 has been revised as follows:

Future Year 2027 Recommendations. In summary, the TIAR concluded that either a traffic signal or roundabout would provide adequate traffic mitigation at the Keālia Road/Kūhiō Highway intersection for vehicular, bicycle and pedestrian traffic. Both a signal and roundabout are feasible options. Due to the County of Kaua'i's stated preference for a roundabout, this FEIS presents the roundabout as the proposed mitigation for the Proposed Action.

Anticipated mitigation measures required as part of the roundabout are listed below. The proposed mitigation is based on the single conceptual roundabout design evaluated in the TIAR and shown in Figure 4-11. Actual improvements required will depend on the final roundabout design.

Construct a single-lane, three-leg roundabout.

- Realign the skewed eastbound approach of Keālia Road.
- Realign the northbound approach of Kūhiō Highway.
- Provide a southbound right-turn bypass onto Keālia Road prior to the roundabout.
- Relocate the existing northbound and southbound bus stops/bus bays along Keālia Road to south of the intersection.
- Relocate electrical utility poles.
- Reconstruct the Keālia Surf Shack signs and fences at the northwest corner of the intersection.
- Provide crosswalks along all three (3) approaches.

With the proposed mitigation, all approaches will operate at LOS D or better during both peak hours of traffic. Additionally, the intersection will operate with overall LOS B/C during the AM/PM peak hours.

The TIAR explains that realignment of Keālia Road was considered to eliminate the skewed intersection, and discusses the reasons why realigning the intersection was ultimately not evaluated.

Comment: *Page 4-57: “These improvements to sustain transportation modes will benefit future residents of Keālia Mauka. That said, the major constraint to the use of sustainable mode of transportation by residents will continue to be poor connectivity between the subdivision and Kuhio Highway...”*

This statement implies that Keālia Road will remain the same as it is today...with the increased volume projected with the Keālia Mauka project, additional bicycle and pedestrian facilities may be needed on Keālia Road to support safe, sustainable transportation...Please describe potential improvements to Keālia Road between Kuhio Highway and the project entrance, including (but not limited to) a widened roadway with striped shoulders...a bicycle climbing lane...and/or a paved path on one side of the road...Please incorporate recommended bicycle/pedestrian improvements on Keālia Road in the proposed mitigation.

Response: In response to comments received during the DEIS comment period, the developer is proposing improvements to Keālia Road as mitigation for the increase in traffic associated with the project and to increase pedestrian and bicycle safety, and improve connectivity. The Keālia Road improvements are described in detail in Section 2.3 of the Final EIS (Project Description), and a conceptual roadway cross section will be included. The improvements are also discussed in the Chapter 4 (Roadways and Transportation) as part of “Future Year 2027 Sustainable Transportation” improvements:

The proposed traffic mitigation for the project will include improvements to Keālia Road between the Petition Area and Kūhiō Highway. Proposed improvements include widening the right of way from 40 feet to 56 feet, and the addition of shoulders and sidewalks. The road will include two 10-foot vehicle travel lanes, 5-foot paved shoulders, a 5-foot wide concrete sidewalk and green space between the paved road shoulder and sidewalk. The paved shoulder may be used by bicyclists who are uncomfortable using the vehicular travel lane.

Both the revised TIAR and the Final EIS include an expanded discussion of existing bicycle, pedestrian and public transit infrastructure, and evaluate the impacts of both a roundabout and traffic signal at the Keālia Road/Kūhiō Highway intersection on bicyclists and pedestrians.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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



BERNARD P. CARVALHO JR.
Mayor

WALLACE G. REZENTES JR.
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
FAX (808) 241-1604
www.kauai.gov/police



DARRYL D. PERRY
Chief of Police
dperry@kauai.gov

MICHAEL M. CONTRADES
Deputy Chief of Police
mcontrades@kauai.gov

May 14, 2018

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

State of Hawaii Land Use Commission
Mr. Daniel Orodener, Executive Officer
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

Mr. Scott Ezer
Vice President
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Ezer,

We are in receipt of your letter dated May 4, 2018 with regards to the project named Kealia Mauka Home sites located in the Kawaihau District on the Island of Kauai with a TMK # of (4) 4-7-004.

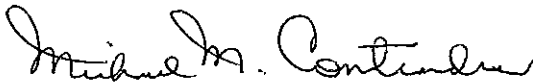
The Kaua'i Police Department has concerns regarding the need to provide additional public safety services, particularly Police services, to the increased population in the proposed area. As your letter states, the property was historically used for sugar cultivation and is now used for cattle grazing which requires very little, if any, police services. The addition of the proposed 235 lots would equate to a significant increase in the population of the area which would translate into an increase in calls for police services. If the average home is comprised of four people and each lot is allowed only one home, this means an increase of approximately 940

people to an area that is currently unpopulated. With the potential for Condominium Property Regimes, Additional Dwelling Units, Additional Rental Units, and more than four persons living within a household, the estimated 940 persons is conservative at best.

The area in question is currently patrolled by one officer who is responsible for providing police services from the south side of Anahola Bridge to the north side of Kukui / Olohena Road in Kapa'a. The Kawaihau District overall is one of, if not the largest, residential districts on Kauai. It is also the busiest in terms of calls for police services. While we support more opportunities for Kauai residents to own homes, we have serious concerns about the impact this will cause on police services and our ability to provide them. Additional police personnel would be necessary in order to meet adequate public safety needs.

Should you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Michael M. Contrades".

Michael M. Contrades
Deputy Chief of Police
Kaua'i Police Department

July 10, 2019

Mr. Michael M. Contrades
Deputy Chief of Police
Kaua'i Police Department
3990 Kaana Street, Suite 200
Līhu'e, Hawai'i 96766-1268



Dear Mr. Contrades:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated May 14, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Comment 1: *The Kaua'i Police Department has concerns regarding providing police services to the increased population in the proposed area. The addition of the proposed 235 lots would equate to a significant increase in the population of the area which would translate into an increase in calls for police services. If the average home is comprised of four people and each lot is allowed only one home, this means an increase of approximately 940 people to an area that is currently unpopulated. With the potential for Condominium Property Regime, Additional Dwelling Units, Additional Rental Units, and more than four persons in a household, the estimated 940 persons is conservative at best.*

Response. The Market and Econometric Studies (CBRE, 2017) prepared for the project estimated a build-out the de facto population of the community will be some 700 persons, comprised of 658 full time Kaua'i residents and a daily average of some 42 non-resident second home owners and their guests. While there will be an increase in the total number of residents in the Keālia area, the majority of future residents are already living on-island and are therefore already being provided with police services. Additional Dwelling Units and CPRs will be prohibited using deed restrictions and Conditions, Covenants and Restrictions (CC&Rs). Vacation rentals are not allowed under residential zoning.

Comment 2: *The area in question is currently patrolled by one officer who is responsible for providing police services from the south side of Anahola Bridge to the north side of Kukui/Oloheua Road in Kapa'a. Kawaihau District overall is one of, if not the largest residential districts on Kaua'i... While we support more opportunities for Kaua'i residents to own homes, we have serious concerns about the impact this will cause on police services and our ability to provide them. Additional police personnel would be necessary in order to meet adequate public safety needs.*

Response: Because the project vicinity is currently patrolled by only one officer, more police personnel will be needed to serve the area. Population growth and an increase in new housing inventory is something that the County anticipates for the East Kaua'i region. The 2018 General Plan update (Kaua'i Kakou) has estimated an increase in population in the East Kaua'i Planning District from 20,992 persons in 2010 to 25,110 in 2035, a nearly 20 percent increase. In the case of Keālia Mauka subdivision, although lot sales are expected to be completed within about five to seven years, build out and full occupancy of the subdivision is expected to occur over a more gradual 7 to 10 year period. During this time, police personnel can be increased to serve the population. The project is expected to generate fiscal benefits to the County, including new real property taxes and other secondary receipts and development fees totaling \$9 million during the 13 year build out projection period (2018 to 2030), and \$1.3 million annually on a stabilized basis thereafter. These were discussed in the DEIS. The increased County revenues are expected to be adequate to support additional police personnel and equipment.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



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, Līhu'e, Hawai'i 96766
TEL (808) 241-4992 FAX (808) 241-6604

June 8, 2018

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

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

Dear Ms. Palama:

PW05.18.031

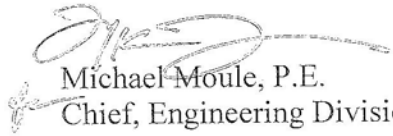
Your letter dated November 21, 2017 provided the Engineering Division of the Department of Public Works of the County of Kaua'i notice of the availability for review of the Draft Environmental Impact Statement (DEIS) for the Keālia Mauka Homesites project. We appreciate the opportunity to review the DEIS and have the following comments:

1. The Kaua'i County Council has adopted a resolution establishing a *Complete Streets Policy*. Therefore, *Complete Streets* design principles will need to be incorporated in this project. *Complete Streets* features include interconnected sustainable street networks providing opportunities for all modes of travel to and from neighborhoods and nearby destinations. Street layout and design shall provide connectivity with ample space for pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities. We recommend that you work with our office as you finalize the street network and street cross sections for the project.
2. Pre-development drainage flow volumes and drainage flow patterns must be maintained. The applicant is required to address any increase in storm water runoff generated from the proposed improvements and mitigate drainage impacts in compliance with the County's Storm Water Runoff System Manual. No additional storm water runoff is allowed to adversely impact natural drainage ways, streams, or downstream properties.
3. We look forward to receipt of the Final Environmental Impact Statement. If you have any questions or need additional information, please contact Stanford Iwamoto, Engineering Division at (808) 241-4896.

June 8, 2018


Page 2

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



Lyle Tabata
Acting County Engineer

SI/MM

Copies to: DPW-Design & Permitting

July 10, 2019

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



Dear Mr. Moule:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 8, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Comment 1: *The Kaua'i County Council has adopted a resolution establishing a Complete Streets Policy...therefore Complete Streets design principles will need to be incorporated in this project. Complete Streets features such as interconnected sustainable street networks and street layout will provide connectivity with ample space for pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities. We recommend that you work with our office as you finalize the street network and street cross sections for the project.*

Response: Chapter 9 of the Kaua'i County Code titled Subdivision Ordinance was amended in 2013 to incorporate the Complete Streets Policy. Subdivision streets have been designed to meet the County's Subdivision Ordinance.

Offsite, the project will include improvements to Keālia Road to increase pedestrian and bicycle safety, and to improve connectivity. The Keālia Road improvements are described in detail in Section 2.3 of the Final EIS (Project Description), and a conceptual roadway cross section will be included. The improvements are also discussed in the Chapter 4 (Roadways and Transportation) as part of "Future Year 2027 Sustainable Transportation" improvements:

The proposed traffic mitigation for the project will include improvements to Keālia Road between the Petition Area and Kūhiō Highway. Proposed improvements include widening the right of way from 40 feet to 56 feet, and the addition of shoulders and sidewalks. The road will include two 10-foot vehicle travel lanes, 5-foot paved shoulders, a 5-foot wide concrete sidewalk and green space between the paved road shoulder and sidewalk. The paved shoulder may be used by bicyclists who are uncomfortable using the vehicular travel lane.

Project engineers will continue to work with Department of Public Works staff to ensure that on and off-site improvements meet County requirements and comply with Complete Streets policies to the extent possible.

Comment 2: *Pre-development drainage flow volumes and drainage flow patterns must be maintained...No additional storm water runoff is allowed to adversely impact natural drainage ways, streams, or downstream properties.*

Response: There will be no increase in storm water runoff offsite and no adverse impact to natural drainage ways, streams, or downstream properties. The DEIS addressed this issue in Section 4.10.4 Drainage. A preliminary drainage study was prepared by Kodani & Associates to estimate existing flow patterns and runoff quantities. As potential mitigation, two detention basins are proposed for the Petition Area; they are sized in accordance with existing peak flows for both the 2-year and 100-year storm events. The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) TR-55 model was used to estimate post-development storm water runoff from the Petition Area. The calculations show that the post-development flow will be less than that of current undeveloped conditions. This is in compliance with guidelines from the County's Storm Water Runoff System Manual, which state that storm water runoff cannot exceed predevelopment conditions.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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



Water has no substitute.....Conserve it

June 15, 2018

Ms. Moana Palama
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813

Dear Ms. Palama:

Subject: Draft Environmental Impact Statement for the Proposed Kealia Mauka Homesites,
TMK: 4-7-04:001, Kealia, Kawaihau, Kauai

This is in regard to your letter dated May 4, 2018. We have no objections to the proposed draft environmental impact statement (EIS). The following are our comments to the subject draft environmental impact statement for the proposed Kealia Mauka Homesites residential subdivision on TMK: 4-7-04:001.

At the present time, water service for the proposed development is not available from the Department of Water (DOW).

Prior to the DOW recommending building permit or subdivision approval, the applicant will be required to:

1. A statement to this effect shall be clearly lettered on the final subdivision map and deeds.
"County (DOW)-supplied water service is not available to the Kealia Mauka Homesites"

"Prior to building permit approvals, the applicant shall either complete a Waiver and Release Agreement with the DOW or submit a copy of the deeds of the lot to the DOW that state that water service is not available from the DOW."

This deed restriction shall be recorded to the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.

If you have any questions, please contact Ms. Regina Flores at (808) 245-5418 or rflores@kauaiwater.org.

Sincerely,

A handwritten signature in blue ink that reads "Edward Doi".

Edward Doi, P.E.
Chief of Water Resources and Planning

4-7-04-001, T-19518, Moana Palama/RF:mlm

July 10, 2019

Mr. Edward Doi, P.E.
Chief of Water Resources and Planning
Department of Water
4398 Pua Loke St.
Līhu'e, Hawai'i 96766



Dear Mr. Doi:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 15, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We note that you have no objections to the DEIS and your statement that at present, water service for the proposed development is not available from the Department of Water.

The Final EIS will indicate that water service for the proposed development is not available from the Department of Water (DOW) and will be supplied by Keālia Water System (KWS). Your letter has been forwarded to the project civil engineers who understand that a clear statement is to be included on the final subdivision map and deeds exonerating the Kauai County Department of Water of responsibility to supply water to the Keālia Mauka Homesites.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

ORGANIZATIONS



SIERRA CLUB OF HAWAI'I
KAUA'I GROUP

MALAMA I KA HONUA
Cherish the Earth

June 20, 2018

[VIA email: daniel.e.orodenker@hawaii.gov]

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

RE: Draft Environmental Impact Statement for Kealia Mauka Homesites Subdivision and
Land Use Boundary Amendment, TMK (4) 4-7-004: por. 001

Aloha Mr. Orodener:

Sierra Club Kauai Group appreciates the opportunity to submit our comments on the above referenced DEIS and opposition to the Land Use Boundary Amendment sought by applicant Kealia Properties, LLC for a proposed residential subdivision in east Kauai.

While we support opportunities for new housing, this project has all the characteristics of sprawl, and contradicts fundamental planning guidelines expressed in the new 2018 County General Plan. It was not included in the Plan unlike other housing proposals more complimentary to "urban infill" planning guidelines.

DENSITY

The site is located off of Kealia Road, adjacent to 36 homesteads built in the 1920's through 1960's for plantation worker housing known as "Kealia Town Tract". The proposed density is too high and will burden this rural neighborhood. The subdivision calls for small 5,600 to 7,300 sq. ft. lots that are not in keeping with the existing neighborhood whose lots range in size from 7,000 to 14,000 sq. ft. and larger. The proposed R-6 residential zoning could easily accommodate 8,700 sq. ft. lots and remain below the 10,000 sq. ft. threshold. The high density will have adverse impacts on the availability of adequate public safety needs such as fire, police and paramedics.

OPEN SPACE

Impacts on the existing community will be significant. The conceptual plan includes no parks or community garden space. Tradewinds and viewplanes will be blocked and will diminish rural character and quality of life. Kealia Kai, a subdivision on the other side of Kuhio Highway, was required to maintain a 100-300 foot setback from the highway. But, a similar green area and noise setback is not proposed for these lots lining the highway.

Sierra Club of Hawai'i, Kaua'i Group | PO Box 3412, Lihue, Hawai'i 96766 | hi.sierraclub.org

Emailed correspondence reduces paper waste. If you do print this letter, please recycle. Mahalo.

TRAFFIC CONGESTION

East Kauai is the island's most densely populated region, and traffic congestion has been a top concern in recent years. Access to the proposed subdivision would be from the intersection of Kuhio Highway, the only thoroughfare around the island, and Kealia Road, which is a narrow roadway built into a hillside. There is no practical way to allow for safe pedestrian and bicycle traffic. The 235 households with 500-700 cars must all use Kealia Road. The Department of Highways has said that no more street entry points onto Kuhio Highway will be allowed. Currently during the morning commute, southbound traffic can back up one quarter mile at the first Kapaa street intersections; Kawaihau Road and the Kapaa bypass road. Traffic delays will have a cascading effect at the entry point where the traffic light is proposed for this project, and proceeding through the Kapaa-Wailua corridor. Plans to mitigate this traffic bottleneck may never come to pass.

INFRASTRUCTURE

"The County (Dept. of Public Works, Wastewater Management Division), in a Dec 22, 2017 letter, 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. How convenient for developers that they can clear the LUC hurdle before having to prove wastewater capacity. Discussion of estimated wastewater generation quantities in the DEIS is inadequate. Prudent planning dictates that the estimated wastewater generation quantities of already permitted developments and resorts, and those with permits applied for, are totaled up to see if the Lydgate plant can accommodate Kealia Mauka.

In addition, the Lydgate wastewater plant is near the ocean, in the tsunami zone, and will be threatened by sea level rise. New large scale development should not be approved until waste management can be located away from the hazards of sea level rise.

CONCLUSION

The need for affordable housing was a central topic in the creation of the 2018 General Plan. Sierra Club Kauai Group supports the community's consensus that "urban infill"; higher density development near jobs, schools and services, is the preferred route to achieving housing, traffic and environmental solutions. We respectfully request that the Boundary Amendment for Kealia Mauka Homesites not be granted.

Mahalo,



Kip Goodwin, Executive Committee Member
for the Sierra Club Kaua'i Group, Hawai'i Chapter

cc: sezer@hhf.com; moana@mskauai.com; marti.townsend@sierraclub.org

July 10, 2019

Mr. Kip Goodwin
Executive Committee Member
Sierra Club Kaua'i Group, Hawai'i Chapter
P.O Box 3412
Līhu'e, Hawai'i 96766



Dear Mr. Goodwin:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 20, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Opening Comments Regarding General Plan

Comment: *While we support opportunities for new housing, this project has all the characteristics of sprawl and contradicts fundamental planning guidelines expressed in the new 2018 County General Plan. It was not included in the Plan unlike other housing proposals more complimentary to “urban infill” planning guidelines.”*

Response: As stated and documented in the DEIS, on July 5, 2016, a Departmental Determination (DD-2016-70, Boundary Interpretation for General Plan Designation) was issued by the Kaua'i County Planning Department. The determination stated that *“there is clear intent in the 2000 General Plan, along with previous iterations of the plan, that the area generally is earmarked for ‘Residential Community’ growth adjacent to the existing subdivision in Keālia above the Keālia General Store...The proposed Conceptual Keālia Subdivision would generally be in alignment with the General Plan’s land use maps and texts.”*

The 2016 determination was reaffirmed in a September 27, 2018 letter from the County Planning Department (Michael Dahilig, Director of Planning). The 2018 letter states:

Notwithstanding the overall amendments and adoption of the new [General] plan in 2018, the determination issued by our Department still remains consistent with the spatial and textual policies set forth in that new document.

Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years. ...Our Department believes this project proposal, in concept, is wholly consistent with the 2018 General Plan update. We believe the State Land Use Commission, and County regulatory processes provide the structure and opportunity to confirm, refute, and/or mitigate any specific concerns members of the public may raise regarding impacts.

To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon.

Copies of the 2016 and 2018 Planning Department letters will be included in Appendix A of the Final EIS.

Density

Comment: *The site is located off Keālia Road, adjacent to 36 homesteads built in the 1920's through 1960's for plantation worker housing known as "Keālia Town Tract." The proposed density is too high and will burden this rural neighborhood...the proposed R-6 residential zoning could easily accommodate 8,700 sq. ft. lots and remain below the 10,000 sq.ft.-threshold. The high density will have adverse impacts on the availability of adequate public safety needs such as fire, police and paramedics.*

Response: Although R-6 zoning does allow larger (i.e., fewer) lots, the lot sizes within the subdivision were established based on a desire to keep prices affordable to local residents. Since infrastructure costs are fixed, fewer (larger) lots would result in less density, but also in higher sales prices.

The new residents are not expected to have an adverse impact on public services such as police, fire and emergency services. The majority of the projected 658 full-time residents of Keālia Mauka will be relocating from elsewhere on Kaua'i. As such, their government and fiscal costs are already in place and factored into existing County and State budgets (Market and Econometric Study, CBRE 2017. See DEIS Appendix F). The only "new" public costs would be associated with an estimated 42 non-resident, second home owners and their guests who do not currently live on Kaua'i. The market and econometric study for the project concluded that the additional costs associated with these new residents will be minimal, and are unlikely to push services beyond an expansion requiring threshold.

The number of County police and fire personnel may need to be increased over time in the Keālia area to serve the new residential development. However, any additional cost to the County is expected to be more than offset by the project's fiscal benefits. The new homes at Keālia Mauka will contribute to the County real property tax rolls, and the maintenance/renovations associated with the houses will expand general economic activity. It is

estimated that the County will realize \$5.4 million in “new” property taxes and other secondary receipts and development fees totaling \$9 million during the study’s build out projection period (2018 to 2030), and \$1.3 million annually on a stabilized basis thereafter (CBRE, 2017).

Open Space

Comment: *Impacts on the existing community will be significant. The conceptual plan includes no parks or community garden space. Tradewinds and view planes will be blocked and will diminish rural character and quality of life...*

Response: The addition of 235 residential units adjacent to Keālia Town Tract will have impacts on open space and views for the residents living along Ka’ao and Hopoe Roads. This was discussed in Section 4.6.2 of the DEIS. The inclusion of a 4.3 acre open space buffer between Keālia Mauka and the homes along Ka’ao Road is intended to mitigate the visual impact of the new development by providing some separation between the two developments. This green space area will also be available for passive recreation and possibly for community gardens. Keālia Mauka residents will not be using Ka’ao Road to access their homes, therefore local traffic on Ka’ao Road and Hopoe Road is not expected to change.

Noise

Comment: *...Keālia Kai was required to maintain a 100-300 foot setback from the highway ...a similar green area and noise setback is not proposed for these lots lining the highway.*

Response: A Noise Measurement and Evaluation Report (CENSEO AV+ Acoustics, 2018) was completed subsequent to the DEIS to measure the existing noise in the project area, evaluate sound levels with respect to state and local noise regulations, and to provide conceptual approaches to noise mitigation. Using highway noise abatement criteria for residential land uses, the study stated that the first row of residences along the eastern (makai) property line are considered to be impacted by traffic noise. Noise mitigation should be considered, including earthen berms and/or barrier walls. Section 4.3.5.1 discusses General Sound Mitigation Methods and Techniques:

General sound mitigation methods and techniques for traffic noise include earthen berms and barrier walls. Construction noise and vibration can be mitigated with proper planning and/or various types of barriers. Each of these conceptual approaches is discussed below.

Earthen Berms

Earthen berms are mounds of earth running between the noise source and receiver, and typically constructed at a maximum 2:1 slope. Attenuation of up to 15 dBA can be achieved with earthen berms if they are constructed several feet higher than the line of sight between the source and receiver. Because earthen berms deflect sound upwards rather than horizontally, no additional sound is reflected to the opposite side of the noise source area. However, because of the amount of land required to achieve an effective height, earthen berms are not always practical to implement.

Barrier Walls

As with earthen berms, barrier walls must interrupt the pathway of the noise between source and receiver in order to be effective. Noise attenuation can be up to 15 dBA if the wall is several feet higher than the line-of-sight between the noise source and receiver. Barrier walls must be continuous and solid, without any holes, gaps or openings, and have a minimum density of 4 pounds per square foot (psf). They may be constructed of wood, masonry, or precast concrete. Acoustically absorptive and weather resistant material should be installed on the wall surface facing the noise source in order to reduce sound energy reflections.

The appropriate type of noise mitigation along Kūhiō Highway will be determined during the subdivision approval process, and subsequent design process.

Traffic Congestion

Comment: *East Kauaʻi is the island's most densely populated region, and traffic congestion has been a top concern in recent years...There is no practical way to allow for safe pedestrian and bicycle traffic...Traffic delays will have a cascading effect at the entry point where the traffic light is proposed...and proceeding through the Kapaʻa-Wailua corridor. Plans to mitigate this traffic bottleneck may never come to pass.*

Response: The Draft Final Traffic Impact Analysis Report (TIAR) (Austin, Tsutsumi & Associates, 2019. See FEIS Appendix H) acknowledged there is significant congestion within the Kapaʻa region. The 2015 *Kapaʻa Transportation Solutions* report (Hawaiʻi Department of Transportation) identified and prioritizes transportation for implementation over the next 20 years.

Currently, there are approximately 3,500 dwelling units between Princeville and Kapaʻa. The future Keālia Mauka homes will represent an approximate 6 to 7% increase in the overall dwelling unit count for the likely commuter traffic along Kūhiō Highway in the project vicinity.

In response to DEIS comments about the need for Keālia Road improvements, members of the Project Team met with the County Department of Public Works (DPW) to identify ways to improve vehicle, pedestrian, and bicycle safety on this road. The Proposed Project now includes Keālia Road improvements, described in Chapter 2 (Project Description) of the FEIS, Section 2.3.2.1:

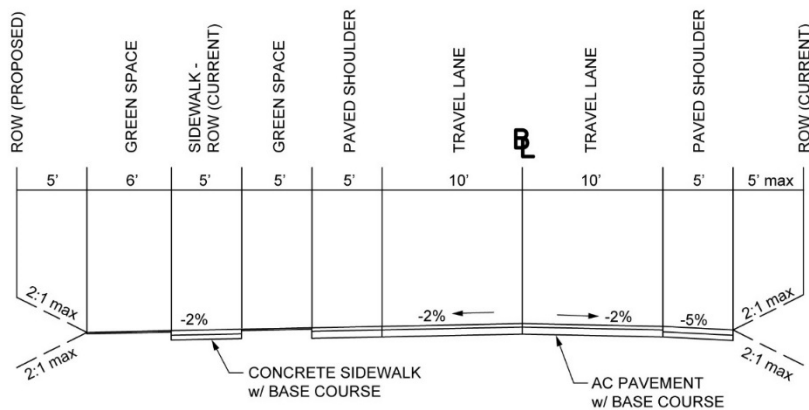
The County of Kauaʻi has indicated that improvements to the two-lane Keālia Road are needed to accommodate the increase in vehicular traffic associated with the project, and that the improvements shall be in accordance with the County's Complete Streets Policy and principles. Complete Streets features include interconnected sustainable street networks providing opportunities for all modes of travel to and from neighborhoods and nearby destinations. Complete Streets layouts and designs provide connectivity with ample space for pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities.

Improvements are proposed to approximately 2,650 linear feet of Keālia Road, extending from the Hopoe Road intersection to the Kūhiō Highway intersection. The improvements will be in accordance with Complete Streets principles allowing vehicular traffic, pedestrians, and bicyclists to safely utilize the roadway corridor.

[The figure] below illustrates the proposed roadway cross-section for Keālia Road, which contains the following features:

- Widening the existing right-of-way from 40 feet to 56 feet
- Reconstructing the roadway pavement from two vehicular lanes each approximately 9 feet wide to two vehicular lanes each approximately 10 feet wide
- 5-foot wide paved road shoulders on each side of the travel lanes for roadway drainage and bicycle use
- Green space between paved road shoulder and proposed sidewalk
- 5-foot wide concrete sidewalk for pedestrians on one side of Keālia Road
-

Keālia Road Improvements



TYPICAL ROADWAY CROSS SECTION
NOT TO SCALE

The Petitioner is also committed to mitigate the impacts of project-related traffic at the Keālia Road-Kūhiō Highway intersection. Although a traffic signal was presented in the DEIS as the recommended mitigation, the County has since indicated that a roundabout is its preferred option, due to expected lower maintenance costs. A roundabout is therefore presented in the Final EIS as part of the Proposed Project. Because both a traffic signal and roundabout remain viable options, the TIAR and Final EIS discuss both. The intersection improvements will be entirely funded by the Petitioner as mitigation for the project.

Infrastructure

Comment: ...Discussion of estimated wastewater generation quantities in the DEIS is inadequate. Prudent planning dictates that the estimated wastewater generation quantities of already permitted developments and resorts, and those with permits applied for, are totaled up to see if the Lydgate plant can accommodate Keālia Mauka.

Lydgate wastewater plant is near the ocean in the tsunami zone, and will be threatened by sea level rise. New large scale development should not be approved until waste management can be located away from the hazards of sea level rise.

Response: Wastewater Generation estimates presented in the Preliminary Engineering Report (PER) (Kodani & Associates, 2017, FEIS Appendix G) utilized data and analysis from the 2008

“Wailua Facility Plan” (County of Kauai, Department of Public Works, Wastewater Management Division). The data in the Wailua Facility Plan accounted for already-permitted developments and resorts. Chapter 6 (Population Projection & Future Flows) of the Wailua Facility Plan provides a detailed analysis of projected demand and categorizes them as near-term (present-2010), middle-term (2010-2015) and far-term (2015-2025). The near-term projections include the Waipouli Beach Resort (completed), the Kauai Lagoons Affordable Housing (completed) and Coco Palms Hotel (incomplete). The mid-term projections include the Coconut Beach Resort (incomplete) and Coconut Plantation Village (incomplete). The far-term projections are based on a combination estimated new demand as well as an estimate of converting existing cesspool demand to municipal sewer. The near-term, middle-term and far-term projections all contain wastewater demand flow estimates. Therefore, the PER considered future developments by reference to the Wailua Facility Plan and the analysis contained in the plan.

In response to your comment on sea level rise, the 2018 Kauai General Plan acknowledges that the Kaua’i community will be impacted by global warming and climate change. The Plan states that policies regarding development in specific areas will be regularly reviewed to reflect sea level rise. Studies will be conducted to assess potential risks and vulnerability of critical areas. The Wastewater Management Division has indicated that there are no current plans to relocate the WWTP.

Conclusion

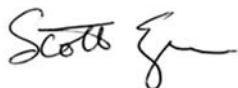
Comment: *The need for affordable housing was a central topic in the creation of the 2018 General Plan. Sierra Club Kaua’i Group supports the community’s consensus that “urban infill”: higher density development near jobs, schools and services, is the preferred route to achieving housing, traffic and environmental solutions. We respectfully request that the Boundary Amendment for Keālia Mauka Homesites not be granted.*

Response: Please refer to the previous response citing the Planning Department’s September 27, 2018 letter, reaffirming the project’s General Plan consistency, and expressed the County’s support for the project.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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



WAILUA - KAPA'A
NEIGHBORHOOD
ASSOCIATION

June 21, 2018

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RE: Concerns with Kealia Mauka Homesites Draft EIS - Petition for District Boundary Amendment for 53.4-acres from Agriculture District to Urban District, TMK (4)4-7-004 por. 001

The Wailua-Kapa'a Neighborhood Association (W-KNA) cannot support this Boundary Amendment and recommends that the commission reject the DEIS due to significant omissions of information and lingering concerns noted herewith.

The document lacks specificity in some important areas and oftentimes fails to bring forth accurate conclusions from the Appendices reports. A greater level of detail is necessary for the LUC to ascertain the value of this re-districting proposal. The DEIS falls short in its intent to help satisfy the county's need for housing.

Inconsistent with General Plans 2000 and 2018 Recommendations

The **Kaua'i General Plan 2000** called for new growth "in and around" the Waipouli-Kapa'a urban center and DHHL lands in Anahola – not in rural Kealia. The Plan clearly states: "Residential expansion in outlying areas designated Agriculture is specifically discouraged." (Section 6.2.4.2, p.6-14.)

It is questionable whether the **Kaua'i General Plan 2018** identifies the Kealia Mauka Project area on the Kawaihau Planning District Land Use Map as future residential growth because there is no associated narrative in the Plan about this Project.



Enlarged at 400% is a detail of the county land use map with W-KNA's notations in red pointing to the existing Kealia Town Tract – a century old neighborhood comprised of just 36 lots and surrounded by 2,000+ acres of Agricultural District Land. The map's legend denotes "Residential Community" with no references to expanding the town's boundaries. [Source: General Plan 2018 Final Version – 5.2 Future Land Use Maps - 5.0 Policy Maps, pages 229 & 239.]

The Kapa'a-Wailua Development Plan (1972) is the current community plan for East Kaua'i. As a Citizen Advisory Committee member for the **East Kaua'i Development Plan 2030** throughout its 8-

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"We treasure our rural community"

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year planning process, I've included several relevant citations below (although the Final Draft document was never sent to Council for adoption):

- In Chapter 4: Preferred Growth Scenario, there are no references to Kealia. The stated intent is to “discourage the expansion of residential and other urban development in agricultural-zoned areas.”
- In Chapter 4.4 Preferred Growth Policy it states in section 4.4.1 Reduce Urbanization on Agricultural Lands: **(A) Prevent the rezoning of agricultural lands outside of the existing and expanded urban centers.** Rezoning of agricultural lands outside the Wailua-Kapa‘a Urban Center over time will lead to cumulative impacts such as increased traffic and loss of rural character. Rezoning of agricultural lands should only be permitted on agricultural lands that have been identified by the General Plan for urban uses.

DEIS Appendix A – General Plan Boundary Interpretation & Lack of Transparency

Appendix A Figure 3, dated May 31, 2016 shows a proposed Conceptual Kealia Subdivision Map that is quite different from the conceptual plan in the DEIS (see insert). Although the developer communicated with Mayor Bernard Carvalho and the Planning Director about the project in early 2016, the Kealia Mauka Homesites proposal was not included in the General Plan 2018 update, nor was it discussed throughout the community outreach/input process. This omission clearly demonstrates an appalling lack of transparency by the County.

We recognize the grave need for housing, however county support for this proposal appears to dodge policy recommendations that are intended to preserve Kaua‘i’s rural character.

Important Agricultural Lands (IAL)

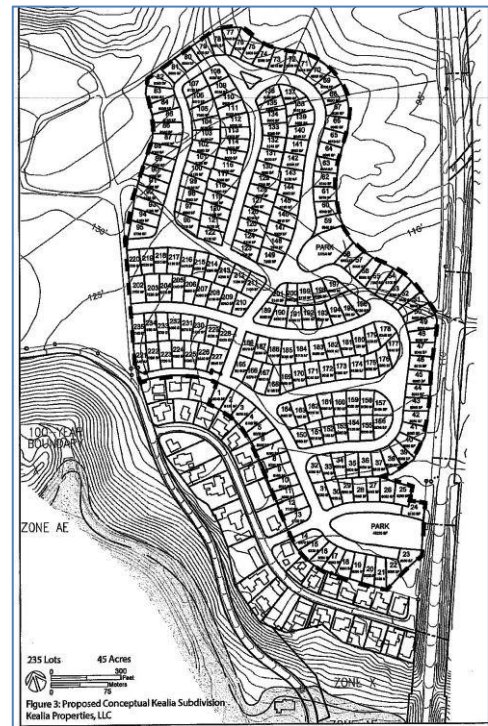
Kaua‘i County identified and mapped potential agricultural lands within its jurisdiction based on the standards and criteria in HRS §205-44. The final study completed in July 2015 (although not adopted yet) identified the Kealia Mauka Homesites land as agricultural lands of importance to the state, a fact that is downplayed in the DEIS.

W-KNA Hosted Community Meeting

On April 19, 2018 W-KNA hosted a public meeting to inform residents about the project and featured project representatives Scott Ezer and Moana Palama as guest speakers. There were 36 attendees and nearly all of the comments were not favorable to the project. W-KNA’s meeting should not be considered an EIS public scoping meeting as it did not fully address the draft EIS nor include the majority of those affected by the proposed action.

Project Not Grounded in a Community-based process

W-KNA encouraged the applicant to meet specifically with the Kealia community as a group, but



residents were not afforded that opportunity. Had the developer reached out to Kealia residents sooner, the project might have garnered more support. Although we greatly appreciate that Moana Palama met with our W-KNA board on December 5, 2017, and shared with us the correspondence they sent to residents with the link to the EISPN, it is clear that the project was not grounded in a community-based process from its inception.

Urban Sprawl

The General Plan 2018 recommends in-fill in existing urban areas. Therefore, creating population growth in this rural area is inappropriate. We understand the acute need for affordable housing, however siting this subdivision miles away from the Kapa‘a town core is sprawl. Regarding connectivity, residents are unable to safely walk to public transport, the beach and to school. Shops and other community facilities are not a walkable distance.

In addition, the project representative stated there will be no U.S. Postal Delivery service for the 235-lot subdivision. This fact was omitted from the DEIS and will be a contributing factor to existing traffic congestion.

Alternatives

HAR 11-200.1-24 calls for a “rigorous exploration and objective evaluation of the environmental impacts” of alternative actions. However, the DEIS does not explain why the proposal is limited to just 53 acres.

The DEIS doesn’t propose lot size alternatives that would closer in size to those in Kealia Town Tract. We understand that County R-4 zoning would result in lot sizes greater than 10,000 sf and therefore not an efficient use of land. However, the proposed R-6 zoning alternative can have less density and lots between 7,000 and 10,000 sf should be considered. A more livable/friendly conceptual plan alternative with a smaller number of units should be submitted. A lack of social cohesion for this neighborhood can result from the significantly reduced size lots that are proposed.

Please note that zoning for mixed land use that allows for residential and employment proximity would not be an appropriate alternative for this rural neighborhood either.

Soil Contamination Studies Not Conducted

- a) Soil testing should have been included in this DEIS, not afterwards, due to the likelihood of chemical contaminants from sugar plantation operations in the Kumukumu Camp area.
- b) Residents claim that hazardous fertilizers and pesticides (currently banned) were stored in the long building which is visible in 1950 Aerial Photo Showing Historic Features (Figure 4-2, page 4-12).
- c) It is interesting that the 2016 Conceptual Subdivision Plan in Appendix A specifically avoided this area of Kumukumu Camp, but the current Petition Area includes it.
- d) The Environmental Site Assessment and the Department of Health’s December 14, 2017 correspondence, page 2 of 3 of the EPA EJSCREEN Report (version 2017) appears to exclude the Kumukumu Camp area in the “1-mile ring” analysis of Kealia.
- e) Phase I ESA (Belt Collins Hawaii Ltd, June 2005) also appears to have excluded New Kumukumu Camp.

- f) Compliance with the Department of Health HEER office recommendations for residual soil contamination testing should have been completed before submittal of the DEIS.

Potable Water Requirements

- a) After Kealia Water Company Holdings, LLC installed the water system (approx. 15 years ago) that serves Kealia Town Tract, the County declined to acquire it, explaining that it was not built to all county specifications. It would be valuable to include this County documentation in the DEIS and we asked the applicant's representative about this during the EISPN phase.
- b) The Draft EIS failed to disclose that residents already have problems with poor water pressure.

Public Safety

- a) Kealia Road is in severe disrepair beyond the Spaulding Monument where it forks towards Anahola/Kuhio Highway and to Haua'ala Road, Kapa'a.
- b) Without sufficient ingress/egress, residents are at great risk during times of emergency evacuation. Fast spreading fires have occurred in the surrounding pastureland and Kealia's "wildfire risk rating is "high".
- c) Along Kuhio Highway there are three entrances to the adjacent Kealia Kai subdivision which is comprised of only 36 lots, compared to the Petition Area of 235 lots with only one access!
- d) The significant increase in population will stress existing fire and police protection services.

Inadequate Analysis of Kealia Road

- a) The DEIS fails to thoroughly evaluate and discuss the use of Kealia Road between the project site and Kuhio Highway.
- b) The existing condition of Kealia Road (page 4-43) is not accurately described. The roadway is improved only to Spaulding Monument. Access to Haua'ala Road is impassible and access towards Anahola is extremely poor.
- c) If there are 2 to 3 cars per household in this 235-lot subdivision, there is no analysis of how these additional vehicles will impact existing Kealia Town Tract residents.
- d) Provisions for sidewalks and a safe pedestrian route linking home and school and access to Kealia Beach is omitted.
- e) There is no description of the constraints concerning Kealia Road between the project and Kuhio Highway. The hillside topography includes steep drop-offs and slopes which will restrict options for road widening, sewer lines and other improvements.
- f) No explanation is provided as to why the curve in Kealia Road where it meets Hopo'e Road will be eliminated.
- g) Kealia Road should not be the only ingress/egress to the proposed subdivision. Figure 4-9 (page 4-44) clearly shows an existing cane haul road through the petition area to Kuhio Highway opposite the southern Kealia Kai entrance. What is the DOT's justification for denying direct access from the subject property onto Kuhio Highway? (Refer to Interim Director of Transportation Jade T. Butay's letter dated December 14, 2017).
- h) Figure 4-10 (page 4-56) shows proposed traffic mitigation at Kealia Road and Kuhio Highway. However, it does not include right and left turn lanes that are needed at this intersection to keep Kapa'a- and Anahola-bound traffic from backing up along Kealia Road.

- i) Despite the proposed traffic signal, vehicles turning north and vehicles turning south need separate lanes to facilitate traffic flow.

Other Roadway Concerns

- a) What is the need/logic/justification for proposing the subdivision roundabout?
- b) It is unclear whether or not all subdivision traffic is diverted to the roundabout for ingress/egress at Kealia Road. Or, can Roadway Lot 1-1, 2-1, and 3-1 access Roadway Lot A before approaching the roundabout to Kealia Road?
- c) The repeated reference to “stub-out streets” is over-emphasized and possibly misleading since no historic documentation was provided to substantiate claims that Kealia Town Tract was meant to be expanded.
- d) The DEIS includes a new traffic signal “if warranted” – is this signal DOT approved?
- e) Impacts to traffic inside and outside of the project area are minimized. Long-standing traffic congestion in Kapa‘a will be aggravated further until transportation infrastructure improvements are implemented.
- f) Having served on the State Department of Transportation’s Citizen Advisory Committee for the Kapa‘a Transportation Solutions Study (2015), please know that there is an urgent need to address congestion before increasing residential density.
- g) The TIAR indicates that since Kealia Road is the only access point to the project from Kuhio Highway, this intersection will experience a significant increase in traffic and will worsen to LOS F and overcapacity conditions during both peak hours of traffic.

Error in Project Vicinity Map (page 1-6)

Haua‘ala Road is misidentified in Figure 1-2 on page 1-6 in the DEIS showing it as the unimproved roadway beginning at the Kealia horse arena and leading toward the Kauai family home. Haua‘ala Road actually begins at Kuhio Highway, significantly south of Kapa‘a Stream Bridge, just below Kawaihau Road. It does not cross Kapa‘a Stream until much farther mauka; it is primarily in the ahupuaa of Kapa‘a. The part of Haua‘ala Road where it joins Kealia Road at Spaulding Monument is vehicle inaccessible. It does not provide access to the proposed subdivision and the description on page 4-45 in the DEIS is misleading.

Wastewater Treatment and Disposal

- a) The DEIS is proposing a municipal sewer system however, it is unclear whether or not sewer lines will be provided for existing residences.
- b) Analysis of future estimated wastewater generation quantities appears inadequate in the DEIS. Has the Engineering Report accurately calculated capacity at the Lydgate Sewage Treatment Plant to include the three (3) large coastal resorts which have been permitted but yet unbuilt (Coco Palms in Wailua and Coconut Plantation and Coconut Village in Waipouli)?
- c) Lydgate Sewage Treatment Plant is a coastal wastewater management facility and will need to be re-located due to sea level rise.
- d) The East Kaua‘i Community Plan 2035 (Draft) Chapter 4.4.2 (C) Expand Wastewater Treatment Capacity states:

“All new development in the Urban Center should connect to the County sewer system. This will require both the expansion of the Wailua Wastewater Treatment Facility and the

development of a future wastewater treatment facility to serve Wailua-Kapa‘a. Consideration should be given to placing the new wastewater treatment facility in a future industrial park.”

Stormwater Drainage

Ponding already occurs on Hopo‘e Road during heavy rains. Based on the current drainage pattern (Figure 4-8) and the proposed drainage plan (Figure 4-8), we strongly recommend that Detention Basin #2 be expanded alongside the 3 parcels on Hopo‘e Road.

Development Schedule

The EISPN noted that a development schedule for the subdivision infrastructure would be included in the DEIS. We could not find it.

Visual Impacts, Scenic and Open Space Resources

- a) There are no mitigation measures to alleviate visual impacts for Hopo‘e Road residents. The surrounding landscape offers sweeping mauka vistas but there are no measures to preserve line of sight to this spectacular scenery.
- b) The density of this subdivision is will significantly block the tradewinds enjoyed by current Kealia Town Tract residents.
- c) The rural character of Kealia Town Tract will be significantly diminished.
- d) It is unclear whether the proposed detention basins can also serve as recreational open space or park/playgrounds.
- e) To preserve views, undergrounding electric lines is should be proposed.
- f) We strongly recommend that Detention Basin #2 be expanded along the 3 parcels on Hopo‘e Road to provide a buffer between the new lots and the existing homes.
- g) A vegetation wall or barrier is needed to prevent Roadway Lot B vehicular headlights from shining directly into the home on 4631 Hopo‘e Road.

Social Impacts

- a) Changing the land use district designation to urban will impact the community’s well-being.
- b) The DEIS fails to highlight the social characteristics and history of Kealia Town Tract, a unique, century old community grounded in the traditions of plantation life.
- c) The sharp population increase in this tiny neighborhood will have significant impact.
- d) Creating an adjacent subdivision of much smaller lot sizes can result in a lack of social cohesion.
- e) Despite the proposed density, there is no designated park area for young children to play close to home.

Archaeology Literature Review & Field Inspection and Cultural Impact Assessment

- a) The Kealia Town Tract has its own history and cultural identity, yet none of the four individuals who were interviewed were residents of Kealia Town Tract.

- b) There is significant history and culture associated with the immigrant groups and settlement patterns around the Makee Sugar Plantation operating in Kealia. However, details about nearby New Stable Camp and Amberry Camp (those closest to Kealia Town Tract) were not included.
- c) The historic property of New Kumukumu Camp (defunct) SIHP # 50-30-08-07013 may have few remaining artifacts, but there is a wealth of information to be gained through interviews with kama'aina residents of Kealia Town Tract with knowledge of the study area.
- d) During the time of Makee Sugar Plantation, Mr. Furumoto's home was built in 1922 and his neighbor's home was built in 1917; Mr. Yamaguchi's home was built in 1937. Mr. Arinaga can provide additional suggestions of those kama'aina to interview.
- e) One of the most important plantation structures in Kealia Town Tract was the Kealia Dispensary which formerly stood where Mr. J. Freitas' parcel is located. Research and oral accounts about the Dispensary should be provided from these kama'aina residents.
- f) Stories of the "night marchers" on Kealia Road are not uncommon and should be documented.
- g) The Archaeological Literature Review and Field Inspection Report for this project seems inadequate as it relies heavily on previous studies focused on a much larger area, far beyond the petition area. The petition area is part of a prior AIS (Drennan et al. 2006) for 2,000 acres.
- h) New research and reconnaissance through interviews with longtime kama'aina residents of Kealia Town Tract should take place and include information, customs and practices of the Kealia town residents during the 1950's, 1960's and 1970's, the decades which were overlooked.

Conclusion

W-KNA does not support a district boundary amendment from agricultural district to urban district. This project exemplifies sprawl and requires commuting to jobs, schools, shopping and other needs. Overall, the proposed subdivision does not reflect the elements of a livable community that is safe and secure, with appropriate connectivity options, and quality of life supporting features such as parks. The proposed lot sizes are also inconsistent with the neighboring Kealia Town Tract lots. And, there is only one access point to the proposed subdivision.

We are also concerned that Commissioners cannot make an informed decision on the project due to insufficient information in the draft EIS and inaccuracies in the documentation. We dispute the claim that the petition area is located in the county's urban-growth boundary because it was not explicitly cited in the recent General Plan. The project is inconsistent with growth recommendations in the General Plan 2000 and General Plan 2018.

Thank you for the opportunity to comment and we look forward to a detailed written response from the applicant's representatives. I can be reached by email as well at rayneregush@aol.com.

Sincerely,



Rayne Regush
Chairperson, on behalf of the W-KNA Board

July 10, 2019

Ms. Rayne Regush, Chair
Wailua-Kapa'a Neighborhood Association
340 Aina Uka Street
Kapa'a, Kaua'i, Hawai'i 96746



Dear Ms. Regush:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter dated June 21, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses, organized by the headings used in your letter.

Inconsistent with General Plan 2000 and 2018 Recommendations

Comments: *Kaua'i General Plan 2000 called for new growth "in and around" the Waipouli-Kapa'a urban center and DHHL lands in Anahola-not in rural Keālia. The plan clearly states 'Residential expansion in outlying areas designated Agriculture is specifically discouraged.'*

It is questionable whether the Kaua'i General Plan 2018 identifies the Keālia Mauka Project area on the Kawaihau Planning District Land Use Map as future residential growth because there is no associated narrative in the Plan about this project.

Kapa'a Wailua Development Plan (1972) is the current community plan for East Kaua'i...

- *In Chapter 4: Preferred Growth Scenario, there are no references to Keālia. The stated intent is to "discourage the expansion of residential and other urban development in agricultural-zoned areas."*
- *In Chapter 4.4 Preferred Growth Policy it states in Section 4.4.1 Reduce Urbanization on Agricultural Lands: (A) Prevent the rezoning of agricultural lands outside of the existing and expanded urban centers...Rezoning of agricultural lands should only be permitted on agricultural lands that have been identified by the General Plan for urban uses.*

Response: As documented in the DEIS, the Petitioner applied for and received a Departmental Determination for General Plan Designation (DD-2016-70) from the County of Kaua'i Planning Department on July 5, 2016. The determination states that based on the review conducted by the Planning Department, "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 2016 determination letter also says, "General Plan land use maps are not regulatory in nature; rather they spatially guide areas for further entitlement via zoning boundary amendments at the state and county level. The proposed Conceptual Keālia Subdivision would generally be in alignment with the General Plan's land use maps and texts."

In a letter dated September 27, 2018 from Michael Dahilig, the County Planning Department reaffirmed its earlier determination and support for the Keālia Mauka project. The 2018 letter states:

Notwithstanding the overall amendments and adoption of the new [General] plan in 2018, the determination issued by our Department still remains consistent with the spatial and textual policies set forth in that new document.

Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years.

...Assertions by critics of the development who characterize the proposal, due to its spatial character, as inconsistent with development policy, do not give our Department cause for concern and we unequivocally contradict their interpretation for the following reasons:

First as mentioned in our determination, General Plan land use map; are not regulatory in nature, rather they spatially guide areas for further entitlement via zoning boundary amendments at the state and county level...The general spatial mass of the residential community area identified in the 2018 General Plan, although it straddles Kūhiō Highway, is largely in alignment with the proposed size of the development set forth in the HRS 343 documents.

Further, spatial policy is also an inventory and allotment implementing findings from land use build out analyses meant to meet critical demands in our community, including attainable housing stock for our residents. According to our current projections, our County requires approximately 9,000 residential units to keep pace with population growth of our local residents. The Keālia area is considered a build out area to meet this critical need...

Also, the expansion of the residential community mauka is spatially consistent with similar existing product immediately adjacent to the proposed project, and consistent with Planning Policy #14 in our 2018 General Plan emphasizing preparations for climate change. Retreat from coastal areas is an implementing tenet drawing from this broad country policy, and situating development more mauka is consistent with this aim.

Our Department believes this project proposal, in concept, is wholly consistent with the 2018 General Plan update. We believe the State Land Use Commission, and County regulatory processes provide the structure and opportunity to confirm, refute, and/or mitigate any specific concerns members of the public may raise regarding impacts.

To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon.

Copies of the 2016 Departmental Determination and the September 27, 2018 Planning Department letter will be included in Appendix A of the Final EIS (FEIS).

DEIS Appendix A-General Plan Boundary Interpretation and Lack of Transparency

Comment: *Appendix A Figure 3, dated May 31, 2016 shows a proposed Conceptual Keālia Subdivision Map that is quite different from the conceptual plan in the DEIS. Although the developer communicated with Mayor Bernard Carvalho and the Planning Director about the project in early 2016, the Keālia Mauka Homesites proposal was not included in the General Plan 2018 update, nor was it discussed throughout the community outreach/input process. This omission clearly demonstrates an appalling lack of transparency by the County.*

Response: Please refer to Mr. Dahilig's September 27, 2018 letter referenced above, in particular the following statement:

"Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years."

Important Agricultural Lands (IAL)

Comment: *The final [IAL] study completed in July 2015 (although not adopted yet) identified the Keālia Mauka Homesites land as agricultural lands of importance to the state, a fact that is downplayed in the DEIS.*

Response: The IAL designation process and the status of the IAL study will be clarified in the FEIS, with the addition of the following text in Section 4.7.1.2, Important Agricultural Lands (newly added text double underlined):

In 2009, the County of Kaua'i initiated an *Important Agricultural Land (IAL) Study*, which was finalized in July 2015. As a primary goal of the County's IAL initiative, the study recommended an initial designation goal of a minimum of 21,158 acres to establish self-sufficiency, based on what it estimated was needed to feed a population of approximately 70,000 people (County of Kaua'i, 2015).

The 2015 IAL study evaluated all agricultural land on Kaua'i based on eight criteria, and identified lands meeting the threshold score of 28 or above. The lands meeting or exceeding the threshold were shown on a map in Appendix C of the IAL study. A total of 53,547 acres met or exceeded the threshold. The Petition Area is shown on the map as meeting the IAL threshold criteria. Although the final IAL study was completed in July 2015, it was never transmitted to the Kaua'i County Council, and the County has not adopted the report as policy or designated any land for IAL.

At present, the only land on Kaua'i to be designated as IAL is the result of landowner self-designation. Four major landowners on Kaua'i have received approval from the LUC for IAL designation of nearly 36,000 acres of land, exceeding the minimum of 21,158 acres identified in

the 2015 IAL study. The subject Keālia Mauka site is not part of the designated IAL lands. The County has indicated that it does not intend to pursue designation of additional IAL lands beyond what has already been designated under the voluntary landowner process. The use of the Petition Area for residential use will not have an adverse impact on the County's efforts to establish food self-sufficiency.

W-KNA Hosted Community Meeting

Comment: *On April 19, 2018, W-KNA hosted a public meeting to inform residents about the project and featured project representatives...W-KNA's meeting should not be considered an EIS public scoping meeting as it did not fully address the DEIS not include the majority of those affected by the proposed action.*

Response: The landowner's representative and planning consultant attended the April 19, 2018 meeting at the request of W-KNA to provide information on the project and the DEIS. The meeting was organized, publicized, and hosted by W-KNA, and was not intended to be an EIS public scoping meeting.

Project Not Grounded in a Community-based Process

Comment: *W-KNA encouraged the applicant to meet specifically with the Keālia community as a group, but residents were not afforded that opportunity. Had the developer reached out to Keālia residents sooner, the project might have garnered more support. Although we greatly appreciate that [owner's rep] Moana Palama met with our W-KNA board on December 5, 2017, and shared with us the correspondence they sent to residents with the link to the EISPN, it is clear that the project was not grounded in a community-based process from its inception.*

Response: The Keālia Mauka Homesites project was originally conceived as a result of discussions between the Petitioner and Mayor Bernard Carvalho and the Planning Department Director, who expressed a desire to address the County's current and projected shortage of workforce housing. Keālia Mauka lot sizes were intentionally kept below 10,000 SF, at the County's request, to maintain affordability for working families and first time homebuyers. The decision to offer vacant lots was intended to provide maximum flexibility for potential buyers. These project parameters directly reflect the objectives and policies of the Kaua'i General Plan and the County's Housing Policy (Ordinance 860). Both of these public policy documents underwent an extensive community-based development and review process.

The ongoing environmental review process for the project has provided—and continues to provide—opportunity for community input. The environmental review process began with publication of the EIS Preparation Notice (EISPN) in the Office of Environmental Quality Control's *The Environmental Notice* on November 23, 2017. Written notice of the EISPN was mailed to government agencies, public officials, community organizations including W-KNA, and surrounding property owners including the Keālia Kai Homeowners Association, and all documented owners of residential lots on Ka'ao Road, Hopoe Road, and Kamole Road. Hard copies of the EISPN were made available at the Līhu'e and Kapa 'a Public Libraries during the comment period.

A similar process was followed during the April 2018 publication of the DEIS, with a notice in The Environmental Notice, and written notice mailed to the same government agencies, public officials, community organizations, and adjacent property owners. Moana Palama, the owner's representative met with the W-KNA board at their request in December 2017, and attended to April 19, 2018 community meeting at W-KNA's invitation.

A Cultural Impact Assessment (CIA) was prepared for the DEIS, and included interviews with community members. In response to comments received during the DEIS comment period, cultural researchers conducted additional interviews with long-time Keālia Town Tract residents. The individuals you suggested were contacted. Section 4.5 (Cultural Resources) of the FEIS has been revised to include the following:

In July 2018, CSH reinitiated community consultation in response to comments made during the DEIS public comment period. During the comment period, concerns were raised about the documentation of Keālia's plantation history during the 1950's, 1960s and 1970s. Commenters noted that no one from Keālia Town Tract was interviewed, and suggested that there be more information on the history and culture of immigrant groups, settlement patterns, New Kumukumu Camp, and important plantation structure such as the Keālia Dispensary.

In response, CSH reached out to several individuals recommended by the Wailua-Kapa'a Neighborhood Association, and additional individuals known to have once been affiliated with Līhu'e Plantation. These interviews have been incorporated into the CIA (Appendix E), which includes a summary of all consultations and interviews.

The results of the additional community interviews will be included in the FEIS, and the CIA included as FEIS Appendix E.

Urban Sprawl

Comment: *The General Plan 2018 recommends in-fill in existing urban areas...creating population growth in this rural area is inappropriate. Regarding connectivity, residents are unable to safely walk to public transport, the beach and school. Shops and other community facilities are not a walkable distance.*

...there will be no U.S. Postal Delivery service for the 235 lot subdivision. This fact was omitted from the DEIS and will be a contributing factor to existing traffic congestion.

Response: Please see previous response concerning Mr. Dahilig's letter on the project's consistency with the County General Plan.

With respect to connectivity, the Proposed Project now includes improvements to Keālia Road to increase pedestrian and bicycle safety. The Keālia Road improvements are described in detail in Section 2.3 of the FEIS (Project Description), and includes a roadway cross section. The improvements are also discussed in the Chapter 4 (Roadways and Transportation) as part of "Future Year 2027 Sustainable Transportation" improvements:

The proposed traffic mitigation for the project will include improvements to Keālia Road between the Petition Area and Kūhiō Highway. Proposed improvements include widening the right of way

from 40 feet to 56 feet, and the addition of shoulders and sidewalks. The road will include two 10-foot vehicle travel lanes, 5-foot paved shoulders, a 5-foot wide concrete sidewalk and green space between the paved road shoulder and sidewalk. The paved shoulder may be used by bicyclists who are uncomfortable using the vehicular travel lane.

A new Section 4.12.7 will be added to the FEIS to discuss Postal Service:

4.12.7.1 Existing Conditions

Currently, there is no U.S. Postal Service delivery to the Keālia Town Tract subdivision, and residents use the Keālia Post Office near the intersection of Keālia Road and Kūhiō Highway.

4.12.7.2 Potential Impacts and Mitigation

There will be no postal delivery to the new subdivision. Residents will use the Keālia Post Office. The Petitioner will pay for the construction of additional post office boxes to accommodate the new residents.

We do not expect that there will be additional peak hour traffic associated with the post office, since most residents are expected to pick up their mail on their way to or from work or other destinations.

Alternatives

Comment: HAR 11-200.1-24 calls for a “rigorous exploration and objective evaluation of the environmental impacts” of alternative actions. However, the DEIS does not explain why the proposal is limited to just 53 acres.

Response: The alternative for a larger Petition Area was discussed in the Section 2.4.4.1 of the DEIS which presented Alternatives Considered. The extent of the Petition Area was established in consultation with the Planning Department, and represented an area that the County interpreted as consistent with the General Plan Land Use Map. It is unlikely that the County would find a larger project area to be consistent with the General Plan. A larger Petition Area could also result in more residents and higher traffic volumes.

Soil Contamination Studies Not Conducted

Comments: Soil testing should have been included in the DEIS, not afterwards, due to the likelihood of chemical contaminants from sugar plantation operations in the Kumukumu Camp area...Compliance with the Department of Health HEER office recommendations for residual soils contamination testing should have been completed before submittal of the DEIS.

Response: Subsequent to the DEIS, a Phase I Environmental Site Assessment specific to the Petition Area was conducted and will be included as Appendix K of the FEIS. The following text is included in Section 4.8 (Hazardous and Regulated Materials and Waste):

In response to a comment received during the DEIS comment period, a new Phase I ESA was completed for the Petition Area by EnviroServices & Training Center, LLC (ETC). Unlike the 2005 study that focused on a larger 2,000 acre study area (including the Keālia Mauka site), the 2018

study focused specifically on the 53.4 acre Petition Area. The study is included as Appendix K. As with the 2005 study, the purpose and goal of this Phase I ESA was to conduct an inquiry to identify recognized environmental conditions (REC). The scope of work included a review of property information, regulatory data base, a visual site reconnaissance of the site and adjacent properties, and interviews with owner(s), site manager(s), occupant(s), local government officials, and others with past and prior use history.

Section 4.8.2 (Potential Impacts and Mitigation) of the FEIS will be revised to incorporate the findings of the 2018 Phase I ESA. Soils testing will be conducted and compliance with Department of Health HEER recommendations will be completed prior to any ground disturbing activity on the site. See text below from the FEIS.

The findings of the 2018 Phase I ESA support the conclusions and recommendations presented in the DEIS. Document review and visual inspection of the property showed no evidence of the generation, storage, or disposal of hazardous or regulated wastes.

At the same time, historical real property tax records, aerial photographs, document review, and user provided documentation indicate past use of the subject property for sugarcane cultivation and plantation housing. Historical sugarcane production in Hawai'i (i.e., pre-World War II) included the application of arsenic-containing pesticides/herbicides, even though no pesticide mixing areas were found in connection with the subject property and surrounding areas. This finding is considered a historical REC. The Phase I ESA states that "Based on the past and prior use of the subject property coupled with the DOH HEER Office's comment letter, [we] cannot dismiss the potential presence of contamination from this historical REC and as such this past use is considered a REC for the subject property. No other significant findings to indicate suspect RECs, historical RECs, controlled RECs or *de minimis* conditions were identified." (ETC, 2018)

As recommended by the DOH HEER office, and in accordance with current State policies, soil testing will be conducted in the Petition Areas proposed for residential or recreational use. 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 DOH HEER office for review and approval. Test results and recommendations will be submitted to the DOH HEER office for review and approval prior to construction.

Potable Water Requirements

Comments: *After Keālia Water Company Holdings LLC installed the water system (approximately 15 years ago) that serves Keālia Town Tract, the County declined to acquire it, explaining that it was not built to all county specifications. It would be valuable to include this County documentation in the DEIS.*

The DEIS failed to disclose that residents already have problems with poor water pressure.

Response: The landowner's representative and the civil engineer are not aware of the incident you refer to. The project civil engineers did consult with the County Department of Water (DOW), and the DOW did not mention declining to acquire the Keālia Water Company system, nor did they raise concerns about the system.

The project civil engineers are not aware of any existing water pressure or quality problems. The existing water tanks have overflow elevations of approximately 217 feet mean sea level (MSL) and the highest lot in the existing subdivision (TMK 4-7-005:001) has a ground elevation of about 105 feet MSL. Static pressure at TMK 4-7-005:001 is therefore 48 pounds per square inch (PSI), and above the minimum County standard of 40 PSI. Keālia is considered a public water system (PWS #423) and is regulated by the State of Hawai'i Department of Health (DOH). Water quality is also regulated by DOH and the results of water quality testing are contained within the "Keālia Water System 2017 Consumer Confidence Report."

Public Safety

Comment: a) *Keālia Road is in severe disrepair beyond the Spalding Monument...*

Response: The proposed action will not impact areas of Keālia Road beyond Spalding Monument.

Comment: b) *Without sufficient ingress/egress, residents are at great risk during times of emergency evacuation...Keālia's wildfire risk rating is "high." Fast spreading fires have occurred in the surrounding pastureland and Keālia's wildfire risk rating is "high."*

Response: The *Kaua'i Wildfire Hazard Assessment* (Hawai'i Wildfire Management Organization 2013) assessed communities on Kaua'i located at the "wildland-urban interface" (WUI) for 36 wildfire hazard components. Hazard components were grouped within the general categories of "Subdivision," "Vegetation," "Building hazard," and "Fire Environment and Protection." The results of the assessment were mapped. As you indicate, the "Subdivision Hazard Total" for Keālia (as well as the adjacent communities of Anahola, Kapa'a, Kapahi and Wailua Homesteads) was rated "high." The specific Subdivision Rating for Ingress/Egress for Keālia, Anahola and Kapa'a was rated "moderate hazard."

Wildfire is an ongoing concern statewide. According to the Hawai'i Wildfire Management Organization (HWMO), over 98 percent of wildfires are human caused, and the risk of wildfire has greatly increased with an increasing amount of non-native, fire-prone grasses and shrubs and a warming climate. The HWMO, State of Hawai'i Department of Land and Natural Resources, as well as numerous federal, state and County government agencies, have initiated an ongoing informational and education campaign, "Wildfire LOOKOUT!", to reduce the risk of wildfire. The Petitioner is committed to ongoing vegetative fuels management activities in and around the Petition Area, and has notified its existing agricultural tenants to become familiar with the information on the HWMO's "WildfireLOOKOUT!" website. The Petitioner will cooperate with and participate in HWMO and County wildfire prevention projects on Kaua'i. Appropriate wildfire prevention tips, such as keeping grass short, clearing brush and leaf piles, and creating defensible space around homes, can be incorporated in the Keālia Mauka subdivision's covenants, conditions and restrictions (CC&Rs).

Comment: c) *Along Kūhiō Highway, there are three entrances to the adjacent Keālia Kai subdivision which is comprised of only 36 lots compared to the Petition Area of 235 lots with only one access.*

Response: The 36 lots of the adjacent Keālia Kai subdivision encompass some 300 acres and extend for over one-mile along Kūhiō Highway. By comparison, Keālia Mauka encompasses 53 acres. It is logical that a much larger project area would have multiple access points onto Kūhiō Highway. The Hawai'i Department of Transportation has indicated (in an EISP comment letter dated December 14, 2017) that no direct access shall be permitted from the subject project onto Kūhiō Highway.

Comment: *d) The significant increase in population will stress existing fire and police protection services.*

Response: The Keālia Mauka subdivision will result in approximately 658 full time residents at full build out. Because the project is targeted to local buyers, the majority of future residents are already living on Kaua'i, many from the same East Kaua'i service area. They are not contributing to a net "increase in population." It is estimated that approximately 42 of the 658 residents will be non-resident, second home buyers (i.e., "new" to the island), and these residents will increase population.

We acknowledge that an increase in population within the immediate Keālia area may require additional police and fire personnel at the closest stations. The increased cost to the County of providing additional personnel or equipment will be more than offset by the project's fiscal benefits. The Market and Econometric Studies for the project estimate that the County of Kaua'i will realize "new" real property taxes of \$5.4 million and other secondary receipts and development fees totaling \$9 million during the 13-year project build out period, and another \$1.3 million annually on a stabilized basis thereafter (CBRE 2017).

Inadequate Analysis of Keālia Road

Comment: *a) The DEIS fails to thoroughly evaluate and discuss the use of Keālia Road between the project site and Kūhiō Highway.*

Response: Additional discussion on the use of Keālia Road between the project site and Kūhiō Highway will be included in the Traffic Impact Analysis Report (TIAR) and FEIS. The TIAR will be updated to include land use origins/destinations along Keālia Road between the project and Kūhiō Highway. The following is from Section 4.11.1.2, Sustainable Transportation Infrastructure:

Keālia Road, from Kūhiō Highway up to the existing Keālia Town Tract subdivision, is a narrow two lane road without sidewalks or shoulders. There is minimal pedestrian activity along Kūhiō Highway near the Keālia Road intersection, and no limited pedestrian activity along Keālia Road. Pedestrians occasionally travel between the existing residential areas along Keālia Road and the post office, food truck and farmer's market located near Kūhiō Highway. In addition, walkers, runner and bicyclists regularly use the roadway to access Spalding Monument, located at the mauka end of Keālia Road, for fitness and recreation.

A description of the proposed improvements to Keālia Road will also be added. The following is from Chapter 2 (Project Description), Section 2.3.2.1:

The County of Kaua'i has indicated that improvements to the two-lane Keālia Road are needed to accommodate the increase in vehicular traffic associated with the project, and that the improvements shall be in accordance with the County's Complete Streets Policy and principles. Complete Streets features include interconnected sustainable street networks providing opportunities for all modes of travel to and from neighborhoods and nearby destinations. Complete Streets layouts and designs provide connectivity with ample space for pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities.

Improvements are proposed to approximately 2,650 linear feet of Keālia Road, extending from the Hopoe Road intersection to the Kūhiō Highway intersection. The improvements will be in accordance with Complete Streets principles allowing vehicular traffic, pedestrians, and bicyclists to safely utilize the roadway corridor.

Figure 2-3 below illustrates the proposed roadway cross-section for Keālia Road, which contains the following features:

- Widening the existing right-of-way from 40 feet to 56 feet
- Reconstructing the roadway pavement from two vehicular lanes each approximately 9 feet wide to two vehicular lanes each approximately 10 feet wide
- 5-foot wide paved road shoulders on each side of the travel lanes for roadway drainage and bicycle use
- Green space between paved road shoulder and proposed sidewalk
- 5-foot wide concrete sidewalk for pedestrians on one side of Keālia Road

Comment: *b) The existing condition of Keālia Road is not accurately described. The roadway is improved only to Spalding Monument. Access to Haua'ala Road is impassible and access towards Anahola is extremely poor.*

Response: See response above. The TIAR and FEIS will be updated to reflect the existing conditions along Keālia Road. Haua'ala Road in the project vicinity is described.

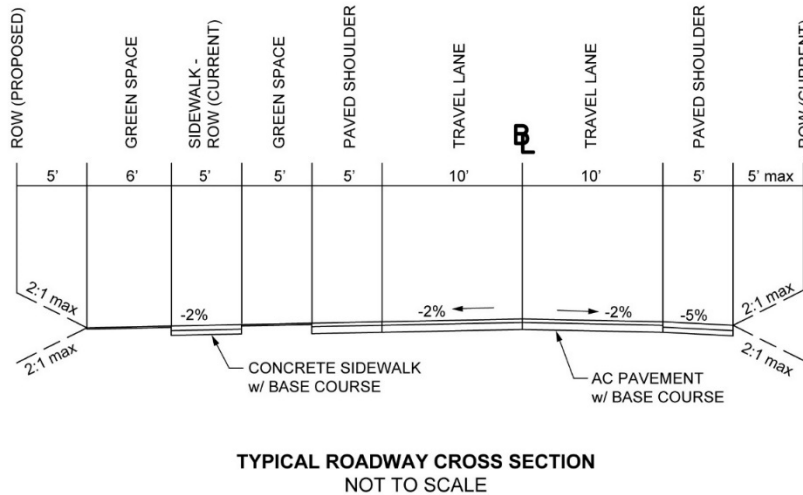
Comment: *c) If there are 2-3 cars per household...there is no analysis of how these additional vehicles will impact existing Keālia Town Tract residents.*

Response: Although Kaua'i residents typically have 2 to 3 vehicles per household, not all vehicles are expected to enter/exit the project site at a given time. The TIAR utilized trip generation rates from the Trip Generation Manual, 10th Edition by the Institute of Transportation Engineers (ITE). It was estimated that at peak hour, approximately 230 additional vehicles per hour are expected to use Keālia Road.

Comment: *d) Provisions for sidewalks and a safe pedestrian route linking home and school and access to Keālia Beach is omitted.*

Response: As discussed above, the Petitioner is proposing improvements to Keālia Road to improve safety for vehicles, pedestrians and bicycles. The proposed road cross section, shown below, will be included in the FEIS.

Keālia Road Improvements



Comment: e) There is no description of the constraints concerning Keālia Road between the project and Kūhiō Highway. The hillside topography includes steep drop-offs and slopes which will restrict options for road widening, sewer lines and other improvements.

Response: See responses above describing proposed improvements to Keālia Road. The project engineer has assessed existing topography and determined that improvements to Keālia Road are feasible.

Comment: f) No explanation is provided as to why the curve in Keālia Road where it meets Hopoe Road will be eliminated.

Response: See response from the project civil engineer below under “Other Roadway Concerns.” This explanation of the roundabout at the subdivision entry explains that:

“...The proposed roundabout approach will replace the irregular Keālia/Hopoe intersection with a standard “T” intersection. The wide-sweeping curve on Keālia Road is replaced with a standard “cross” roundabout intersection. Sight distances at the proposed intersections will be good in all directions. The roundabout will be effective in allowing free-flow of traffic at controlled safe speeds. Lastly, the roundabout will be an aesthetically pleasing entranceway to the subdivision.”

Comment: g) Keālia Road should not be the only ingress/egress to the proposed subdivision. Figure 4-9 clearly shows an existing cane haul road through the petition area to Kūhiō Highway opposite the southern Keālia Kai entrance. What is DOT’s justification for denying direct access from the subject property onto Kūhiō Highway?

Response: Because Kūhiō Highway is under the HDOT’s jurisdiction, project ingress/egress onto the highway requires their approval. In an Environmental Impact Statement Preparation Notice (EISP) comment letter dated December 14, 2017, State of Hawai‘i Department of Transportation (HDOT) director Jade T. Butay stated, “...no direct access shall be permitted from the subject project onto Kūhiō Highway. The subject project should include a stipulation in the title documents for parcels adjacent to Kūhiō Highway that direct vehicle access to Kūhiō Highway is not authorized.”

We assume that limiting vehicle access points onto Kūhiō Highway is a safety issue, but defer to HDOT to provide their rationale for this position.

Comment: h) Figure 4-10 (page 4-56) shows proposed traffic mitigation at Keālia Road and Kūhiō Highway. However, it does not include right and left turn lanes that are needed at this intersection to keep Kapa‘a and Anahola-bound traffic from backing up along Keālia Road.

Response: According to the project traffic engineer, if a traffic signal were installed at this intersection, the eastbound approach is anticipated to operate adequately at LOS C without the addition of a turn lane.

As noted previously, the County of Kaua‘i Department of Public Works has expressed their preference for a roundabout at this intersection. In response to the County’s preference, the FEIS will be revised to note that the preferred solution is a roundabout.

The FEIS will include a comparison of both mitigation options for the Keālia Road-Kūhiō Highway intersection: 1) install a traffic signal, and 2) construct a roundabout. Section 4.11.2.2 of the FEIS includes the following explanation:

The April 2018 DEIS presented a traffic signal as the recommended mitigation for this intersection, primarily due to its expected lower design and construction costs. During the DEIS comment period, the County of Kaua‘i indicated that a roundabout is their preferred option. In response to the County’s preference, the roundabout is presented in this FEIS as part of the “Proposed Action.” Because a traffic signal remains a viable option, it is also discussed here.

The TIAR and FEIS recommendation (Section 4.11) is revised as follows:

Future Year 2027 Recommendations. In summary, the TIAR concluded that either a traffic signal or roundabout would provide adequate traffic mitigation at the Keālia Road/Kūhiō Highway intersection for vehicular, bicycle and pedestrian traffic. Both a signal and roundabout are feasible options. Due to the County of Kaua‘i’s stated preference for a roundabout, this FEIS presents the roundabout as the proposed mitigation for the Proposed Action.

Anticipated mitigation measures required as part of the roundabout are listed below. The proposed mitigation is based on the single conceptual roundabout design evaluated in the TIAR and shown in Figure 4-11. Actual improvements required will depend on the final roundabout design.

Construct a single-lane, three-leg roundabout.

- Realign the skewed eastbound approach of Keālia Road.

- Realign the northbound approach of Kūhiō Highway.
- Provide a southbound right-turn bypass onto Keālia Road prior to the roundabout.
- Relocate the existing northbound and southbound bus stops/bus bays along Keālia Road to south of the intersection.
- Relocate electrical utility poles.
- Reconstruct the Keālia Surf Shack signs and fences at the northwest corner of the intersection.
- Provide crosswalks along all three (3) approaches.

With the proposed mitigation, all approaches will operate at LOS D or better during both peak hours of traffic. Additionally, the intersection will operate with overall LOS B/C during the AM/PM peak hours.

Comment: *i) Despite the proposed traffic signal, vehicles turning north and vehicles turning south need separate lanes to facilitate traffic flow.*

Response: According to the project traffic engineer, the lanes described are not typical requirements when a traffic signal is installed (See response to comment “h” above). As stated previously, the County’s preferred solution for the Keālia Road-Kūhiō Highway intersection is a roundabout.

Other Roadway Concerns

Comment: *a) What is the need/logic/justification for proposing the subdivision roundabout?*

Response: The following response was provided by the project civil engineer (Kodani and Associates, 2018):

“Studies have shown that roundabouts are safer than traditional stop sign or signal-controlled intersections. There are several reasons why roundabouts help reduce the likelihood and severity of collisions. Roundabouts have relatively low travel speeds as drivers must slow down to negotiate the required circular movement. A driver must first turn to the right and then to the left to pass through which naturally reduces driving speed. Roundabouts are designed to promote a continuous flow of traffic and therefore drivers don't have the incentive to speed up to try and "beat the light," like they might at a traditional intersection. Roundabout have one-way traffic flow and eliminate the possibility for T-bone and head-on collisions.

There are several reasons that a roundabout is proposed for the Keālia Mauka Homesites project. First, one of the design objectives was to not impede the flow of traffic on Keālia Road. There are currently no stop signs along the length of Keālia Road with the exception of the intersection with Kūhiō Highway. A roundabout would allow traffic along Keālia Road, as well as the proposed main subdivision road, to flow safely without the need for stop signs. Secondly, the geometrics of the existing Keālia Road and Hopoe Road in the vicinity of the proposed main road are somewhat irregular. Hopoe Road intersects Keālia Road at a point in which Keālia Road is beginning a wide-sweeping horizontal curve. The proposed roundabout approach will replace the irregular Keālia/Hopoe intersection with a standard “T” intersection. The wide-sweeping curve on Keālia Road is replaced with a standard “cross” roundabout intersection. Sight

distances at the proposed intersections will be good in all directions. The roundabout will be effective in allowing free-flow of traffic at controlled safe speeds. Lastly, the roundabout will be an aesthetically pleasing entranceway to the subdivision."

Comment: *b) It is unclear whether or not all subdivision traffic is diverted to the roundabout...*

Response: The roundabout will be the primary ingress and egress point into the Keālia Mauka subdivision. The following description of traffic flow was provided by the project civil engineer (Kodani & Associates, 2018):

"Motorists approaching the subdivision from Kūhiō Highway will pass by the realigned Keālia Road/Hopoe Road intersection and approach the roundabout. Drivers will enter the roundabout and first make a right-hand turning movement. A driver may continue the right-hand movement and turn into Road Lot 4-1 or begin a left-hand turn movement and either straighten-out into the main subdivision road (Roadway Lot A-a) or continue the left-hand turn movement. A driver continuing onto Keālia Road (toward Spaulding Monument) will transition from the left-hand movement to a right-hand turn and proceed on Keālia Road. All traffic heading mauka on Keālia Road, including those with destinations beyond the subdivision, will pass through the roundabout.

Motorists on Keālia Road traveling makai, from the direction of the Spaulding Monument towards Kūhiō Highway, will approach the roundabout and proceed to make a right-hand turn through the roundabout and continue onto Kūhiō Highway. No stop signs will be encountered.

All vehicles entering and exiting the subdivision will use the roundabout. Motorists traveling on the main subdivision road (Roadway Lot A-a) will approach the roundabout and initiate a right-hand turn movement in the roundabout. Motorist may continue the right-hand turn onto Keālia Road and proceed in the direction of Spaulding Monument, or they may initiate a left-hand turn movement and proceed through the roundabout to Keālia Road in the makai direction, toward Kūhiō Highway.

Subdivision traffic will be encouraged to enter the subdivision through the roundabout because the main subdivision road (Roadway Lot A-a) is accessed by means of the roundabout."

Comment: *c) The repeated reference to "stub-out streets" is overemphasized and possibly misleading since no historic documentation was provided to substantiate claims that Keālia Town Tract was meant to be expanded.*

Response: While there is no known documentation of an expansion plan, the presence of the stub outs imply that expansion was considered a future possibility.

Comment: *d) the DEIS includes a new traffic signal "if warranted"—is this signal DOT approved?*

Response: The TIAR and final plans for intersection improvements will be reviewed/approved by HDOT prior to the implementation of any proposed mitigation as part of the project. As

noted previously, discussions with County agencies have indicated a preference for a roundabout instead of a traffic signal.

Comment: *e) Impacts to traffic inside and outside of the project area are minimized. Long-standing traffic congestion in Kapa‘a will be aggravated further until transportation infrastructure improvements are implemented.*

Response: The improvements to Kūhiō Highway between Kuamo‘o Road to the Kapa‘a Bypass Road Southern Terminus as recommended in the 2015 *Kapa‘a Transportation Solutions* report is currently funded. These improvements will include widening the highway to provide a new southbound lane and improving intersection operations and auxiliary turn lanes. These improvements are expected to improve congestion in the Kapa‘a-Wailua corridor and improve operations in the study area.

Improvements related to the operation of Kapa‘a Bypass Road were noted in the TIAR as providing the largest anticipated benefit to Kapa‘a and the proposed Keālia Mauka Homesites. The Applicant is willing to mitigate project related impacts to traffic in the Kapa‘a-Wailua corridor by contributing its fair share of construction costs for these improvements.

Comment: *f) Having served on the State Department of Transportation’s Citizen Advisory Committee for the Kapa ‘a Transportation Solutions Study (2015)...there is an urgent need to address congestion before increasing residential density.*

Response: We concur there is an urgent need to address traffic congestion, and the Applicant is willing to do its fair share to help implement the improvements recommended in the 2015 *Kapa‘a Transportation Solutions* report.

The County has also made it clear that there is an urgent need to address the housing needs of Kaua‘i residents, particularly to increase homeownership opportunities for moderate and low income households. The County’s housing policies are expressed in the Kaua‘i General Plan and The Housing Policy for the County (Ordinance 860).

The County Planning Department’s September 27, 2018 letter (referenced previously) states that “Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update...the potential for development was confirmed as county spatial policy for close to 35 years.”

Efforts to attain both the island’s transportation and housing objectives can and should occur on multiple fronts, and should not be mutually exclusive goals.

Comment: *g) The TIAR indicates that since Keālia Road is the only access point to the project from Kūhiō Highway, this intersection will experience a significant increase in traffic and will worsen to LOS F and overcapacity conditions during both peak hours of traffic.*

Response: According to the TIAR, by 2027--even without the project--traffic on Kūhiō Highway in the project area will increase over existing conditions by approximately 18% during AM peak hour and 24% during the PM peak hour. This increase is due to the development in the surrounding regions.

With the proposed mitigation at the Kūhiō Highway/Keālia Road intersection, the eastbound approach is anticipated to operate adequately at LOS C.

Error in Project Vicinity Map

Comment: *Haua'ala Road is misidentified in Figure 1-2...description on page 4-45 is misleading...*

Response: Figure has been corrected.

Wastewater Treatment and Disposal

Comment: *a) the DEIS is proposing a municipal sewer system...it is unclear whether or not sewer lines will be provided for existing residences.*

Response: No sewer improvements are planned for existing residences on Ka'ao Road or Hopoe Road.

Comment: *b) Analysis of future estimated wastewater generation quantities appear inadequate in the DEIS. Has the Engineering Report accurately calculated capacity at the Lydgate STP to include the three large coastal resorts which were permitted but yet unbuilt (Coco Palms in Wailua and Coconut Plantation and Coconut Village in Waipouli)?*

Response: The Preliminary Engineering Report (Kodani & Associates, 2017, see DEIS Appendix G) utilized data and analysis conducted in the 2008 study, *Wailua Facility Plan*, prepared for the County of Kauai, Department of Public Works, Wastewater Management Division. The Coco Palms, Coconut Plantation, and Coconut Village developments were considered in the Wailua Facility Plan analysis.

The *Wailua Facility Plan* (Chapter 6 – Population Projection & Future Flows) provides a detailed analysis of projected demand and categorizes them as near-term (present-2010), middle-term (2010-2015) and far-term (2015-2025). The near-term projections include the Waipouli Beach Resort (completed), the Kauai Lagoons Affordable Housing (completed) and Coco Palms Hotel (incomplete). The mid-term projections include the Coconut Beach Resort (incomplete) and Coconut Plantation Village (incomplete). The far-term projections are based on a combination estimated new demand as well as an estimate of converting existing cesspool demand to municipal sewer. The near-term, middle-term and far-term projections all contain wastewater demand flow estimates. Therefore, the PER did consider these three developments by reference to the Wailua Facility Plan and the analysis contained in the plan.

Comment: *c) Lydgate Sewage Treatment Plant is a coastal wastewater management facility that will need to be relocated due to sea level rise.*

Response: The Kauai General Plan acknowledges that the Kauai community will be impacted by global warming and climate change. The General Plan states that policies regarding development in specific areas will be regularly reviewed to reflect sea level rise. Studies will be conducted to assess potential risks and vulnerability of critical areas. Appendix D of the Kauai General Plan contains sea level rise maps. The WWTP is shown to be above the “6 Foot Potential Sea Level Rise Scenario.”

Comment: *d) The East Kaua’i Community Plan 2035 (Draft) Chapter 4.4.2 (Expand Wastewater Treatment Capacity states:*

“All new development in the Urban Center should connect to the County sewer system. This will require both the expansion of the Wailua Wastewater Treatment Facility and the development of a future wastewater treatment facility to serve Wailua-Kapa. Consideration should be given to placing the new wastewater treatment facility in a future industrial park.”

Response: Your comment is acknowledged. According to the County of Kaua’i’s Wastewater Management Division, there are currently two (2) capital improvement projects underway at the Wailua Wastewater Treatment Plant. These projects will provide improvements to the treatment process to provide more stability and efficiency in the treatment of raw wastewater to R-2 recycled water standards. The projects will also promote more use of recycled water at the Wailua Golf Course. Additionally, site improvements along with electrical upgrades will be implemented as identified in the facility plan.

Stormwater Drainage

Comment: *Ponding already occurs on Hopoe Road during heavy rains. Based on the current drainage pattern and the proposed drainage plan, we strongly recommend that Detention Basin #2 be expanded alongside the 3 parcels on Hopoe Road.*

Response: The project civil engineers indicate they are not aware of existing ponding or drainage issues along Hopoe Road. Elevation contours show an average slope of approximately 2% from the intersection of Keālia and Hopoe Roads to the end of Hopoe Road. The existing Hopoe Road pavement is aged and perhaps has potholing that contributes to ponding. Existing ponding issues can be addressed during detailed subdivision design.

Development Schedule

Comment: *The EISPN noted that a development schedule for the subdivision infrastructure would be included in the DEIS. We could not find it.*

Response: The following discussion of the estimated development schedule has been added to Chapter 2 (Project Description):

The anticipated construction of the proposed improvements, both on and off-site, is expected to take approximately 24 months, assuming much of the work occurs simultaneously. The initial mass grading work for the subdivision is expected to extend over the first 12 months. The County’s Grading Ordinance allows a maximum of 10 acres to be disturbed at any time.

therefore, the 53.4 acre site will require up to six phases of grading work (Kodani & Associates, 7/13/2017). The installation of drainage structures, detention basins, sewer, drinking water, and electrical utilities, and construction of roads and sidewalks will occur concurrently during each of these phases.

Improvements to Keālia Road will require fill which will be obtained from the subdivision site work. For this reason, Keālia Road improvements will be initiated about 6 to 9 months after the start of work in the Petition Area. Off-site utility improvements will commence about the same time as Keālia Road improvements, and continue through the end of the project construction period. The construction of the roundabout and installation of the new sewer main along Kūhiō Highway will take approximately 9 to 12 months.

Visual Impacts, Scenic and Open Space Resources

Comment: a) *There are no mitigation measures to alleviate visual impacts for Hopoe Road residents.*

Response: Potential visual mitigation measures, including extending the green space buffer along Hopoe Road or the installation of screening landscape will be explored during the subdivision process.

Comment: b) *The density of this subdivision will significantly block the tradewinds enjoyed by current Keālia Town Tract residents.*

Response: We acknowledge that the construction of a new residential subdivision will affect the flow of northeast tradewinds for residents of Hopoe Road.

Comment: c) *The rural character of Keālia Town Tract will be significantly diminished.*

Response: As discussed in the DEIS, there will be changes to the physical and visual environment due to the project. The area will appear more suburban and less rural with the replacement of open grazing lands with a residential subdivision. Proposed lot sizes (5,600 SF to 7,300 SF) will be similar, though somewhat smaller, than the existing lots on Hopoe Road. The inclusion of the 4.3 acre detention basin/open space buffer between the project and the existing subdivision is intended to minimize the visual impact for adjacent residents.

Comment: d) *It is unclear whether the proposed detention basins can also serve as recreational open space or park/playgrounds.*

Response: Portions of the 4.3-acre detention basin/park/green space located between the Ka'ao Road subdivision and the project area can be used for recreational open space and playgrounds. Areas within this shallow detention basin that will periodically flood will be better delineated during project design. The flood prone areas will not contain any playground structures. However, there will be ample space outside the inundation area for play equipment. Ballfields, such as soccer and football fields are typically allowed within areas subject to flooding. Walking and biking paths are also appropriate for areas subject to inundation during flood events.

Section 2.3.1.1 of the FEIS will include the following paragraph (new text double underlined):

The Proposed Action involves the development of a residential subdivision at Keālia, Kauaʻi, consisting of approximately 235 lots ranging in size from about 5,600 SF to 7,300 SF (Figure 2-2). The project includes installation of utility infrastructure (e.g., drinking water, drainage, wastewater, electrical power, and telecommunications systems) and transportation improvements to serve each subdivided parcel. The subdivision plan includes two detention basins, located on the far south and far north ends of the Project Area, totaling 5.86 acres. The southern detention basin is 4.32 acres in size and will provide park/green space for active and passive recreation. It will also serve as a buffer with the neighboring subdivision on Kaʻao Road. The detention basin on the north will be 1.54 acres, and needs to be deeper because of its relatively small area, and will be approximately 8 feet deep with side slopes of 2:1 (horizontal: vertical). Due to its depth and steep sides, it will not be appropriate for recreation use.

Comment: e) *To preserve views, undergrounding electric lines should be proposed.*

Response: The new subdivision will have underground utility lines.

Comment: f) *We strongly recommend that Detention Basin #2 be expanded along the 3 parcels on Hopoe Road to provide a buffer between the new lots and the existing homes.*

Response: This issue will be explored further during the subdivision design phase.

Comment: g) *A vegetation wall or barrier is needed to prevent Roadway Lot B vehicular headlights from shining directly into the home on 4631 Hopoe Road.*

Response: This issue will be explored further during the subdivision design phase.

Social Impacts

Comment: a) *Changing the land use district designation to urban will impact the community's well-being.*

Response: The urbanization of the area will certainly affect the rural ambiance and community character for the adjacent Keālia Town Tract residents. The increased housing opportunities created by the project will also impact the well-being of the Kauaʻi community in a positive way, as will the creation of short-term construction jobs and direct expenditures associated with construction (building materials and supplies, construction services). All of these contribute to "community well-being." They will be discussed in Section 4.9.2 (Housing) and Section 4.9.3 (Economy and Employment) of the EIS.

Comment: b) *The DEIS fails to highlight the social characteristics and history of Keālia Town Tract...*

Response: In response to your comment, the Cultural Impact Assessment (CIA) (Appendix E) has been amended to include interviews with long-term Keālia Town Tract residents, and expanded

discussion of the history of this subdivision. Section 4.5 (Cultural Resources) of the FEIS includes the following text:

In July 2018, CSH reinitiated community consultation in response to comments made during the DEIS public comment period. During the comment period, concerns were raised about the documentation of Keālia's plantation history during the 1950's, 1960s and 1970s. Commenters noted that no one from Keālia Town Tract was interviewed, and suggested that there be more information on the history and culture of immigrant groups, settlement patterns, New Kumukumu Camp, and important plantation structure such as the Keālia Dispensary.

In response, CSH reached out to several individuals recommended by the Wailua-Kapa'a Neighborhood Association, and additional individuals known to have once been affiliated with Lihue Plantation. These interviews have been incorporated into the CIA (Appendix E), which includes a summary of all consultations and interviews.

Section 4.5.1.2 presents the results of background research and community consultation:

The background research for the CIA summarized both pre- and post-contact land uses within the Keālia *ahupua'a*, as described previously in Section 4.4. The CIA (see Appendix E) includes an extensive traditional and historical account of Keālia, covering the periods of pre-contact to the early 1800s; mid to late 1800s and the Māhele; and the 1900s. The revised (October 2018) CIA also expanded the discussion of traditional cultural practices, with a new section on the gathering of plant and food resources and a discussion of religious practice and burials.

The explosive growth of the sugar industry within Keālia (as well as the rest of East Kaua'i) starting in the mid to late 1800's, led to the development of a small town comprised mainly of sugar plantation workers, many of whom were immigrants from Portugal, Puerto Rico, the Philippines, Japan, and China (Kaua'i Historical Society n.d.). The revised CIA includes a detailed description of Keālia Town in the late 1900s, and its "unique culture and identity during the 1940s, 1950s, 1960s and 1970s," which the reports notes "was laid during the early days of the sugar industry."

However, the decline of sugar also marked the end of Keālia Town. The CIA notes that "although recollections of Keālia in the 1940's, 1950s, and 1960s recall a vibrant multi-ethnic community, population numbers within the community were steadily declining for nearly 30 years." The town slowly dispersed after the incorporation of the Makee Sugar Company into the Lihue Plantation in the 1930s. Many of the plantation workers bought property of their own and moved out of plantation camps. The plantation camps that bordered Kūhiō Highway were disbanded in the 1980s. In 1997, the entire *ahupua'a* of Keālia was sold off as an effort to downsize Amfac's landholdings and because Keālia is the most distant from the Lihue Plantation sugar mill, it was considered the least profitable (Honolulu Advertiser, 7 July 1997). The Lihue Plantation completely folded at the end of the twentieth century.

More detail is included in the CIA in Appendix E of the FEIS.

Comment: *c) The sharp population increase in this tiny neighborhood will have significant impacts.*

Response: The addition of nearly 700 full time residents when Keālia Mauka is built out will have environmental impacts on the adjacent residential community known as Keālia Town Tract. As

described in the DEIS, mitigation measures are being proposed to minimize these impacts. Proposed mitigation includes the creation of a green space buffer between the existing homes on Ka'ao Road to mitigate visual impacts; improvements to Keālia Road to increase safety for vehicles, pedestrians and bicyclists; and the addition of a roundabout (or traffic signal) at the Kūhiō Highway intersection to address traffic impacts. Keālia Mauka residents will not use Ka'ao Road to access their homes, and Keālia Town Tract will retain its separate access road off Keālia Road. Therefore, new development will be occurring adjacent to, but not "in this tiny neighborhood."

It is important to keep in mind that Keālia Mauka is intended to help meet the critical need for housing on Kaua'i. According to the County's current projections, Kaua'i County requires approximately 9,000 residential units to keep pace with population growth of local residents. In the County's September 27, 2018 letter regarding Keālia Mauka, (then) Planning Director Michael Dahilig stated that the project would "help meet this target rather than creating a deficiency in the county's critical planned housing build out." The letter also notes that Keālia has been "earmarked for greater residential community development going back to the 1984 General Plan Update."

Comment: *d) Creating an adjacent subdivision of much smaller lot sizes can result in a lack of social cohesion.*

Response: We find no evidence that smaller lot sizes result in a lack of social cohesion. The subdivisions on Ka'ao Road and Hopoe Road were constructed on plantation-owned lands in the early to mid 1900s, and were part of an existing plantation community. Original homeowners had a direct affiliation with the plantation and shared many socio-economic characteristics. These unique factors created a type of social cohesion that is rarely found today.

The new Keālia Mauka residents will be more demographically diverse; for example, there is no longer a single shared employer, and the island's socio-economic profile has evolved substantially over the last 30 years. Residents will likely represent a more diverse age demographic. Family lifestyles have changed over the past two generations, and in general, there is less daily interaction with one's neighbors. The Keālia Mauka community may not have the same type of social cohesion as Keālia Town Tract, but this is due to a number of social and economic factors, not a result of proposed lot size.

Comment: *e) Despite the proposed density, there is no designated park area for young children to play close to home.*

Response: The 4.32-acre detention area will provide areas where tot lots, playgrounds, and ballfields, targeted to users of all ages, can be built.

Archaeology Literature Review & Field Inspection and Cultural Impact Assessment

Comments: *a) The Keālia Town Tract has its own history and cultural identity, yet none of the four individuals who were interviewed were residents of Keālia Town Tract.*

- b) There is significant history and culture associated with the immigrant groups and settlement patterns around the Makee Sugar Plantation operating around the Makee Sugar Plantation...details about nearby New Stable Camp and Amberry Camp were not included...*
- c) ...there is a wealth of information to be gained through interviews with kama'aina residents of Keālia Town Tract...*
- d) ...Mr. Arinaga can provide additional suggestions of those kama'aina to interview*
- e) One of the most important plantation structures in Keālia Town Tract was the Keālia Dispensary...research and oral accounts about the Dispensary should be provided...*
- f) Stories of the “night marchers” on Keālia Road are not uncommon and should be documented*
- g) The Archaeological Literature Review and Field Inspection Report for this project seems inadequate as it relies heavily on previous studies focused on a much larger area, far beyond the petition area...The petition area is part of a prior AIS (Drennan et al. 2006) for 2,000 acres.*
- h) New research...with longtime kama'aina residents of Keālia Town Tract should take place and include information, customs and practices of the Keālia town residents during the 1950's, 1960s and 1970s, the decades which were overlooked.*

Response: Cultural Surveys Hawai'i (CSH) has supplemented the Cultural Impact Assessment (CIA) with additional research and interviews with Keālia Town Tract residents to address comments “a through f” and comment “h” above.

According to the CSH cultural researcher, the stories of “night marchers” are briefly touched upon in one interviewee’s testimony as well as within the traditional cultural practices section of the CIA (Section 7.2 Religious Practice and Burials). However, the CIA will document any new testimony that residents of Keālia Town Tract provide on this topic. The revised CIA will be included in the FEIS in Appendix E.

In response to your comment “g” regarding the Archaeological Literature Review and Field Inspection (LRFI), the scope of work for this study was to “conduct historical research archival sources, historic maps, Land Commission Awards and previous archaeological reports to construct a history of land use and determine previously recorded archaeological sites.” The LRFI (Table 3) identified eighteen previous archaeological studies in and around the project area, which ranged in scope from an island-wide “Archaeology of Kaua’i” study (Bennett 1931) to an archaeological inventory survey of a 2,008-acre site (Drennan et al. 2006). The purpose of the Literature Review was to review all of these previous studies, as well as any subsequent studies (completed between 2007 and 2018). These studies provide the larger overall context of where things are today and where they were in the past. It is acknowledged that the studies encompassed expansive areas beyond the Petition Area. Their value is in revealing the larger settlement patterns and their changes over time, and providing insight and understanding into the people of the area and their history.

As you note, the petition area is part of two prior Archaeological Inventory Survey (AIS) studies (Drennan et al. 2006 and Drennan and Dega 2007). These AIS found that there were no traditional Hawaiian sites in the portion of their project area that is the current Keālia Mauka Petition Area. The recent LRFI identified several new features associated with the New Kumukumu Camp (Site 50-30-08-7013) and after consultation with the State Historic Preservation Division (SHPD), an AIS report was completed to document these features of New Kumukumu Camp and to evaluate their significance and integrity. The AIS report (Cultural Surveys Hawai'i, 2019) also looked at the areas where off-site infrastructure improvements are proposed. The findings of the AIS report will be included in the FEIS and the document is included in Appendix G. In accordance with Hawai'i historic preservation review legislation, the project's effect recommendation is "effect, with proposed mitigation commitments." Mitigation for the effect on historic properties will consist of archaeological monitoring in accordance with an Archaeological Monitoring Plan (AMP).

The AMP will provide for on-site monitoring at two locations: in the area of New Kumukumu Camp, and along the proposed sewer line corridor along Kūhiō Highway. The AMP will be prepared and approved by SHPD prior to the start of project construction. Documentation of all SHPD correspondence is included in the FEIS appendix (Appendix D3).

Conclusion

Comment: *W-KNA does not support a district boundary amendment from agricultural district to urban district...This project exemplifies sprawl...the proposed subdivision does not reflect the elements of a livable community that is safe and secure with appropriate connectivity options and parks...lot sizes are inconsistent with neighboring lots...only one access point.*

We are also concerned...due to insufficient information in the DEIS and inaccuracies in the documentation. We dispute the claim that the petition area is located in the county's urban growth boundary because it was not explicitly cited in the recent General Plan...

Response: The issues you cite have been addressed in this response letter. The issue of General Plan consistency has been answered definitively by the County's 2016 determination and its follow up September 27, 2018 letter.

The FEIS provides additional information, clarification, and correction where warranted. Several new studies have been completed since the DEIS, including an updated CIA with interviews of Keālia Town Tract residents, and AIS report providing documentation on the New Kumukumu Camp features. Both the updated CIA and AIS report cover the Petition Area and the areas where off-site infrastructure will be constructed.

A Noise Measurement and Evaluation Report was conducted to evaluate the impact of Kūhiō Highway noise on the proposed residential lots. Noise mitigation measures, as recommended, will be included in the project design. The Proposed Project now includes improvements to Keālia Road including widening and the inclusion of roadway shoulders and sidewalks to enhance safety and connectivity for bicyclists and pedestrians. A roundabout at the Keālia Road

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-Kūhiō Highway intersection (rather than a signal) is presented as the County's preferred mitigation.

Thank you for your participation in this process. Your letter and this response will be reproduced in the FEIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

A handwritten signature in black ink, appearing to read "Scott Ezer", written in a cursive style.

Scott Ezer, Principal

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

INDIVIDUALS

From: "Barbara Beasley" <bwbeasley@comcast.net>
Date: June 21, 2018 at 4:23:12 PM HST
To: <daniel.e.orođenker@hawaii.gov>
Cc: 'David Beasley' <beasley.david@comcast.net>
Subject: Comments on Proposed Kealia Mauka Subdivision

Dear Daniel Orođenker – good day to you. As requested in the Garden Isle article dated 6/18/2018, we'd like to provide comments on the proposed Kealia Mauka subdivision. We've been homeowners on Kamole Road for 17 years and strongly share the concerns outlined in this article as well as by our neighbors.

Specifically, we'd appreciate more information around the following key areas:

- How does this "affordable" housing compare with other similar developments on the island? The proposed plan appears much larger and could more than double the number of people (and automobiles) in this rural community, turning it into a small city overnight. Is there a master plan that looks at all these development efforts across the island to accurately assess needs, impacts and priorities of each of these proposed developments? Especially when considering converting AG land to residential properties – under what conditions is this allowable? Seems this is a slippery slope and makes AG land very vulnerable in the future.
- How will expanded infrastructure needs (water, sewage, road improvements, services such as fire and police, schools, post office, etc.) be addressed? Who will pay for this?
- How will the significant increase in East Side traffic be managed in one of the worst traffic corridors on the island? In the current East Side morning southbound commute, Kuhio highway is already backed up north from Kapaa to near the new fire station. This new subdivision would now be adding another major artery possibly further backing up traffic to past Kealia beach. This raises safety concerns with people and cars entering and exiting Kealia Beach as well. Additionally, in the past few years, it has become noticeably more difficult to exit Kamole Road onto Kuhio Highway – sometimes waiting as long as 5 minutes to cross both lanes of traffic.

Appreciate your feedback and happy to discuss further.

Sincerely,

Barbara & David Beasley
2376 Kamole Road, Kealia, HI

July 10, 2019

Ms. Barbara and Mr. David Beasley
2376 Kamole Road
Keālia, HI 96751
bwbeasley@comcast.net



Dear Ms. Barbara and Mr. David Beasley:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter sent via email on June 21, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following responses.

Question: *How does this “affordable” housing compare with similar development on the island? The proposed plan appears much larger and could more than double the number of people and automobiles in this rural community...is there a master plan that looks at all these development efforts across the island to accurately assess needs, impacts and priorities of proposed developments? Especially when considering converting ag land to residential...*

Response: In response to your question about whether there is a master plan that looks at development efforts across the island, the County of Kauaʻi General Plan (2018) establishes priorities for managing growth and community development on Kauaʻi over a 20 year planning time frame. The General Plan includes nineteen policies to guide growth on the island, including Policy #2, “provide affordable housing while facilitating a diversity of privately-developed housing for local families.” The General Plan states that the County needs to plan and help facilitate the building of approximately 9,000 housing units by 2035 in order to meet the projected need.

The Keālia Mauka project is intended to help meet this need for housing and is consistent with the County’s General Plan. In 2016, the County Planning Department found 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.”* (County of Kauaʻi, Departmental Determination DD-2016-70, Boundary Interpretation for General Plan Designation).

This was validated in a letter dated September 27, 2018 from County Planning Department Director Michael Dahilig. This letter states:

Notwithstanding the overall amendments and adoption of the new [General] plan in 2018, the [2016] determination issued by our Department still remains consistent with the spatial and textual policies set forth in that new document.

Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years.

Our Department believes this project proposal, in concept, is wholly consistent with the 2018 General Plan update. We believe the State Land Use Commission, and County regulatory processes provide the structure and opportunity to confirm, refute, and/or mitigate any specific concerns members of the public may raise regarding impacts.

Question: *How will expanded infrastructure needs (water, sewage, road improvements, services etc.) be addressed? Who will pay for this?*

Response: The project developer will provide on and off-site water and sewer improvements to serve the project. The project is utilizing a private water system, and will not connect to the County system. The project will construct a new 8-inch diameter sewer main on Keālia Road and connect to the County's Wailua-Kapa'a wastewater system. A new wastewater lift station and transmission pipeline will be needed to connect to the County system, and this would also be paid for by the developer.

The developer will pay for roadway improvements on Keālia Road to increase vehicle, pedestrian and bicycle safety. The improvements include limited roadway widening, addition of shoulders on both sides of the road and a sidewalk on one side. Either a roundabout or traffic signal are viable options for traffic mitigation at the intersection of Keālia Road and Kūhiō Highway. The County has indicated that a roundabout is its preferred solution, and it is presented as such in the Final EIS.

There may be a need for more police and fire personnel in the Keālia area to serve the new residential development. Any additional cost to the County is expected to be more than offset by the project's fiscal benefits. The new homes at Keālia Mauka will contribute to the County real property tax rolls, and the maintenance/renovations associated with the houses will expand general economic activity. It is estimated that the County will realize \$5.4 million in "new" property taxes and other secondary receipts and development fees totaling \$9 million during the study's build out projection period (2018 to 2030), and \$1.3 million annually on a stabilized basis thereafter (CBRE, 2017).

Comment: *How will the significant increase in East Side traffic be managed in one of the worst traffic corridors on the island? ...in the past few years, it has become more difficult to exit Kamole Road onto Kūhiō Highway...*

Response: See response above. We acknowledge that traffic along Kūhiō Highway is an ongoing concern and traffic volumes through this corridor are expected to increase, even without the Keālia Mauka Project. There are a number of roadway improvements currently planned to alleviate traffic within the Kūhiō Highway corridor, and they are described in the State Department of Transportation's (HDOT) Kapa'a Transportation Solutions (HDOT 2015) report. To mitigate Keālia Mauka related traffic, the developer proposes to construct a roundabout at the intersection of Keālia Road and Kūhiō Highway (County's preferred mitigation). A traffic signal is also a viable solution. The intersection improvements will be entirely funded by the developer as traffic mitigation for this project.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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

From: <mdente@hawaii.rr.com>

Date: June 21, 2018 at 1:28:42 PM HST

To: <daniel.e.ordenker@hawaii.gov>

Subject: Objecting to Kealia Mauka Homesites

Aloha Daniel,

I am encouraging you NOT to approve the Kealia Mauka Homesites. This area must remain open for nothing but agricultural...no homesites at all:

REASONS: 1) Kuhio Highway can not take any more traffic congestion from an addition of over 500 private vehicles now or in the near future. 2) Lack of detail at the only public meeting, from the developer as to how sales are to be restricted to local residents only with no resale to off island investors. 3) the only access road is narrow and not safe for this kind of development 4) who would pay for the complete reconfiguration on Kuhio Highway at Kealia Beach 5) the only required EIS so far has been for the County to be able to accommodate waste water to the existing Sewer treatment plant in Wailua. The County is not telling the truth about this site. It already is over taxed and a disgrace to residents and visitors who frequent Lydgate Park and have to put up with the over powering disgusting odor from it.

This is only a few reasons I am objecting...have not the time to go into any more detail. I am a 40 year resident/owner on Kauai.

Marj Dente, 6335 Waipouli Rd, unit B, Kapaa, HI 96746....823-8162

July 10, 2019

Ms. Marj Dente
6335 Waipouli Road, Unit B
Kapa'a, Hawai'i 96746
mdente@hawaii.rr.com



Dear Ms. Marj Dente:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (Draft EIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your comment letter sent via email on June 21, 2018 on the Draft Environmental Impact Statement (Draft EIS) for the subject property. We have reviewed your comments and note your objection to the project for several reasons. We offer the following information in response to your objections.

Comment: *Kūhiō Highway cannot take any more traffic congestion from an addition of over 500 private vehicles...*

Response: Although Kaua'i residents typically have 2 to 3 vehicles per household, not all vehicles are expected to enter/exit the project site at any given time. At most, approximately 230 additional vehicles per hour are expected.

Traffic along Kūhiō Highway is an ongoing concern and traffic volumes through this corridor are expected to increase, even without the Keālia Mauka Project. There are a number of roadway improvements currently planned to alleviate traffic within the Kūhiō Highway corridor, as described in the State Department of Transportation's (HDOT) *Kapa'a Transportation Solutions* (HDOT 2015) report. To mitigate Keālia Mauka related traffic, both a roundabout and a traffic signal at the intersection of Keālia Road and Kūhiō Highway are viable solutions. Although the DEIS recommended a traffic signal, the County subsequently indicated that a roundabout is its preferred solution; therefore, a roundabout is presented as part of the Proposed Project in the Final EIS. These intersection improvements will be entirely funded by the developer as traffic mitigation for this project.

Comment: *Lack of detail at the only public meeting from developer as to how sales are to be restricted to local residents only with no resale to off island investors.*

Response: The developer's intent is to target local residents, and the project will comply with the Housing Policy for the County of Kaua'i (Ordinance 860) for workforce housing. This was discussed in the Section 5.2.5 of the Draft EIS.

Although there is no legal way to restrict sales to local residents, other residential developments on Kaua'i (e.g., Ho'oluana at Kohea Loa in Hanamaulu) have implemented lottery procedures with an initial offering to Kaua'i residents (requiring notarized Kaua'i Resident Affidavit). Similar procedures could be implemented for Keālia Mauka. The owner will continue to work with the County Housing Department to develop an appropriate, effective, and legally defensible method to give local residents the highest priority.

Comment: *The only access road is narrow and not safe for this kind of development*

Response: The developer is proposing improvements to Keālia Road to increase safety for vehicles, pedestrians and bicyclists. These will include limited roadway widening, the addition of shoulders on both sides and a sidewalk on one side of the road. More detail will be provided in the Final EIS.

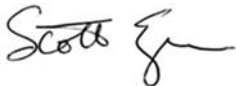
Comment: *Who would pay for the complete reconfiguration of Kūhiō Highway at Keālia Beach?*

Response: The Keālia Road-Kūhiō Highway intersection improvements will be paid for by the Keālia Mauka developer.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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

From: "David H. Dinner" <gentlewaver@gmail.com>

Date: June 22, 2018 at 11:32:50 AM HST

To: daniel.e.orodenker@hawaii.gov

Subject: Kealia

Dear Sir

Please add me to the majority of Kauai population that believes that Kealia is an exceedingly bad place for development. And for good reason. It is not in the Kauai General Plan, it is a heavy traffic area, it is an environmental nightmare and an insult to the local population that already lives in the area.. Please vote it down.

Aloha

David Dinner

Kilauea, HI 96754

David Dinner

Certified Biodynamic and

Visionary Craniosacral Care and Aquacranial

gentlewave@hawaii.rr.com

www.daviddinner.com

808 639 7845

July 10, 2019

Mr. David H. Dinner
gentlewaver@gmail.com



Dear Mr. Dinner:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent on June 22, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We note your opposition to the project, but would like to provide the following information in response to several of your objections.

Comment: *Keālia is an exceeding bad place for development...It is not in the Kauaʻi General Plan, it is a heavy traffic area, it is an environmental nightmare and an insult to the local population that already lives in the area...*

Response:

Kauaʻi General Plan. You state that the project is not in the Kauaʻi General Plan, but the County Planning Department has confirmed, in two separate letters, that the project is consistent with the General Plan.

In 2016, the Petitioner applied for and received a Departmental Determination for General Plan Designation (DD-2016-70) from the County of Kauaʻi Planning Department on July 5, 2016. The determination states that based on the review conducted by the Planning Department, “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 2016 determination letter also says, “General Plan land use maps are not regulatory in nature; rather they spatially guide areas for further entitlement via zoning boundary amendments at the state and county level. The proposed Conceptual Keālia Subdivision would generally be in alignment with the General Plan’s land use maps and texts.”

In a letter dated September 27, 2018, the County Planning Department (Michael Dahilig, Director of Planning) reaffirmed its earlier determination and support for the Keālia Mauka project. The 2018 letter states:

Notwithstanding the overall amendments and adoption of the new [General] plan in 2018, the determination issued by our Department still remains consistent with the spatial and textual policies set forth in that new document.

...Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years...

...Assertions by critics of the development who characterize the proposal, due to its spatial character, as inconsistent with development policy, do not give our Department cause for concern and we unequivocally contradict their interpretation...

...Our Department believes this project proposal, in concept, is wholly consistent with the 2018 General Plan update. We believe the State Land Use Commission, and County regulatory processes provide the structure and opportunity to confirm, refute, and/or mitigate any specific concerns members of the public may raise regarding impacts. To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon.

Heavy Traffic Area. We acknowledge that traffic along Kūhiō Highway is an ongoing concern and traffic volumes through this corridor are expected to increase, even without the Keālia Mauka Project. There are a number of roadway improvements currently planned to alleviate traffic within the Kūhiō Highway corridor, and they are described in the State Department of Transportation's (HDOT) Kapa'a Transportation Solutions (HDOT 2015) report. To mitigate Keālia Mauka related traffic, either a roundabout or traffic signal are viable options for the intersection of Keālia Road and Kūhiō Highway. Although the DEIS recommended a traffic signal, the County has subsequently indicated that a roundabout is its preferred solution. Therefore, a roundabout is presented as part of the Proposed Project in the Final EIS. The intersection improvements will be entirely funded by the Petitioner as traffic mitigation for this project. Improvements are also proposed to Keālia Road to increase safety for vehicles, pedestrians and bicyclists, and will be funded by the Petitioner.

Environmental Nightmare and Insult to the Local Population. As stated in the DEIS, the project will have environmental impacts but it also includes mitigation measures intended to reduce or eliminate the impacts. Roadway improvements will be provided on Keālia Road to improve safety for pedestrians and bicyclists and improve connectivity. A new roundabout is proposed to be constructed at the Keālia Road-Kūhiō Highway intersection to mitigate project-related traffic and reduce delays at this intersection. The County has indicated a roundabout is its preferred mitigation, although a traffic signal would also be an effective solution. Visual impacts for residents of the adjacent Keālia Town Tract subdivision will be addressed by providing an open space buffer/detention basin between Keālia Mauka and the existing subdivision. The Final EIS will describe the proposed mitigation.

The new subdivision will create homeownership opportunities for local residents, a high priority for the County as expressed in the 2018 Kaua'i General Plan. The project was originally conceived as a result of discussions between the Petitioner, then Mayor Bernard Carvalho, and

Page 3

Kaua'i County administration officials, and is intended to address the County's severe need for housing. Lot sizes were intentionally kept smaller to keep them affordable for Kaua'i residents, and to make them less attractive to off-island buyers.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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

Leslie Kurisaki

From: Scott Ezer
Sent: Wednesday, June 06, 2018 10:43 AM
To: Leslie Kurisaki
Subject: FW: Kealia Properties - Kauai

Kealia comment "letter"

-----Original Message-----

From: Margery Freeman [mailto:freemanmargery@gmail.com]
Sent: Wednesday, June 06, 2018 10:38 AM
To: Scott Ezer <sezer@hhf.com>
Subject: Kealia Properties - Kauai

Dear Mr. Sezer,

There are a number of reasons that the Kealia Mauka homesites should NOT be allowed.

- 1) This project would need to be changed from an ag. designation to housing. Since we just passed the ag. subdivisions, after much thought, they should not be changed just so a mainland group can make money to be used on the mainland. If this change is passed all the ag. subdivisions will be asking for upgrades to housing so why have any ag. designation? There is plenty of land, in Kapaa, for future development, just not at this site.
- 2) This project is just urban sprawl. It is too far from Kapaa to be called part of Kapaa. Kauai does NOT need more sprawl. The general plan states that towns should be kept towns and not be aloud to sprawl.
- 3) This development will add 2 to 3 cars per house since everyone will have to drive to work, shopping and entertainment. A small grocery store on site will not mean the occupants won't have to drive for grocers.
- 4) The lots are laid out in a boring square pattern with NO green space near them for children to play. A complete change of lay-out with 4 or 5 green spaces would make a huge difference but still not make the subdivision a good idea in this place.

Please take the points above under advisement and do not allow this development to take place.

Aloha,

Marge Freeman - Kapaa, HI
823-1798

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July 10, 2019

Ms. Marge Freeman
freemanmargery@gmail.com



Dear Ms. Freeman:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 6, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We note your objection to the project, but would like to provide the following information in response to your comments.

Comment 1: *This project would need to be changed from an ag designation to housing...they should not be changed just so a mainland group can make money to be used on the mainland. There is plenty of land in Kapaʻa for future development, just not at this site...*

Response: The intent of this project is to provide homeownership opportunities for local Kauaʻi residents. The County of Kauaʻi General Plan (2018) is the County's guiding document for managing growth and community development over a 20 year planning time frame. One of the top priorities of the General Plan (Policy #2) is to "provide affordable housing while facilitating a diversity of privately-developed housing for local families." The General Plan states that the County needs to plan and help facilitate the building of approximately 9,000 housing units by 2035 in order to meet the projected need of local residents.

The Keālia Mauka project is intended to help meet this need for housing, and its location is consistent with the General Plan land use plan. This was confirmed by the County Planning Department, which in 2016 made a written determination 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."* (County of Kauaʻi, Departmental Determination DD-2016-70, Boundary Interpretation for General Plan Designation).

In response to comments during the DEIS comment period questioning the project's consistency with the General Plan, Mr. Michael Dahilig, County Planning Department Director, issued a letter dated September 27, 2018 reaffirming the department's earlier determination and expressing support for the Keālia Mauka project. In part, the 2018 letter states:

...Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years...To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon.

Comment 2: *This project is just urban sprawl. It is too far from Kapa'a to be called part of Kapa'a. Kaua'i does not need more sprawl. The general plan states that towns should be kept towns and not be allowed to sprawl...*

Response: see response to #1 above. The County has confirmed that the project location is consistent with the General Plan land use plan, and that the area has long been earmarked by the County for further residential development. The site is adjacent to the existing Keālia Town Tract subdivision.

Comment 3: *The development will add 2 to 3 cars per house since everyone will have to drive to work, shopping and entertainment...*

Response: Although Kaua'i residents typically have 2 to 3 vehicles per household, not all vehicles are expected to enter/exit the project site at any given time. At most, approximately 230 additional vehicles per hour are expected. Please refer to the Traffic Impact Analysis Report, (Austin, Tsutsumi & Associates, Inc., 2019) included as Appendix H of the Final EIS. The Proposed Project will include improvements to Keālia Road (limited widening, sidewalk) to increase safety for pedestrians and bicyclists. The result will be improved connectivity between the subdivision and Kūhio Highway and Ke Ala Hele Makalae multi-use path, making walking, biking, and the bus viable transportation options for residents.

At the intersection of Keālia Road and Kūhio Highway, either a roundabout or traffic signal will be constructed to mitigate the impact of project-related traffic. The County has indicated that a roundabout is its preferred solution, and it is presented as such in the Final EIS. All of these improvements will be paid for by the Petitioner.

Comment 4: *The lots are laid out in a boring square pattern with no green space near them for children to play. A complete change of layout with 4 or 5 green spaces would make a huge difference...*

Response: Although smaller pocket parks are often preferred by residents, the ongoing maintenance of multiple green spaces can present maintenance and cost issues for the

Page 3

homeowner's association. Keālia Mauka will include a 4.3-acre green space and detention basin on the southern side of the subdivision (near Ka'ao Road), and this park will have adequate space for both active and passive recreation. The lots located furthest from this green space are about a third of a mile away. Given that it takes about 20 minutes to walk a mile at a leisurely pace, even the farthest lots would be no more than a ten-minute walk from the park.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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

Leslie Kurisaki

Subject: FW: Kealia Mauka Homesites

From: Karen Gibbons [<mailto:alohakareng@yahoo.com>]

Sent: Thursday, June 21, 2018 4:48 PM

To: moana@mskauai.com

Subject: Kealia Mauka Homesites

Kealia Properties LLC

Ms. Moana Palama
Hawai'i
Management Services LLC
P.O. Box 1630
Koloa, HI 96804-2359

Aloha Ms. Palama,

I have read the April, 2018 EIS report. Thank you.

I continue to have grave concerns regarding this proposal.

In addition to those I have already sent to you [on 12-18-2018](#), they are as follows:

1. These 235 lots can be sold to anyone! Even though there is heavy emphasis on them being targeted/intended for existing "workforce housing" Kauai residents, there is nothing that can be done legally to insure that would be the end result.
2. If this proposal passes, what is to stop the owner from submitting another similar proposal for an additional 235 lots for a "Phase 2" on his land?
3. There is no mention of the impact to residents of Kamole Road, though far less than our neighbors on the Mauka side.
4. What will be the financial impact -the market value -to the existing old time, authentic local style island homes in Kealia. Most of these homes are owned by first, second and third generation plantation workers. These homes truly were for "workforce housing".

I hope that decision making regarding this proposal will be comprehensive and include the horrific impact it will have on many lifetime residents of Kealia!

Thank you for this opportunity to voice my (and others) concerns.

Karen Gibbons
[2382 Kamole Rd.](#)
[Kealia, HI](#)

July 10, 2019

Ms. Karen Gibbons
Alohakareng@yahoo.com



Dear Ms. Gibbons:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (Draft EIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 21, 2018 on the Draft Environmental Impact Statement (Draft EIS) for the subject property. We have reviewed your comments and offer the following responses:

1) These lots can be sold to anyone! Even though there is heavy emphasis on them being targeted/intended for existing “workforce housing” for residents, there is nothing that can be done legally to insure that would be the end result.

Response: The project developer is committed to targeting the Keālia Mauka lots to local residents. The lots have been sized to make them affordable to local residents and less appealing as an investment property. The project will comply with the Housing Policy for the County of Kauaʻi (Ordinance 860) for workforce housing. This was discussed in the Section 5.2.5 of the Draft EIS.

Although there is no legal way to restrict sales to local residents, other recent residential developments on Kauaʻi (e.g., Hoʻoluana at Koheā Loa in Hanamaulu) have implemented lottery procedures with an initial offering to Kauaʻi residents (requiring notarized Kauaʻi Resident Affidavit). Similar procedures could be implemented for Keālia Mauka. The owner will continue to work with the County Housing Department to develop the most appropriate, effective, and legally defensible method to give local residents highest priority.

2) What is to stop the owner from submitting another similar proposal for an additional 235 lots for a Phase 2 on his land?

Response: There are no plans to expand the subdivision beyond what is proposed. The current application for a Land Use District Boundary amendment for Keālia Mauka is limited to the subject 53.4 acres and 235 lots. The scope of the Environmental Impact Statement is limited to the 53.4 acre project area and 235 lots. The determination made by the County Planning Department regarding the project’s consistency with the Kauaʻi General Plan only addressed the current project area. If an additional Phase 2 expansion were proposed, it would require another determination of General Plan consistency from the County Planning Department, a

Page 2

revised or supplemental EIS (including revised subconsultant studies), and submittal of a new petition to the State Land Use Commission. Both a new EIS and Land Use petition would involve extensive public review and comment. In summary, there is nothing to “stop the owner” from pursuing this route, but it would not be a quick or simple undertaking, and there would be many opportunities for public input.

3) There is no mention of the impact to residents of Kamole Road, though far less than our neighbors on the mauka side.

Response: Potential impact to Kamole Road residents would primarily be visual and associated with traffic on Kūhiō Highway. The visual impact of the development when seen from Kūhiō Highway is discussed in the EIS. The discussion of traffic impacts on Kūhiō Highway is also addressed. The construction of a roundabout (or signal) at the Keālia Road intersection would mitigate the impact of project-generated traffic on Kūhiō Highway.

4) What will be the financial impact—the market value to the existing old time, authentic local style island homes in Keālia?

Response: As you state, most of the homes in the adjacent Keālia Town Tract subdivision on Ka’ao Road and Hopoe Road are owned by first, second and third generation plantation workers, and the housing was originally constructed for plantation employees. Like all real estate on Kaua’i, the market value of these homes has appreciated considerably in recent years. The developer of the Keālia Mauka subdivision is sensitive to maintaining the integrity of the adjacent neighborhood. The proposed improvements, including improvements to Keālia Road, new open space area for recreation, and the addition of new homes are expected to enhance the market value of the existing homes.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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

From: John Harder <dumpdoctor@gmail.com>
Date: June 22, 2018 at 10:46:00 AM HST
To: daniel.e.ordenker@hawaii.gov
Cc: mdahilig@kauai.gov, Kaaina Hull <khull@kauai.gov>, Anne Walton
<annehugginswalton@gmail.com>, Gabriela Taylor <gabriela@keapana.net>
Subject: Kealia Mauka Subdivision

Kealia Development EIS Comments

Aloha

While the proposal to create 230 smaller than average (affordable??) residential lots to address Kauai's housing problem may have certain merit, the proposed location is totally inappropriate for urban expansion.

As recommended in the recent General Plan update, this type of development should be located in the Hanamaulu / Puhi corridor where there is plenty of vacant land - close to jobs, shopping, adequate infrastructure, and more feasible for alternative transportation,

It's hard to imagine the impact of 300 to 400 cars on the Kawaihau / Kuhio Hwy intersection every morning, let alone the additional traffic on the bypass and Kuhio Hwy at Coco Palms.

With sufficient unused capacity at the Lihue WWTP how can this project justify the cost of constructing a force main to carry the sewage to Kapaa?

Once approved, the expansion of urban land use into the Kealia plateau would lead to pressure for additional growth.

Please consider denying the request to upzone the existing agricultural land in Kealia in favor of locating new residential development closer to the existing urban core.

Mahalo, John Harder
PO Box 272 Anahola, HI 96703

July 10, 2019

Mr. John Harder
dumpdoctor@gmail.com



Dear Mr. Harder:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 22, 2018 on the Draft Environmental Impact Statement (DEIS) for the subject property. We note your objection to the project, but offer the following information in response to your comments:

Comment: *Proposed Location is totally inappropriate for urban expansion...as recommended in the recent General Plan update, this type of development should be located in Hanamaulu/Puhi corridor....*

Response: You state that the project is not in the Kauaʻi General Plan, but the County Planning Department has confirmed, in two separate letters, that the project is consistent with the Kauaʻi General Plan. In 2016, the Petitioner applied for and received a Departmental Determination for General Plan Designation (DD-2016-70) from the County of Kauaʻi Planning Department on July 5, 2016. The determination states that based on the review conducted by the Planning Department, “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 2016 determination letter also says, “General Plan land use maps are not regulatory in nature; rather they spatially guide areas for further entitlement via zoning boundary amendments at the state and county level. The proposed Conceptual Keālia Subdivision would generally be in alignment with the General Plan’s land use maps and texts.”

In response to comments received during the Draft EIS comment period questioning the project’s General Plan consistency, County Planning Director Mr. Michael Dahilig issued a letter dated September 27, 2018 reaffirming the County’s earlier determination and expressing support for the Keālia Mauka project. The 2018 letter (which will be included in the Final EIS) states:

Notwithstanding the overall amendments and adoption of the new [General] plan in 2018, the determination issued by our Department still remains consistent with the spatial and textual policies set forth in that new document.

...Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years...

...Assertions by critics of the development who characterize the proposal, due to its spatial character, as inconsistent with development policy, do not give our Department cause for concern and we unequivocally contradict their interpretation...

...Our Department believes this project proposal, in concept, is wholly consistent with the 2018 General Plan update. We believe the State Land Use Commission, and County regulatory processes provide the structure and opportunity to confirm, refute, and/or mitigate any specific concerns members of the public may raise regarding impacts. To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon.

The 2018 General Plan states that the County needs to plan and help facilitate the building of approximately 9,000 housing units by 2035 in order to meet the projected need of local residents. Providing this large number of housing units will include new housing in the Hanamaulu/Puhi corridor as you indicate, as well as other areas of the island, including Keālia.

Comment: *It's hard to imagine the impact of 300 to 400 cars on the Kawaihau/Kūhiō Highway intersection every morning, let alone the addition on the bypass and Kūhiō Highway at Coco Palms.*

Response: Although Kaua'i residents typically have 2 to 3 vehicles per household, not all vehicles are expected to enter/exit the project site at any given time. Our traffic engineers project that at most, approximately 230 additional vehicles per hour are expected during peak hour (see the Traffic Impact Analysis Report (TIAR), Austin Tsutsumi & Associates, 2019 in Appendix H of the Final EIS). The Proposed Project will include improvements to Keālia Road (limited widening, addition of sidewalk) to increase safety for pedestrians and bicyclists. The result will be improved connectivity between the subdivision and Kūhiō Highway and Ke Ala Hele Makalae multi-use path, making walking, biking, and the bus viable transportation options for residents.

At the intersection of Keālia Road and Kūhiō Highway, either a roundabout or traffic signal will be constructed to mitigate the impact of project-related traffic. The County has indicated that a roundabout is its preferred solution, and it is presented as such in the Final EIS. All of these improvements will be paid for by the Petitioner.

There are a number of State and County projects currently proposed to address existing and future traffic congestion in the Kūhiō Highway corridor. These projects are listed and prioritized in the Hawai'i Department of Transportation's 2015 Kapaa Transportation Solutions report, and are also discussed in the TIAR for Keālia Mauka.

Page 3

Comment: *With sufficient unused capacity at the Līhu'e WWTP how can this project justify the cost of constructing a force main to carry the sewage to Kapaa?*

Response: We are unclear on what is being asked in this question. The Wailua WWTP is the closest WWTP serving the area. Moreover, we would like to emphasize that the cost of the utility improvements are being borne by the Petitioner, and are not taxpayer-funded.

Comment: *Once approved, the expansion of urban land use into the Keālia Plateau would lead to pressure for additional growth.*

Response: As stated above, the County has said that Keālia has been earmarked for greater residential community development going back to the 1984 General Plan Update. The project is consistent with the County General Plan.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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

Subject: FW: Comments on Draft Environmental Impact Statement for proposed "Kealia Mauka Homesites"

From: Mark Henley <mark.w.henley@gmail.com>

Date: June 22, 2018 at 11:46:48 PM HST

To: <moana@mskauai.com>, <Daniel.e.orođenker@hawaii.gov>, <sezer@hhf.com>

Subject: Comments on Draft Environmental Impact Statement for proposed "Kealia Mauka Homesites"

Dear Moana and Scott,

Thank you for the opportunity to review your draft EIS. I am not in favor of the project as it has been proposed, and believe it should be quashed entirely or revised significantly to eliminate the severe impacts it would impose on the existing community of Kealia. I believe you both have some conflict of interest in being paid by the would-be developer to advance his agenda, rather than to determine the real impacts of the proposed development. Nonetheless, I do respect your work and you personally, and I am not entirely against any development - this just seems like an extreme case, and one which would be quite damaging to me and others in Kealia.

Please forgive the informal nature of my email response and any typos (in order to get this in today, to meet the timeline for consideration), but please do address the following issues in revising your draft EIS.

Thanks - Mark

- 1) The proposed plan would increase the size of Kealia to approximately 7 times as many households, significantly impacting current residents as well as the larger local community and public facilities, such as Kealia Beach. This would not be merely expansion of an existing neighborhood, but a major change to turn an established agricultural township into a crowded suburban environment.
- 2) The proposed development could set a precedent for further encroachment into adjacent agricultural lands, with a much larger impact than this development alone. Your EIS makes claims that further development is not currently intended, but offers no real assurance to that effect.
- 3) The rural environmental heritage of Kealia has been established for over a century, and is treasured by the residents: they generally do not want this proposed major urban development, literally in their backyards, on lands that are supposed to be agricultural. There appears to be no evidence that more extensive development of housing was ever planned for this area - there was some conjecture in wording from the developer, presuming that turn-around areas in Kaa Road were to allow for future development, but the local verbal history contradicts that conjecture, so if you have any real evidence, please state it (rather than repeating and giving credence to that presumption in an EIS).
- 4) Pollution from the proposed development has not been adequately addressed, as it would affect residents in the established community of Kealia, Kealia River, and the ocean.
- 4A) The sound environment in Kealia comes through open windows, from a few neighbors, dogs

and cats, and dozens of roosters - in the still of night one can hear the cows mooing, distant cars on the highway and waves crashing on the beach. The noise from land development, subsequent construction, and activities of a huge influx of new occupants on small suburban lots would drastically change this environment.

4B) Air quality would likewise be impacted by development, construction, and a seven-fold increase in local population, more densely packed into even smaller lots.

4C) Water runoff would increase as open areas become covered by new rooftops, driveways, and roads, carrying chemicals and oils. Immediate runoff rates could double, considering the large surface areas where rainfall cannot soak into the ground (under pavement and homes). Runoff would also carry asphalt residues, motor oil, pet feces, and lawn chemicals (including herbicides) into a catchment basin in the backyards of current Kealia residences, bringing toxins to the roots of our fruit and avocado trees, and draining on down into a relatively pristine river and ocean.

5) Vehicular Traffic Impacts from the proposed development have not been adequately addressed.

5A) The real impact of the proposed development on commute times from Kealia and areas North into Kapaa and Lihue should be calculated by an unbiased outside agency. Current rush hour traffic conditions are already oppressive in the Kapaa area. It seems like 235 additional working-class residences in Kealia could bring enough cars to add 10-20 minutes to typical commute times (each way), with related increases in pollution, costs, and personal stress.

5B) Installation of a new traffic light would cause further significant delays in traffic between Kapaa and the North shore. Location of a light at a low point in topography would waste momentum of vehicles (causing additional use of fuel, wearing down brakes, an associated pollution - which would not be as bad if a stop light were installed on the plateau).

5C) An inland roadway should be considered for any such major development in the area (notably considering item 7A below, but also to avoid bridge losses in the event of a tsunami)

6) Affordability: It is not clear how the proposed development would lead to affordable housing for current residents of Kauai. The average income of Kauai residents does not appear adequate to cover the cost of acquiring land and building a home North. Would there be some type of deed restrictions to prevent resale, gift, or inheritance of a lot or home to persons from other islands, from the mainland, or from other countries? Without specific context, the portrayal of this proposed, densely populated urban development on agricultural land as affordable housing, appears to be a false pretext to encourage approval of the project, based upon ambiguous, presumed, socio-economic benefits, with no basis in fact. What is the deal?

7) Climate Change has not been adequately addressed.

7A) Significant Sea Level changes should be expected and planned for in any major new projects evaluated by the County and State, and any approved projects should bear the brunt of the new construction costs to accommodate probable sea level rises in this century. Any new project with a lifetime on the order of 100 years should not plan to use current low-lying roadways and sewer systems, which are likely to be underwater in coming years. Any new project in Kealia (and areas to the North) should plan to make higher topography available for new roads and utility easements that provide access to Kapaa and Lihue. Note that portions of the two large agricultural lots which the developer owns (~2,000 acres) could become important in providing future access for areas further North.

7B) Flooding due to Severe Rainfall: Events like the "100 year flood" which ravaged Kauai this Spring (2018) may be much more likely to occur in the future. This effects sizing of proposed catchment basins and outflow channels, to prevent spillover and erosion in the existing community of Kealia.

7C) Drought due to Changing Rainfall Patterns. Periods of drought may also be more extreme, reducing the water available for public consumption (i.e., maybe not enough for the proposed seven-fold increase in the local Kealia population).

8) Sustainability: Kauai has been fairly self-sufficient in prior times of crisis (War, Tsunami, Hurricane) partly due to the presence of agriculture lands. In the future, Kauai may need to feed even more people on the island with less land to grow food, as we face similar crises, global economic changes, and/or climate changes. The loss of prime agricultural land is of great concern and it seems that such a large new development should occur instead on land which is not well-suited for agriculture.

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July 10, 2019

Mr. Mark Henley
Mark.w.henley@gmail.com



Dear Mr. Henley:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 22, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We acknowledge that you are not in favor of the project as it has been proposed. However, we offer the following information in response to your comments.

1) The proposed plan would increase the size of Keālia to approximately 7 times as many households... This would not be merely expansion of an existing neighborhood, but a major change to turn an established agricultural township into a crowded suburban environment.

Response: We acknowledge that the new subdivision will be a major change to the existing Keālia community. However, the project is intended to address a critical and urgent need for housing, and moreover, is a land use that is consistent with the County's General Plan.

In response to comments during the DEIS comment period, Mr. Michael Dahilig, County Planning Department Director, issued a letter dated September 27, 2018 reaffirming the 2016 determination that Keālia Mauka was consistent with the County's General Plan (Departmental Determination DD-2016-70, Boundary Interpretation for General Plan Designation) and expressing support for the project. The 2018 letter, which will be included in the Final EIS, includes the following statements:

"...Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years...

...According to our current projections, our County requires approximately 9,000 residential units to keep pace with population growth of our local residents. The Keālia area is considered a build out area to meet this critical need...

...To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon."

2) The proposed development could set a precedent for further encroachment into adjacent agricultural lands... EIS makes claims that further development is not currently intended, but offers no real assurance to that effect.

Response: There are no plans to expand the residential subdivision beyond what is currently proposed. The current application for a Land Use District Boundary amendment for Keālia Mauka is limited to the subject 53.4 acres and 235 lots. The scope of the Environmental Impact Statement is limited to the 53.4 acre project area and 235 lots. The Departmental Determination made by the County Planning Department regarding the project's consistency with the Kaua'i General Plan addressed only the current project area. If further residential development were proposed by the Keālia Mauka landowner, it would require a General Plan Amendment from the County Council, another EIS (including revised subconsultant studies), and a new petition to the State Land Use Commission. All of these would require extensive public review and opportunity for public comment.

3) The rural environmental heritage of Keālia has been established for over a century, and is treasured by the residents...There appears to be no evidence that more extensive development of housing was ever planned for this area... if you have any real evidence, please state it...

Response: We acknowledge your comment that the rural environmental heritage of Keālia is treasured by many residents. Please refer to the response to comment #1 above, and statements from the County Planning Department.

4) Pollution from the proposed development has not been adequately addressed, as it would affect residents in the established community of Keālia, Keālia River, and the ocean.

4A) The sound environment in Keālia...the noise from land development, subsequent construction and activities of a huge influx of new occupants on small suburban lots would drastically change this environment.

4B) Air quality

4C) Water runoff and pollutants

Response:

4A) Sound environment. Construction activity and the urbanization of site will undoubtedly alter the sound environment. The existing Final EIS will include the findings of a Noise Measurement and Evaluation Report by CENSEO AV+ Acoustics, which characterized the existing acoustical environment and potential project impacts. Traffic noise from Kūhiō Highway was found to be the primary noise source at several measurement locations on site, and the study predicted future traffic noise levels associated with projected increases in traffic. The study concluded that the lots along the eastern (makai) property line would be most impacted by traffic noise, and recommended that noise mitigation (e.g., earthen berms, barrier walls) be considered. The appropriate type of noise mitigation along Kūhiō Highway will be determined during the subdivision approval process and subsequent design process.

4B) Air quality. Section 4.2 of the Final EIS addresses air quality impacts. Short-term, constructed-related dust will be a concern, particularly during initial site grading. This work will be accomplished in phases and expected to occur over a 12 month period. Best management practices will be implemented to minimize the impact of fugitive dust on nearby residents. The occupancy of the new subdivision will result in approximately 470 cars and trucks traveling to Keālia Mauka daily. Because most of the future homeowners are expected to be local residents already living on Kauaʻi, there will not be a significant net increase in vehicles, and their associated air emissions, on the island.

4C) Water runoff and pollutants. As you indicate, the new subdivision will increase impervious surfaces, which can transport chemicals, nutrients, sediment and other debris. The County of Kauaʻi Department of Public Works' *Storm Water Runoff System Manual* states that storm water runoff post-development cannot exceed the predevelopment conditions. Storm water generated from each individual lot will be directed to the nearest downstream street or natural drainage way that will collect the storm water and convey it to two proposed detention basins on the site. The detention basins will allow infiltration back into the soil. The project will not increase off-site runoff into surrounding residential areas or into adjacent water bodies or the ocean.

5) Vehicular Traffic Impacts from the proposed development have not been adequately addressed.

5A) ...It seems like 235 additional working-class residences in Keālia could bring enough cars to add 10-20 minutes to typical commute times (each way), with related increases in pollution, costs, and personal stress.

5B) Installation of a new traffic light would cause further significant delays in traffic between Kapaa and the North shore.... Location of a light at a low point in topography would waste momentum of vehicles (causing additional use of fuel, wearing down brakes, an associated pollution - which would not be as bad if a stop light were installed on the plateau).

5C) An inland roadway should be considered for any such major development...

Response: *5A) Commute times, additional vehicles.* A Traffic Impact Analysis Report (TIAR) for the project has been prepared by Austin Tsutsumi and Associates (2019) and will be included as Appendix H of the Final EIS. The analysis indicates that although Kauaʻi residents typically have 2 to 3 vehicles per household, not all vehicles are expected to enter/exit the project site at any given time. At full build out, the project is estimated to generate a total of 172(231) net external trips during the AM(PM) peak hour of traffic. Traffic from the project is expected to generate growth along major roadways in the study area.

Keālia Road improvements. The project now includes improvements to Keālia Road to increase safety for vehicles, pedestrians and bicyclists, and improve connectivity. The Keālia Road improvements are described in detail in Section 2.3 of the FEIS (Project Description), and includes a roadway cross section. The improvements are also discussed in the Chapter 4 (Roadways and Transportation) as part of "Future Year 2027 Sustainable Transportation" improvements:

The proposed traffic mitigation for the project will include improvements to Keālia Road between the Petition Area and Kūhiō Highway. Proposed improvements include widening the right of way from 40 feet to 56 feet, and the addition of shoulders and sidewalks. The road will include two 10-foot vehicle travel lanes, 5-foot paved shoulders, a 5-foot wide concrete sidewalk and green space between the paved road shoulder and sidewalk. The paved shoulder may be used by bicyclists who are uncomfortable using the vehicular travel lane.

5B) New traffic light. The DEIS included a comparison of the two mitigation options for the Keālia Road-Kūhiō Highway intersection: 1) install a traffic signal, and 2) construct a roundabout. The DEIS presented the signal as the recommended option. The County of Kauaʻi has subsequently indicated that a roundabout is its preferred solution. Therefore the Final EIS will present the roundabout as part of the Proposed Project. Section 4.11.2.2 of the FEIS includes the following explanation:

The April 2018 DEIS presented a traffic signal as the recommended mitigation for this intersection, primarily due to its expected lower design and construction costs. During the DEIS comment period, the County of Kauaʻi indicated that a roundabout is their preferred option. In response to the County's preference, the roundabout is presented in this FEIS as part of the "Proposed Action." Because a traffic signal remains a viable option, it is also discussed here.

5C Inland roadway. Construction of an inland roadway is beyond the scope of this project.

6) Affordability: It is not clear how the proposed development would lead to affordable housing for current residents of Kauai. Would there be some type of deed restrictions to prevent resale, gift, or inheritance of a lot or home to persons from other islands, from the mainland, or from other countries?

Response: The project developer is committed to targeting the Keālia Mauka lots to local residents. The lots have been sized to make them affordable to local residents and less appealing as an investment property. The project will comply with the Housing Policy for the County of Kauaʻi (Ordinance 860) for workforce housing. This was discussed in the Section 5.2.5 of the DEIS.

Although there is no legal way to restrict sales to local residents, other recent residential developments on Kauaʻi (e.g., Hoʻoluana at Koheā Loa in Hanamaulu) have implemented lottery procedures with an initial offering to Kauaʻi residents (requiring notarized Kauaʻi Resident Affidavit). Similar procedures are being considered for Keālia Mauka. The Petitioner will continue to work with the County Housing Department to develop the most appropriate, effective, and legally defensible procedure.

7) Climate Change has not been adequately addressed.

7A) Significant Sea Level changes should be expected and planned for...and any approved projects should bear the brunt of the new construction costs to accommodate probable sea level rises in this century...Any new project in Keālia (and areas to the North) should plan to make higher topography available for new roads and utility easements that provide access to Kapaa and Lihue.

7B) Flooding due to severe rainfall...this affects sizing of proposed catchment basins and outflow channels...

7C) Drought due to Changing Rainfall Patterns. Periods of drought may also be more extreme, reducing the water available for public consumption

Response: The Kaua'i General Plan acknowledges that the Kaua'i community will be impacted by global warming and climate change. Coastal areas are expected to experience the greatest amount of change, and critical infrastructure, including roads, bridges, and utility infrastructure, are located along the coast and in low lying areas. The General Plan states that responding to climate change will require a comprehensive approach with actions that cut across many sectors, and requires cooperation and participation by all Kaua'i residents, businesses, institutions and government. The General Plan states that policies regarding development in specific areas will be regularly reviewed to reflect sea level rise. Studies will be conducted to assess potential risks and vulnerability of critical areas.

8) Sustainability: Kauai has been fairly self-sufficient in prior times of crisis partly due to the presence of agriculture lands. In the future, Kauai may need to feed even more people on the island with less land to grow food...The loss of prime agricultural land is of great concern and it seems that such a large new development should occur instead on land which is not well-suited for agriculture.

Response: The issues you mention are discussed in Section 4.7.1.2 of the Final EIS. Kaua'i County's 2015 Important Agricultural Lands (IAL) study evaluated all agricultural land on Kaua'i based on eight criteria, and identified lands meeting the threshold score of 28 or above. A total of 53,547 acres met or exceeded the threshold. The Petition Area is shown on the County's IAL map as meeting the threshold criteria. The final IAL study was completed in July 2015 but was never transmitted to the Kaua'i County Council, and the County has not adopted the report as policy or designated any land for IAL.

At present, the only land on Kaua'i to be designated as IAL is the result of landowner self-designation. Four major landowners on Kaua'i have received approval from the State Land Use Commission for IAL designation, totaling nearly 36,000 acres of land. This exceeds the minimum of 21,158 acres identified in the 2015 IAL study.

The Keālia Mauka site is not part of the designated IAL lands. The County has indicated that it does not intend to pursue designation of additional IAL lands beyond what has already been designated under the voluntary landowner process. The use of Keālia Mauka for residential use will not have an adverse impact on the County's efforts to establish food self-sufficiency.

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Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

From: Sharla Kalauawa <wilnshar@hawaii.rr.com>

Date: June 21, 2018 at 6:42:49 AM HST

To: <Daniel.e.ordenker@hawaii.gov>

Subject: Kealia Mauka Homesites

2018 JUN 21 A 11:37

Mr. Ordenker

In regards to the proposed Kealia Mauka Homesites, it should not be allowed to continue the way it is proposed.

My first and foremost concern is the amount of traffic (congestion) that will compound the already overburdened roadways on Kauai - in the Kawaihau district, especially! 235 proposed homesites - there will be no improvements to Kealia Road, which is the only road leading in and out of the homesites - Kealia Road is a narrow and winding road with several sheer dropoffs along a hillside at some points having no shoulders. Realistically, there's probably 2 cars to each home which would amount to 460 additional cars driving up and down that road. How will all those vehicles impact the intersection at Kuhio Highway? HHF Planners had said that a traffic light may be put there - OK, that's not a given - but seriously - just a few yards south of that junction at Kuhio Highway and Mailihuna Road, the state is already planning a "roundabout" which should alleviate the "school" traffic there - then those drivers will come around and get stuck at a "traffic light"? How much more will traffic have to be "backed up" or at a "stand still" before "roadway infrastructure" is put in place before subdivisions can arise?!?!? They've also said that they cannot provide an alternate roadway to intersect with Kuhio Highway - say at the bottom of Kumukumu area, where there is an existing old "plantation" road, because it would go through pasture land. Since the owner of all that property owns the pasture land, how hard would it be for him to have the area redesigned to include a new roadway?

The proposed 235 lots are proposed at roughly 5,000 to 7,000 square feet and 10% is deemed affordable - roughly \$90,000 to \$120,000 per lot - and they still have to build a house at their own expense. OK, 10% is only 23 lots - what about the other 212 lots? HHF Planners say that the "affordable" housing can be stipulated to Hawaii residents only and have to be owner occupied - how do they propose to do that? I'd really like to see their plans actually say that in their final draft. Seriously, how many Hawaii residents can afford that (just the lot alone is ridiculously expensive!)?

HHF Planners say that Kealia Water Company has GUARANTEED them 300,000 gallons of water, per day, for the homesite use. Where is this water coming from? The current 2 tanks servicing Kealia hold 60,000 gallons each at capacity. Who will be building the addition tanks and at whose expense? Kealia residents already pay the highest amount for water on this Island - will Kealia Water co. increase our water rates to pay for these additional tanks? I certainly hope not!

Then there's the matter of the proposed sewer for the subdivision - they will provide the infrastructure for the subdivision - but who will be paying for the County to install a sewer system for the Kealia area? Who will pay for the County to install it, who will pay for the existing residents to hook up into the system, a monthly sewer fee and who will pay for the existing residents to close up their cesspool/septic systems? Will the County then raise our taxes again to cover these costs? Speaking of the sewer system - how is it possible to add all this "extra" sewage to the Wailua treatment plant? Isn't it already "overburdened" (just drive by, especially in the afternoon on weekends and catch that nasty smell!)?

What about the new residents receiving their mail? There is no "carrier" service in Kealia - all mail is received at the Kealia Post Office, which is almost at its max capacity. The office is small and even if Kealia Properties LLC were to expand it, the post office would not be able to afford the "expansion" and the increase in rent. You cannot just "add" a carrier route from Kapaa Post Office since it would be crossing a "district" boundary.

I firmly believe these concerns need to be addressed with a reasonable solution before allowing the Kealia Mauka Homesites to continue as is.

Thank you for allowing me to voice my opinions.

Sincerely,

Sharla Kalauawa

July 10, 2019

Ms. Sharla Kalauawa
wllnshar@hawaii.rr.com



Dear Ms. Kalauawa:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 21, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We acknowledge that you are not in favor of the project as it has been proposed. However, we offer the following information in response to your comments.

1) Traffic congestion that will compound the already overburdened roadways on Kauaʻi...there will be no improvements to Keālia Road...How will all those vehicles impact the intersection at Kūhiō Highway...

Response: A Traffic Impact Analysis Report (TIAR) for the project has been prepared by Austin Tsutsumi and Associates (2019), and will be included as Appendix H of the Final EIS. The analysis indicates that although Kauaʻi residents typically have 2 to 3 vehicles per household, not all vehicles are expected to enter/exit the project site at any given time. At full build out, the project is estimated to generate a total of 172(231) net external trips during the AM(PM) peak hour of traffic.

Keālia Road Improvements. Since publication of the DEIS, the project has been revised to include improvements to Keālia Road to increase safety for vehicles, pedestrians and bicyclists. The improvements are described in detail in Section 2.3 of the Final EIS (Project Description), and includes a roadway cross section. Proposed improvements include widening the right of way from 40 feet to 56 feet, and the addition of shoulders and sidewalks. The road will include two 10-foot vehicle travel lanes, 5-foot paved shoulders, a 5-foot wide concrete sidewalk and green space between the paved road shoulder and sidewalk. The paved shoulder may be used by bicyclists who are uncomfortable using the vehicular travel lane.

Keālia Road-Kūhiō Highway Intersection. The DEIS included a comparison of the two mitigation options for the Keālia Road-Kūhiō Highway intersection: 1) install a traffic signal, and 2) construct a roundabout. The DEIS presented the traffic signal as the recommended option. The County of Kauaʻi has subsequently indicated that a roundabout is its preferred solution. Therefore the Final EIS will present the roundabout as part of the Proposed Project. Because a traffic signal remains a viable option, it will also be discussed.

There are a number of State and County projects currently proposed to address existing and future traffic congestion in the Kūhiō Highway corridor. These projects are listed in the Hawai'i Department of Transportation's 2015 *Kapaa Transportation Solutions* report, and are also discussed in the Traffic Impact Analysis Report (TIAR) for Keālia Mauka.

2) Housing affordability: ...HHF Planners say that the "affordable" housing can be stipulated to Hawai'i residents only and have to be owner occupied—how do they propose to do that?

Response: The project developer is committed to targeting the Keālia Mauka lots to local residents. The lots have been sized to make them affordable to local residents and less appealing as an investment property. The project will comply with the Housing Policy for the County of Kaua'i (Ordinance 860) for workforce housing. This was discussed in the Section 5.2.5 of the DEIS.

Although there is no legal way to restrict sales to local residents, other recent residential developments on Kaua'i (e.g., Ho'oluana at Koheā Loa in Hanamaulu) have implemented lottery procedures with an initial offering to Kaua'i residents (requiring notarized Kaua'i Resident Affidavit). Similar procedures are being considered for Keālia Mauka. The owner will continue to work with the County Housing Department to develop the most appropriate, effective and legally defensible way to give local residents highest priority.

3) HHF Planners say that Keālia Water Company has guaranteed them 300,000 gallons of water per day for the homesite use. Where is this water coming from? Who will be building the additional tanks and at what expense?

Response: The water for the subdivision will come from two wells that are owned and operated by the Keālia Water System, owned by the Keālia Water Company Holdings, LLC (Water Company). A "Water Service Agreement" exists between the Water Company and the current owners of the Keālia Mauka site. The water service agreement allows a daily aggregate of 300,000 gallons of potable water per day (gpd) to be reserved for the use of the owners of property. The project developer will construct the additional water tank required to accommodate the residential subdivision and will pay for the required upgrades to the transmission and distribution system. Water for the system is from a groundwater source.

4) Sewer for the subdivision. They will provide the infrastructure for the subdivision, but who will be paying for the County to install a sewer system for the Keālia area? Who will pay for the County to install it? ...Isn't the Wailua treatment plant already "overburdened"?

Response: All sewer improvements to service the proposed subdivision will be constructed and funded by the Keālia Mauka developer. This includes the construction of an on-site wastewater pump station, and proposed gravity and force mains to connect the subdivision to the area wastewater system and to the Wailua Wastewater Treatment Plant.

The DEIS utilized data and analysis conducted in the 2008 "Wailua Facility Plan" prepared for the County of Kauai, Department of Public Works, Wastewater Management Division. Chapter 5 of

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the Wailua Facility Plan (Capacity Analysis) contains a detailed capacity analysis. The general conclusion of the study is that the Wailua WWTP is currently operating within its operational capacity. However, there are ongoing improvements to the WWTP.

According to the County of Kaua'i's Wastewater Management Division, there are currently two capital improvement projects underway at the Wailua Wastewater Treatment Plant. These projects will provide improvements to the treatment process to provide more stability and efficiency in the treatment of raw wastewater to R-2 recycled water standards. The projects will also promote more use of recycled water at the Wailua Golf Course.

4) What about the new residents receiving their mail? There is no "carrier" service in Keālia.

Response: Mail for subdivision residents will be delivered to the existing Keālia Post Office. The developer will construct the additional post office boxes needed to service the new residents.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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

From: Agnes Marti Kini <3242keao@gmail.com>

Date: June 20, 2018 at 12:47:38 PM HST

To: daniel.e.ordenker@hawaii.gov, mayor@kauai.gov, counciltestimony@kauai.gov, Mason Chock <mchock@kauai.gov>, sylpartridge <sylpartridge@yahoo.com>, gabrielataylor40@gmail.com, "Garden Island News B. Buley Editor" <bbuley@thegardenisland.com>, Laurel Brier <browerr001@hawaii.rr.com>, Anne Walton <annehugginswalton@gmail.com>, Primrose Naukana Rego <primunea@gmail.com>, Randy Rego Zablan <naukana007@gmail.com>, Rob Brower <rob@browerhomes.com>, satow vivian <aweepano1@yahoo.com>, sonia song <soniaddon99@hotmail.com>, Laurel Quarton <laurelq@hawaiiantel.net>, Adam ASquith <adam_asquith@yahoo.com>, councilmembers@kauai.gov, Shane K <manoa5000@gmail.com>, Carol Lovell <anahola.lovell@hotmail.com>, Kuuleialoha Punui <kkoa96703@gmail.com>, katherine muzik <kmuzik@gmail.com>, Salvador Marti de la Fuente <hisharkus@gmail.com>

Subject: Kealia Mauka Subdivision

To Whom it May Concern,

As a long time resident of the Anahola Community, the next town just North of Kealia, I have some concerns that not only affect our community, but also those multiple communities further North of us.

TRAFFIC IMPACTS:

1.) Based on a two car family, there will be at least 460 more cars trying to enter/exit onto Kuhio Hwy from only one entrance/exit on Kealia Rd. Not Good!

SOLUTIONS

ANOTHER ENTRANCE AND EXIT WILL NEED TO BE ADDED NORTH OF KEALIA ROAD.

WE DO NOT WANT A TRAFFIC LIGHT AT THE BOTTOM OF THE HILL, WE WANT A "ROUND ABOUT" WITH A PEDESTRIAN WALKWAY BUILT ABOVE AND OVER KUHIO HWY, SO RESIDENTS AND BEACH GOERS ALIKE CAN GET ACROSS WITH OUT HINDERING THE FLOW OF TRAFFIC.

A ROUND ABOUT & WALKWAY WILL AVOID ABRUPT STOPS AND SERIOUS CAR OR PEDESTRIAN ACCIDENTS, AS TOO MANY PEOPLE BARREL DOWN THAT VERY STEEP BLIND HILL. (They really should have put one in at that Lawai intersection to Kuhio Hwy.)

BESIDES, THE COST AND MAINTENANCE OF A TRAFFIC LIGHT TO US TAX PAYERS IS RIDICULOUS COMPARED TO A **ROUND ABOUT**.

VISUAL IMPACT:

2.) The visual impact of 230 homes as seen from Kuhio Hwy. will be a horrible eyesore to those of us who travel from North to South and visa versa, at least twice a day....not to mention the great numbers of visitors who come to Kauai who really don't want to see suburban track homes while on vacation.

SOLUTION:

PUT IN A SUPER HEDGE LIKE THE NEIGHBORING DEVELOPMENT MAKAI ACROSS KUHIO HWY. THAT HAS A VERY TALL AND THICK AND BEAUTIFUL FENCE/BARRIER.

TRAFFIC JAM ALLEVIATION:

3.) Going to Lihue to get to the Wilcox Hospital for an emergency or treatment, or to do Business, or to get to the Airport or to even just go shopping will surely put a huge FROWN on our East and North Shore Communities with the added number of cars on the road.

SOLUTION:

ENCOURAGE AND HELP SUBSIDIZE A PLAN TO REOPEN THE PRINCEVILLE AIRPORT TO COMMERCIAL SMALL COMMUTER PLANES, THIS WILL SERVICE THE HOTELS AND RESIDENTS SO AS TO ALLEVIATE TRAFFIC AND ALSO PROVIDE AN AIR AMBULANCE SERVICE TO GET EMERGENCY VICTIMS TO WILCOX WITHOUT ANY TRAFFIC CONCERNS.

BUILD A SMALL SATELITE GOVERNMENT BUILDING ON THE EAST/NORTH SIDE TO ACCESS COUNTY AND STATE SERVICES WITHOUT FIGHTING TRAFFIC TO GET A NEW LICENSE, REGISTER YOUR CAR OR PAY YOUR PROPERTY TAXES BY GOING TO LIHUE.

CULTURAL & HISTORICAL PRESERVATION:

4.) Cultural and Historical Concerns are important to our long time residents who grew up in this neighborhood. They want to keep Kauai Country Farm and Ranch style and to remember their roots and ancestors.

SOLUTIONS:

HAVE A COMMUNITY MEETING AND TALK TO THE EXISTING RESIDENTS, DO IT NOW AND RESPECT THEIR CONNECTION TO THE LAND AND NEIGHBORHOOD. JUST LISTEN AND MAYBE YOU WILL GET SOME CONSTRUCTIVE INPUT THAT YOU CAN USE.

OFFER TO PUT UP A MONUMENT OR A MINI MUSEUM TO MEMORIALIZE THE HISTORY OF THESE PLANTATION EMPLOYEES.

OFFER A HOUSING/NEIGHBORHOOD DESIGN THAT REFLECTS THEIR CULTURAL AND RURAL FARMING AND RANCHING HISTORY, PRESERVE THEIR HISTORY BY FINANCING THE WRITING OF A KEALIA PICTORIAL HISTORY BOOK LIKE THE WONDERFUL ANAHOLA BOOK.

TRUE AFFORDABLE HOMES OFFERED TO OUR LOCAL KAUAI RESIDENTS FIRST OR SPECIFICALLY TO THOSE WHO HAVE KAUAI RESIDENTIAL STATUS.

5.) We certainly need more housing that our local people can afford to buy or rent. We are loosing our children to places off island that offer more affordable living arrangements and our island of Kauai is loosing our youthful presence, their energy and their expertise and mostly their aloha and malama for the aina and it's sacred resources and cultural history. Hawaii is NOT Hawaii without the people who embrace the culture, language and customs of Hawaii.

Always with Aloha for Kauai,
Aunty Aggie Marti-Kini
KAFarmer's Hui, President
Anahola Kauai

July 10, 2019

Ms. Agnes Marti-Kini
3242keao@gmail.com



Dear Aunty Aggie Marti-Kini:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 20, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your letter and offer the following responses to your concerns and suggestions.

Traffic Impacts

1) Based on a two car family, there will be at least 460 more cars trying to enter/exit onto Kūhiō Highway from one entrance/exit on Keālia Road.

Response: Although Kauaʻi residents typically have 2 to 3 vehicles per household, not all vehicles are expected to enter/exit the project site at any given time. Our traffic engineers project that at most, approximately 230 additional vehicles per hour are expected during peak hour. The Proposed Project now includes improvements to Keālia Road (limited widening, addition of sidewalk) to increase safety for vehicles, pedestrians and bicyclists.

Another entrance and exit. Although the possibility of another project access road was investigated, the State of Hawaiʻi Department of Transportation (which has jurisdiction over Kūhiō Highway) stated in a December 14, 2017 letter that *“no direct access shall be permitted from the subject project onto Kūhiō Highway. The subject project should include a stipulation in the title documents for parcels adjacent to Kūhiō Highway that direct vehicle access to Kūhiō Highway is not authorized.”*

Roundabout vs. traffic light. At the intersection of Keālia Road and Kūhiō Highway, either a roundabout or traffic signal are viable and effective options to mitigate project-related traffic. Since publication of the DEIS, the County has indicated that a roundabout is its preferred solution. Therefore, the Final EIS will discuss a roundabout as part of the Proposed Project.

Visual Impact

2) The visual impact of 230 homes as seen from Kūhiō Highway will be a horrible eyesore...put in a super hedge like the neighboring development makai across Kūhiō Highway.

Response: Options for visual screening such as a hedge, as you recommended, will be considered for the project. An appropriate option will need to take into consideration the physical space available, the topography, and long-term cost and maintenance requirements for a fence or vegetation barrier, as this would need to be maintained by the homeowners association.

Traffic Jam Alleviation

3) Going to Līhu'e to get to Wilcox Hospital or to do business or get to airport will put a huge frown on east and north shore communities with added cars on the road.

Response: We acknowledge that traffic is a major and ongoing concern for East Kaua'i residents. According to the Traffic Impact Analysis Report for the Keālia Mauka project, by year 2027--even without the project--traffic on Kūhiō Highway in the project area will increase over existing conditions by approximately 18% during AM peak hour and 24% during the PM peak hour. This increase is due to the development and growth in the surrounding regions.

The proposed roundabout at the Keālia Road-Kūhiō Highway intersection is intended to mitigate project-related impacts. There are a number of other roadway improvements proposed at various locations within the Kūhiō Highway corridor to address existing and future congestion. These improvements were summarized in the 2015 *Kapa'a Transportation Solutions* report.

Your suggestions to reopen the Princeville Airport to commercial commuter planes and to construct a satellite government building on the east/north side are beyond the scope of this project, but are worth further investigation by State and County governments.

Cultural and Historical Preservation

4) Cultural and historical concerns are important to long time residents...they want to keep Kaua'i Country Farm and Ranch style and to remember their roots and ancestors.

Response: In response to this and similar comments made by other long-time residents, the Cultural Impact Assessment (CIA) was revised to add additional interviews with former plantation employees and community residents. Their input and suggestions will be part of the Final EIS and are incorporated in the CIA in Appendix E.

True Affordable Homes Offered to Local Kaua'i Residents

5) We need more housing that our local people can afford to buy or rent...

Response: We and the Petitioner agree with you that Kaua'i needs more housing that local people can afford. The Keālia Mauka project was originally conceived as a result of discussions between the landowner, Mayor Bernard Carvalho and the County administration, with the intent to provide housing opportunities for local residents. The project developer is committed to this goal. The subdivision lots have been sized to make them affordable to local families and less appealing as an investment property. The project will comply with the Housing Policy for the County of Kaua'i (Ordinance 860) for workforce housing. This was discussed in the Section 5.2.5 of the Draft EIS.

Although there is no legal way to restrict sales to local residents, other recent residential developments on Kaua'i (e.g., Ho'oluana at Koheā Loa in Hanamaulu) have implemented lottery procedures with an initial offering to Kaua'i residents (requiring notarized Kaua'i Resident Affidavit). Similar procedures are being considered for Keālia Mauka. The owner will continue to work with the County Housing Department to develop the most appropriate, effective, and legally defensible way to give local residents highest priority.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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

From: Sylvia Partridge <sylpartridge@yahoo.com>
Date: June 19, 2018 at 1:12:52 PM HST
To: "daniel.e.ordenker@hawaii.gov" <daniel.e.ordenker@hawaii.gov>
Subject: Kealia Mauka Subdivision
Reply-To: Sylvia Partridge <sylpartridge@yahoo.com>

To: Land Use Commission

I'm requesting that you stop the Kealia Mauka Subdivision from being built because it is an inappropriate use of land.

Zoned agricultural, it is an agricultural area and would best be kept as an agricultural area.

This subdivision's location in Kapaa is right next to one of the most dysfunctional traffic situations on the island and no small mitigations will compensate for adding more density to a spot that is already a traffic nightmare, in which hour long delays have become routine.

As a resident of Princeville,
I have to drive through Kapaa on my way to Lihue several times a week. I'm hoping that the Land Use Commission will take the hard decisions that will make living on Kauai as pleasant an experience as possible.

Thank you for considering these ideas.

Sincerely,

Sylvia Partridge
3800 Kamehameha Rd., # 22
Princeville, HI 96722

July 10, 2019

Ms. Sylvia Partridge
3800 Kamehameha Road #22
Princeville, HI 96722
sylpartridge@yahoo.com



Dear Ms. Partridge:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (Draft EIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 19, 2018 on the Draft Environmental Impact Statement (Draft EIS) for the Proposed Project. We note you are against the project because you state it is an inappropriate use of land. However, we would like to provide the following information for your consideration.

Comment: *Zoned agricultural, it is an agricultural area and would best be kept as an agricultural area.*

Response: The intent of Keālia Mauka is to provide homeownership opportunities for local Kauaʻi residents. According to the 2018 General Plan, the County needs an additional 9,000 housing units by 2035 in order to meet the projected need of local residents. One of the top General Plan priorities is to “provide affordable housing while facilitating a diversity of privately-developed housing for local families.”

The project area is currently in the State Agricultural District, but residential use is consistent with the General Plan’s land use plan. In 2016, the County Planning Department issued a written determination 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.”* (County of Kauaʻi, Departmental Determination DD-2016-70, Boundary Interpretation for General Plan Designation).

Page 2

In a recent letter dated September 27, 2018, Mr. Michael Dahilig, County Planning Department Director, reaffirmed this and expressed the County's support for the Keālia Mauka project. The 2018 letter states:

...Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years...To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon.

Although the project will remove 53 acres from cattle grazing, it represents only a small percentage of the suitable agricultural land available in the East Kaua'i region. The use of the property to meet the urgent need for housing will not negatively affect the agricultural industry nor the County's efforts toward food self-sufficiency.

Comment: *This subdivision's location in Kapa'a is right next to one of the most dysfunctional traffic situations on the island...*

Response: We acknowledge that traffic within the Kapa'a area is a major and ongoing concern. There are a number of near to mid-term transportation projects currently planned to alleviate traffic within the Kūhiō Highway corridor, as described in the State Department of Transportation's (HDOT) Kapa'a Transportation Solutions (HDOT 2015) report. This document prioritizes recommendations for transportation improvements over the next 20 years.

At the intersection of Keālia Road and Kūhiō Highway, either a roundabout or traffic signal are viable options to mitigate project-related traffic. Since publication of the DEIS, the County has indicated that a roundabout is its preferred solution. Therefore, the Final EIS will discuss a roundabout as part of the Proposed Project.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners



Scott Ezer, Principal

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

Leslie Kurisaki

From: Scott Ezer
Sent: Wednesday, May 16, 2018 3:20 PM
To: Leslie Kurisaki
Subject: FW: Kealia Mauka Homesites Draft EIS

[First comment letter for Kealia.](#)

From: Adam Roversi [mailto:adamroversi@gmail.com]
Sent: Wednesday, May 16, 2018 9:50 AM
To: daniel.e.orodenker@hawaii.gov
Cc: moana@mskauai.com; Scott Ezer <sezer@hhf.com>
Subject: Kealia Mauka Homesites Draft EIS

Aloha,

I am writing to provide public comment regarding the proposed Kealia Mauka Residential project.

I generally support the proposed development of what will likely be relatively affordable residential lots in this area with the following caveat.

The build out of the proposed project, combined with the existing 38 lot residential subdivision already in existence, will result in 273 residential homes that for all practical purposes will be completely isolated from any commercial services unless the residents get in a car and drive south to Kapaa. Under the proposed plan there will be no services of any sort readily accessible by walking or biking.

The recently approved Kauai General Plan strongly encourages the development of mixed use communities expressly to prevent the continued development of entirely car dependent bedroom only communities.

Accordingly, I strongly encourage the developer to seek, and governmental agencies to approve, some degree of low level commercial development within this project to serve the needs of the immediate community. Something as simple as a single corner general store that is walkable within this

project would serve to create a much more live able community that imposes less of a traffic impact to the larger community. There are no doubt numerous other small scale commercial projects that could clearly benefit this development, e.g. a small pre-school childcare center. Limited commercial uses could blend within the residential area by permitting two story commercial down, residential up structures in a central core.

Kauai needs the housing, but it does not need more isolated suburban sprawl that is wholly dependent on cars to be livable.

Thank you for considering my comments.

Adam Roversi
Resident of Kilauea

--

This message has been scanned for viruses and dangerous content using **Worry-Free Mail Security**, and is believed to be clean. [Click here to report this message as spam.](#)

July 10, 2019

Mr. Adam Roversi
P.O. Box 92
Kilauea, Hawai'i 96754
adamroversi@gmail.com



Dear Mr. Roversi:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your email sent May 17, 2018 on the Draft Environmental Impact Statement (DEIS) for the subject property. We note that you generally support the proposed development with some caveats. We provide the following in response to your comments:

Comment: *The build out of the proposed project, combined with the existing 38 lot residential subdivision already in existence, will result in 273 residential homes that for all practical purposes will be completely isolated from any commercial service...The recently approved Kauai General Plan strongly encourages the development of mixed use communities...*

...I strongly encourage the developer to seek, and governmental agencies to approve, some degree of low level commercial development within this project to serve the needs of the immediate community...

Response: The Petitioner is evaluating the parcel at the Kūhio Highway-Keālia Road intersection for limited commercial activities.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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

From: Gabriela Taylor <gabrielataylor40@gmail.com>

Date: June 19, 2018 at 1:48:17 PM HST

To: daniel.e.orodenker@hawaii.gov

Subject: comments for Kealia Mauka Homesites

To: State Land Use Commission, Daniel Orodener

Re: Comments on Kealia Mauka Homesites Subdivision

From: Gabriela Taylor, resident of Keapana Valley, Kapaa, Kauai

Comissioner Orodener,

There are many serious concerns about the appropriateness of this proposed development, which is now before the state Land Use Comission for consideration. Please consider the following negative impacts that will further affect our quality of life on Kauai if the Kealia Mauka subdivision is approved. This subdivision is in the wrong place with serious potential impacts.

1. **Lack of Transparency and Consistancy** In spite of the County General Plan recommendations for urban housing in-fill, this project proposes to upzone agricultural land. And, there were discussions with the Planning Dept. as early as 2016, but the project is not listed in the General Plan Update.
2. **Cultural Impacts** The developer never interviewed the existing small community of Kealia residents, some of whom with family heritage for many generations who were employees of Kealia/ Makee Sugar Plantation. Cultural or archiological impacts were not covered at the public meeting or addressed in the DEIS document. The DEIS archaeological and cultural information in the Appendix overlooks decades of Kealia history between the 1940's and 1970's and neglects to discuss Kumukumu Camp and other significant community features such as the Dispensary
3. **Kealia Road Inadequate /Dangerous/ Traffic Light proposed** *There is only one entrance/exit onto Kuhio Highway from the existing subdivision on Kealia Rd. Adding another 450 cars from Kealia Mauka onto Kuhio Highway is hazardous. The developer has proposed a traffic light at the bottom of the hill on Kuhio Highway across from the main entrance to Kealia beach park. I frequent the beach and see trucks/cars speeding 60 or more in a 40 MPH stretch without any police presence. When Kealia residents asked about kids crossing the highway safely to the beach, the response was that a traffic light will solve the problem. Or, will it create an even more dangerous situation?*
4. **Urban Sprawl & Traffic Impact** The General Plan Update has emphasized the need to restrict development to Kauai's Urban Center (Lihue) as a measure to decrease traffic. Kealia Mauka subdivision, if approved, would significantly increase the current bumper to bumper traffic burden we are experiencing in Kapaa now in addition to the the 3 already approved resorts to be built in Waipoule and Wailua.

5.**Affordability/ Contractors/ Flipping Properties** The project representative at our public meeting was very vague about affordability of the subdivision. The EIS states that Work Force Housing will be built. According to the DEIS, contractors can buy up multiple lots. What's to stop them from building homes that aren't affordable, since Work Force Housing can be sold to the public who earn 120% of the median income/yr. on Kauai- that's \$90,000? When asked, he agreed to look into the possibility of selling to Kauai residents only. What's to stop a contractor from flipping properties, selling at a higher

price to non- residents after a year or so?The local Kealia community is not supporting this. Please consider the serious impacts on our Kauai Quality of Life and stop this proposed development.

Sincerely, Gabriela Taylor, 48 year resident of Kapaa

July 10, 2019

Ms. Gabriela Taylor
Gabrielataylor40@gmail.com



Dear Ms. Taylor:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kaua'i; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 19, 2018 on the Draft Environmental Impact Statement (DEIS) for the subject property. We have reviewed your comments and offer the following response:

1. Lack of Transparency and Consistency. *In spite of the County General Plan recommendations for urban housing in-fill, this project proposes to upzone agricultural land...the project is not listed in the General Plan Update.*

Response: As stated in the Draft EIS, in 2016, the County Planning Department issued a written determination 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."* (County of Kaua'i, Departmental Determination DD-2016-70, Boundary Interpretation for General Plan Designation).

In response to comments made during the DEIS comment period questioning the project's consistency with the General Plan, Mr. Michael Dahilig, County Planning Department Director, issued a letter dated September 27, 2018 reaffirming the department's earlier determination and expressing support for the Keālia Mauka project. The 2018 letter states:

"...Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years...To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon."

2. Cultural Impacts. *The developer never interviewed the existing small community of Keālia residents...the DEIS archaeological and cultural information in the Appendix overlooks decades of Keālia history between the 1940's and 1970's and neglects to discuss Kumukumu Camp and other significant community features such as the Dispensary*

Response: In response to these concerns, the Cultural Impact Assessment was supplemented with additional interviews with former plantation employees and long-time residents, and now addresses Keālia history between the 1940's and 1970's. Section 4.5 (Cultural Resources) of the Final EIS has been revised to include the following:

In July 2018, CSH reinitiated community consultation in response to comments made during the DEIS public comment period. During the comment period, concerns were raised about the documentation of Keālia's plantation history during the 1950's, 1960s and 1970s. Commenters noted that no one from Keālia Town Tract was interviewed, and suggested that there be more information on the history and culture of immigrant groups, settlement patterns, New Kumukumu Camp, and important plantation structure such as the Keālia Dispensary.

In response, CSH reached out to several individuals recommended by the Wailua-Kapa'a Neighborhood Association, and additional individuals known to have once been affiliated with Līhu'e Plantation. These interviews have been incorporated into the CIA (Appendix E), which includes a summary of all consultations and interviews.

The results of the additional community interviews will be included in the Final EIS, and the CIA included as Appendix E.

3. Keālia Road Inadequate /Dangerous/ Traffic Light proposed. *There is only one entrance/exit onto Kūhiō Highway from the existing subdivision on Keālia Rd. Adding another 450 cars from Keālia Mauka onto Kūhiō Highway is hazardous. ...will [a traffic light] create an even more dangerous situation?*

Response: Although the DEIS described a traffic signal at the Keālia Road-Kūhiō Highway intersection, the County of Kaua'i has subsequently expressed its preference for a roundabout. Therefore, a roundabout will be presented as part of the Proposed Project in the Final EIS. Section 4.11.2.2 of the Final EIS includes the following explanation:

The April 2018 DEIS presented a traffic signal as the recommended mitigation for this intersection, primarily due to its expected lower design and construction costs. During the DEIS comment period, the County of Kaua'i indicated that a roundabout is their preferred option. In response to the County's preference, the roundabout is presented in this FEIS as part of the "Proposed Action." Because a traffic signal remains a viable option, it is also discussed here.

The TIAR and FEIS recommendation (Section 4.11) is revised as follows:

Future Year 2027 Recommendations. In summary, the TIAR concluded that either a traffic signal or roundabout would provide adequate traffic mitigation at the Keālia Road/Kūhiō Highway intersection for vehicular, bicycle and pedestrian traffic. Both a signal and roundabout are feasible options. Due to the County of Kaua'i's stated preference for a roundabout, this FEIS presents the roundabout as the proposed mitigation for the Proposed Action.

Anticipated mitigation measures required as part of the roundabout are listed below. The proposed mitigation is based on the single conceptual roundabout design evaluated in the TIAR and shown in Figure 4-11. Actual improvements required will depend on the final roundabout design.

Construct a single-lane, three-leg roundabout.

- Realign the skewed eastbound approach of Keālia Road.
- Realign the northbound approach of Kūhiō Highway.
- Provide a southbound right-turn bypass onto Keālia Road prior to the roundabout.
- Relocate the existing northbound and southbound bus stops/bus bays along Keālia Road to south of the intersection.
- Relocate electrical utility poles.
- Reconstruct the Keālia Surf Shack signs and fences at the northwest corner of the intersection.
- Provide crosswalks along all three (3) approaches.

With the proposed mitigation, all approaches will operate at LOS D or better during both peak hours of traffic. Additionally, the intersection will operate with overall LOS B/C during the AM/PM peak hours.

4. Urban Sprawl & Traffic Impact. *The General Plan Update has emphasized the need to restrict development to Kauai's Urban Center (Lihue)...Keālia Mauka would significantly increase the current bumper to bumper traffic burden...*

Response: We acknowledge that traffic within the Kapa'a area is a major and ongoing concern. There are a number of near to mid-term transportation projects currently planned to alleviate traffic within the Kūhiō Highway corridor, as described in the State Department of Transportation's (HDOT) Kapa'a Transportation Solutions (HDOT 2015) report. This document prioritizes recommendations for transportation improvements over the next 20 years. The proposed traffic signal or roundabout at the intersection of Keālia Road and Kūhiō Highway will address project-related traffic.

5.Affordability/ Contractors/ Flipping Properties. *..What's to stop [developers] from building homes that aren't affordable, since Work Force Housing can be sold to the public who earn 120% of the median income/yr. on Kaua'i...what's to stop a contractor from flipping properties, selling at a higher price to non- residents after a year or so?*

Response: The project developer is committed to targeting the Keālia Mauka lots to local residents. The lots have been sized to make them affordable to local residents and less appealing as an investment property. As stated previously, the project will comply with the Housing Policy for the County of Kaua'i (Ordinance 860) for workforce housing, which includes provisions for owners earning 120% of median income.

Although there is no legal way to restrict sales to local residents, other recent residential developments on Kaua'i (e.g., Ho'oluana at Koheā Loa in Hanamaulu) have implemented lottery procedures with an initial offering to Kaua'i residents (requiring notarized Kaua'i Resident Affidavit). Similar procedures are being considered for Keālia Mauka. The owner will continue to work with the County Housing Department to develop the most appropriate, effective and legally defensible procedures governing the sale and resale of the lots.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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

From: Valerie Weiss <valerieweiss31@gmail.com>

Date: June 19, 2018 at 12:06:45 PM HST

To: daniel.e.ordenker@hawaii.gov

Subject: Kealia Mauka

Aloha

Please consider my comments on the Kealia Mauka subdivision.

Until our roads and bridges are brought up to standard and can accommodate the traffic patterns we already have, it would be irresponsible to add a subdivision. We cannot continue with this lack of planning. Our road essentially is the same as it was decades ago. Fix the gridlock first then add the sprawl second.

Mahalo

Valerie Weiss

Kapaa

July 10, 2019

Ms. Valerie Weiss
Valerieweiss31@gmail.com



Dear Ms. Weiss:

**Keālia Mauka Homesites
Draft Environmental Impact Statement (DEIS)
Kawaihau District, Kauaʻi; TMK: (4) 4-7-004: por 001**

Thank you for your email sent June 19, 2018 on the Draft Environmental Impact Statement (DEIS) for the Proposed Project. We have reviewed your comments and offer the following response:

Comment: *Until our roads and bridges are brought up to standard and can accommodate the traffic patterns we already have, it would be irresponsible to add a subdivision...Fix the gridlock first then add the sprawl second.*

Response: We acknowledge that traffic congestion in Kapaʻa is an ongoing concern, and there are a number of roadway improvements currently planned in the near and mid-term to address this. These transportation solutions were described and prioritized in the State Department of Transportation's (HDOT) *Kapaʻa Transportation Solutions* (HDOT 2015) report.

At the intersection of Keālia Road and Kūhiō Highway, either a roundabout or traffic signal are viable options to mitigate project-related traffic. Since publication of the DEIS, the County has indicated that a roundabout is its preferred solution. Therefore, the Final EIS will discuss a roundabout as part of the Proposed Project.

The intent of the Keālia Mauka project is to provide homeownership opportunities for Kauaʻi residents. The General Plan states that approximately 9,000 additional housing units are needed by 2035 to meet the projected need of local residents. The County supports further residential development at Keālia. In a letter dated September 27, 2018, Mr. Michael Dahilig, County Planning Department Director, stated:

...Keālia was earmarked for greater residential community development going back to the 1984 General Plan Update. It remained in the 2000 update and was carried through to the most current version of the plan. Any assertions the 2018 General Plan update required earmarking this area as a change from previous drafts are unfounded, as the potential for development was confirmed as county spatial policy for close to 35 years...To be clear, we support efforts to pursue entitlements for this future development within the 2035 planning horizon.

Page 2

While traffic congestion is a serious issue that needs to be addressed, the severe shortfall of housing for local residents is of equal concern. Efforts to address these priorities are not, and should not be mutually exclusive.

Thank you for your participation in this process. Your letter and this response will be reproduced in the Final EIS. If you have any questions, please contact me at sezer@hhf.com or by phone at 808-457-3158.

Sincerely,

HHF Planners

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

Scott Ezer, Principal

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