

Group 5 - Responses to Gov. Agencies and Organizations

**Dept. of Education
Clean Water Branch, DOH
Environmental Planning Office, DOH
Wastewater Branch, DOH
Department of Human Services
Dept. of Water, Kauai County
Division of Aquatics, DLNR
Commission on Water Resource Management, DLNR
Office of Planning, State of Hawaii
Planning Department, County of Kauai
Wailua-Kapa'a Neighborhood Association**

AGOR JEHN ARCHITECTS, LLC
460 Ena Road, Suite 303
Honolulu, Hi 96815
ron@agorjehnarch.com
808-947-2467

Date: 11-06-2017

RE: Response to Comments on HoKua Place DEIS

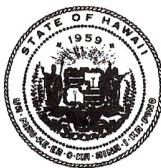
TO: Kenneth G. Masden
Public Works Manager, DOE
PO Box 2360
Honolulu, Hi 96804

We are pleased to respond to your June 4, 2015 comments on the DEIS for HoKua Place as follows:

Thank you for your comment. The Developer is committed to working with you as necessary during the final planning stages and the construction phase of HoKua Place.

Respectfully Submitted,

Ron Agor, Architect



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

June 4, 2015

Mr. Peter T. Young
Ho`okuleana LLC
25 Kaneohe Bay Drive, Suite 212
Kailua, Hawaii 96734

Dear Mr. Young:

The Department of Education (DOE) has reviewed the draft environmental impact statement preparation notice (DEIS) HoKua Place project in Kapaa, Kauai.

The DOE has no comment or concern about the DEIS or the proposed project. We appreciate the opportunities we have had to review these plans several times over the past several years.

If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 377-8301.

Respectfully,

A handwritten signature in black ink, appearing to read "Ken Masden", written over a horizontal line.

Kenneth G. Masden
Public Works Manager
Planning Section

KGM:jmb

AGOR JEHN ARCHITECTS, LLC
460 Ena Road, Suite 303
Honolulu, Hi 96815
ron@agorjehnarch.com
808-947-2467

Date: 11-06-2017
RE: Response to Comments on HoKua Place DEIS
TO: Alec Wong PE, Chief
Clean Water Branch, DOH
PO Box 3378
Honolulu, Hi 96801

We are pleased to respond to your June 3, 2015 comments on the DEIS for HoKua Place as follows:

Page 1, Item 1: The Developer is committed to reviewing policies HAR, Section 11-54-1.1, HAR, Section 11-54-3 and HAR, Sections 11-54-4-11-54-8 during the final development document phase and incorporate all applicable sections stated above into the construction of HoKua Place.

Page 2, Item 2: The Developer intends to obtain a NPDES permit to address discharges of wastewater, storm water runoff into State surface waters according to Chapter 11-55, HAR.

Page 2, Item 3: The project does not involve work in, over, or under waters of the United States. However, the preliminary development plans will be forward to the Army Corp of Engineers for comment. Furthermore, the final grading and drainage plan will reflect not allowing any runoffs from the subject site to go beyond the boundaries of the project and into federal and state water.

Page 2, Item 4: The developer is committed to complying to the State's Water Quality Standards.

Page 2, Item 5a. to 5e: The developer intends to treat storm waters as a resource for irrigation of the entire project. The final construction plans for grading and drainage will incorporate basins to store storm waters for use in the proposed irrigation system.

The final development plans will incorporate methods of conserving natural resources, especially storm waters.

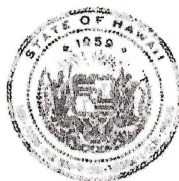
A Best Management Practice (BMP) will be part of the development of the subject land and will focus on the use of storm waters for irrigation.

Basins will be incorporated on site to store storm waters and allow the opportunity to revitalize natural underground water's natural hydrology.

The use of green building practices will be incorporated in the final development plans and specifications, including but not limited to, pervious pavements, the use of native landscape vegetation, reducing runoffs, and minimize use of fertilization.

HoKua Place is a new development and opportunities to have design storm infrastructure to restore ecological function while maintaining and enhancing hydraulic capacities.

Respectfully Submitted,
Ron Agor, Architect



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
EMD/CWB

06004PJF.15

June 3, 2015

Mr. Peter T. Young
Ho'okuleana LLC
1539 Kanapu'u Drive
Kailua, Hawaii 96734

Dear Mr. Young:

**SUBJECT: Draft Environmental Impact Statement for the HoKua Place Project
Kawaihau, Island of Kauai, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated May 8, 2015, requesting comments on your project. The DOH-CWB has reviewed the subject document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: <http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).

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

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

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and HAR, Chapter 11-54.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.
5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:
 - a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects

natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.

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

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

Sincerely,


ALEC WONG, P.E., CHIEF
Clean Water Branch

JF:ay

AGOR JEHN ARCHITECTS, LLC
460 Ena Road, Suite 303
Honolulu, Hi 96815
ron@agorjehnarch.com
808-947-2467

Date: 11-06-2017

RE: Response to Comments on HoKua Place DEIS

TO: Laura Leialoha Phillips, McIntyre, AICP
Program Manager, Environmental Planning Office
PO Box 3378
Honolulu, Hi 96801

We are pleased to respond to your May 12, 2015 comments on the DEIS for HoKua Place as follows:

The Developer has reviewed the Land Use Planning Review Program and is committed to adhere to all the applicable standard comments set forth in the program in the development of HoKua Place.

We have examined the Hawaii Environmental Health Portal and are committed to visit it regularly during the final planning of HoKua Place.

The Developer acknowledges the updated Water Quality Standards Maps and is committed to using the updated maps for Kaua'i during the final planning of HoKua Place.

Respectfully Submitted,

Ron Agor, Architect

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to
File

EPO 15-106

May 12, 2015

Mr. Peter T. Young
Ho'okuleana, LLC
HG Kaua'i Joint Venture, LLC
9911 S. 78th Avenue
Hickory Hills, Illinois 60457

Dear Mr. Young:

SUBJECT: Draft Environmental Impact Statement (DEIS) for HoKua Place

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your DEIS dated April 27, 2015. Thank you for allowing us to review and comment on the HoKua Place project available on the OEQC website at:

http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Kauai/2010s/2015-05-08-KA-5E-DEIS-HoKua-Place.pdf

The DEIS was routed to various branches. The various branches will provide specific comments to you if necessary. EPO recommends that you review the standard comments and available strategies to support sustainable and healthy design provided at: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/>. Projects are required to adhere to all applicable standard comments.

We encourage you to examine and utilize the Hawaii Environmental Health Portal. The portal provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings. The Portal is continually updated. Please visit it regularly at: <https://eha-cloud.doh.hawaii.gov>

You may also wish to review the revised Water Quality Standards Maps that have been updated for all islands. The Water Quality Standards Maps can be found at:

<http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/water-quality-standards/>.

We request that you utilize all of this information on your proposed project to increase sustainable, innovative, inspirational, transparent and healthy design.

Mahalo nui loa,

A handwritten signature in cursive script, appearing to read "Laura Leialoha Phillips McIntyre".

Laura Leialoha Phillips McIntyre, AICP
Program Manager, Environmental Planning Office

c: Hookuleana LLC
LUC
CWB, WWB, HEER, DHO Kauai, DOH-DDEH (via email only)

AGOR JEHN ARCHITECTS, LLC
460 Ena Road, Suite 303
Honolulu, Hi 96815
ron@agorjehnarch.com
808-947-2467

Date: 11-06-2017

RE: Response to Comments on HoKua Place DEIS

TO: Sina Pruder, PE, Chief
Wastewater Branch
State of Hawaii Department of Health
PO Box 3378
Honolulu, Hi 96801

We are pleased to respond to your May 20, 2015 comments on the DEIS for HoKua Place as follows:

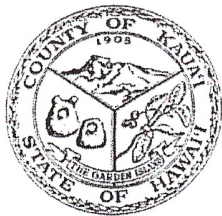
Page 102 of Volume I FEIS and Exhibit G of Volume II describes the preliminary finding for the capacity of the Kaua'i Wailua Wastewater Treatment Plant's (KWWTP) capacity and the Developer's agreement to facility cost contribution to the repair and upgrade of the system.

Attached please find a letter from the County Division of Wastewater Management confirming the viability of HoKua Place tying into the KWWTP. Furthermore, the Developer will be submitting the final scope of work that will be required for HoKua to connect to KWWTP to your branch for approval.

Respectfully Submitted,

Ron Agor, Architect

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Gary K. Heu
Managing Director

Lyle Tabata
Deputy County Engineer

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

August 13, 2012

Ho'okuleana LLC
25 Kāne'ohe Bay Drive, Suite 212
Kailua, HI 96734
Attention: Mr. Peter T. Young, President

Via email only to PeterYoung@Hookuleana.com

SUBJECT: PRE-ASSESSMENT CONSULTATION, ENVIRONMENTAL ASSESSMENT,
KAPA'A HIGHLANDS II PROJECT (TMK (4) 4-3-003:001)

Dear Mr. Young:

The County of Kaua'i, Department of Public Works, Division of Wastewater Management (Division) has reviewed the information submitted with your request for pre-consultation on an Environmental Assessment (DEA) for the subject project.

The Division concurs with your assessment of the feasibility for connection of the project to the County sewer system, and also with the anticipated wastewater flow volumes identified in the Preliminary Engineering report included with the DEA. The Division also concurs that the proposed connection of the project to the County sewer system will not negatively affect the existing wastewater system capacity.

During the design of the wastewater system for the project, the applicant shall comply with all requirements of the County Sewer Design Standards (1973) and State of Hawai'i, Department of Health requirements. Prior to final subdivision approval by the Department of Public Works, all required sewer improvements shall be constructed or bonded, and all required fees shall be paid at the rates applicable at the time of payment, including but not limited to the Wastewater Treatment Capacity Assessment (WTCA) and Sewer Connection Charges (SCC).

We appreciate the request for pre-consultation on this proposed project. If you have any questions, please call, at (808) 241-4084.

Very truly yours,

EDWARD TSCHUPP

Chief, Wastewater Management Division