

LAND USE COMMISSION
STATE OF HAWAII

2021 FEB 11 P 1:50

OFFICE OF PLANNING

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235 South Beretania Street
Honolulu, Hawaii 96813
Telephone: (808) 587-2846
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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A11-791
)	
HG KAUAI JOINT VENTURE, LLC	)	OFFICE OF PLANNING'S TESTIMONY
	)	FOR PARTIAL APPROVAL OF
	)	PETITION WITH CONDITIONS; OP
To Amend the Land Use District Boundary	)	EXHIBITS 1, 2A, 2B, 3, 4, 5, 6, 7, 8, 9,
of Certain Lands Situated at Kapaa, Island	)	AND 10; FIRST AMENDED LIST OF
of Kauai, State of Hawaii, Consisting of	)	EXHIBITS; CERTIFICATE OF SERVICE
approximately 96 Acres, From the)	
Agricultural Land Use District to the Urban)	
Land Use District, Kauai Tax Map Key 4-3-)	
03: por. 01)	
_____)	

**OFFICE OF PLANNING'S TESTIMONY FOR
PARTIAL APPROVAL OF PETITION WITH CODITIONS**

The Office of Planning ("OP") recommends partial approval of HG Kauai Joint Venture, LLC's ("Petitioner") request to reclassify approximately 96 acres of land from the State Agricultural Land Use District to the Urban Land Use District, subject to conditions. OP's recommendations are based on the representations of the Petitioner and documents filed to date in these proceedings, consultation with affected government agencies, and the statutes and regulations applicable to these proceedings.

PETITION OVERVIEW

General Information

The Petitioner requests that the Land Use Commission ("Commission or LUC") reclassify approximately 96 acres of land from the State Agricultural District to the State Land Use Urban District at Kapaa, Island of Kauai.

The Petitioner is the fee owner of the parcel, Tax Map Key ("TMK") No. (4) 4-3-03: por. 1, being proposed for reclassification under this Petition.

Proposed Use of the Petition Area

Petitioner proposes to establish the HoKua Place project as a single-family and multi-family residential community. Petitioner proposes to develop 86 single-family lots by subdividing approximately 69 acres into lots ranging in size from 7,500 to 10,000 square feet. Petitioner also plans to develop approximately 683 multi-family units on approximately 13.25 acres. According to the Petitioner the overall density of the project is about 8 dwelling units per acre. The residential community will also contain a 1.4-acre neighborhood commercial center and a 3.1-acre community park. The Kapaa community's County swimming pool will be relocated to this park site. Within the Petition Area, on the makai side of Kapaa Bypass Road, a one-acre site may be used for police or a fire substation or additional neighborhood commercial space. A multi-modal main roadway through HoKua Farm lots (remaining in State Agricultural Land Use District) and the Petition Area, will include areas for bus stops, sidewalks and bicycle and walking path from Olohena Road, adjacent to the Kapaa Middle School to the Kapaa Bypass Road.

According to the Petition, the Petition Area is consistent with the County of Kauai's Updated General Plan, Kauai Kakou, which designates the area for Neighborhood General. Access to the site is through the Kauai Bypass Road and Olohena Road.

Petition Area Description

The Petition Area is shown in Petitioner's Exhibit 1, and OP Exhibit 2A and 2B.

Financial Capability

The Petitioner has provided information regarding their financial situation in Petitioner's Exhibit No. 6 and in Petitioner's Motion for Protective Order.

Development Implementation Schedule

Petitioner indicates in the Final Environmental Impact Statement ("FEIS"), Chapter 1, that the project will be entirely complete within 10 years following receipt of all discretionary approvals. The development timetable in Petitioner's Amended Petition indicates that construction will commence within two to five years following the LUC's Decision and Order. Petitioner plans to complete all backbone infrastructure within 10 years of the Commission's Decision and Order. In Petitioner's Amended Petition for Land Use District Boundary Amendment, Petitioner's Exhibit 1 is Petitioner's Map showing the proposed State Land Use Urban Boundary. We note that Petitioner's Exhibit 8, Sea Level Rise Assessment, page 1-5, Figure 1-2, is Petitioner's Conceptual Land Use Plan of the Project Area. The FEIS also contains Exhibit N-3 with a Conceptual Site Plan with Potential Unit Locations- 769 Units Maximum.

DISCUSSION OF KEY ISSUES OF CONCERN TO THE STATE

The following discusses Project impacts and recommendations to avoid, minimize, or mitigate reasonably foreseeable impacts caused by the proposed project with respect to areas of State concern under Hawaii Revised Statutes ("HRS") §§ 205-16 and 205-17.

Impacts on Areas of State Concern

Natural Systems and Habitats

Wetlands. According to Petitioner's filings and the FEIS, there are no wetlands within the Petition Area. However, according to the Office of Planning's Hawaii Statewide Geographic Information System (GIS) Program, the U.S. Fish and Wildlife Service ("USFWS") National

Wetlands Inventory, dated 2018, there is approximately 3.3 acres of wetland within the Petition Area. In addition, the Inventory indicates that there is an area of approximately 5 acres of wetland within the parcel area but located outside of the Petition Area. Petitioner plans to retain the area outside of the Petition Area within the State Agricultural Land Use District. See OP Exhibit 2A and 2B. However, we note that on the GIS Corps of Engineers map layer, there is no indication of a wetland area within the Petition Area. OP Exhibit 2B is based on the USFWS 2018 map.

OP is concerned that the Petition and FEIS do not contain any information on or analysis about these areas identified by USFWS as wetland areas and thus, no discussion and no description of any potential mitigation measures have been provided by the Petitioner. Since wetlands are a potential habitat for endangered species, OP is concerned about the possibility for taking of endangered species on the Petition Area should the proposed project be allowed to be constructed within a wetland. OP notes that the State Department of Land and Natural Resources, Division of Forestry and Wildlife (“DOFAW”) and Division of Aquatic Resources (“DAR”), and U.S. Fish and Wildlife Service (“FWS”) agencies were unaware that of the potential presence of a wetland on the Petition Area since the FEIS did not note its presence, and therefore did not make comments regarding any mitigation of impacts to the wetland. Recently, OP had a meeting with DOFAW on the potential wetland within the Petition Area based on OP Exhibit 2B. Discussions will continue with DOFAW staff since more information is needed to determine the whether a wetland exists and the extent of the presence of a wetland on the Petition Area. In order to address this matter appropriately, OP is recommending at this time that the wetland area as shown on OP Exhibit 2B, be excluded from the Petition Area with an appropriate buffer area. In the alternative, the Petitioner could undertake a wetland delineation survey to determine whether the presence and extent of the wetland and its boundaries, and identify what mitigation, if any, would be appropriate. If the Petitioner chooses to undertake a wetland delineation, then Petitioner should complete the study and address this issue prior to concluding the LUC hearing on the Petition, including whether additional consideration needs to be made regarding the fauna study and Cultural Impact Assessment. See OP Exhibits 2b, 3 and 6.

Storm Water, Water Resources and Drainage

According to the FEIS, 4.6.1 Environmental Setting, a stream flows north to south along the western boundary of the Petition Area. The topography varies from gently sloping, bluff top area, to steep areas that drop off into drainage gullies that lead to an unnamed stream to the Kapaa Bypass road. Stormwater generated from the residential areas will be directed to the nearest street or natural drainage way. A drainage system along the streets will collect stormwater and convey it to three proposed detention basins on the parcel. The detention basins will be sized to match the outlet peak flows or lower the existing storm water flows prior to the development for a maximum of 100-year storm event. This is based on the County's 2001 "Storm Water Runoff System Manual", which requires that developments must maintain existing stormwater flows and patterns to mitigate adverse impacts to downstream properties.

Endangered and Threatened Species

FEIS Section 4.3.2 Potential Environmental Impacts & Mitigation Measures contains various recommended mitigation measures for the endangered, threatened and/or candidate species within and without the Petition Area. In general, OP would recommend that these measures or similar be conditions should the LUC approve the reclassification of the Petition Area.

Waterbirds. DOFAW's letter dated December 17, 2020, indicates that five endangered or threatened waterbird species may use the adjacent pastures and wetlands for feeding and loafing. These are the Hawaiian Coot, Hawaiian Common Gallinule, Hawaiian Duck, Hawaiian Stilt, and Hawaiian Goose. DOFAW recommends that a wildlife biologist survey the project site for listed waterbird presence and nesting activity during the construction periods. Also, a construction barrier should be installed along the fence between the pastures and wetlands and the project site to prevent listed waterbirds from entering or nesting within the construction area.

Hawaiian Hoary Bat. DOFAW indicates that the Hawaiian Hoary Bat is a State listed species, which may occur in the area and may roost in nearby trees. If any site clearing is required this should be avoided during the bat birthing and pupping season, June 1 through September 15. If the Petitioner cannot avoid trimming or removing Woody plants and trees taller than 15 feet, then Petitioner should consult DOFAW prior to disturbing, removing or trimming such plant growth in the Petition Area.

Plant and Soil Material. DOFAW recommends that movement of plant or soil material be minimized between worksites. These materials could contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that could harm native species and ecosystems. DOFAW recommends that the Kauai Invasive Species Committee be contacted during the planning, design and construction of the proposed project to minimize the risk of spreading invasive species.

Landscaping plants. DOFAW recommends using native plant species that are appropriate for the area, in order to prevent the spread of invasive plant species.

Other Endangered and Threatened Seabirds. According to DOFAW, evening work that requires artificial outdoor lighting should be avoided, especially during the seabird fledging season from September 15 to December 15. In general, artificial lighting should be fully shielded to minimize impacts.

Invertebrates. Section 4.3 Invertebrates. An invertebrate study was completed in January 2018, and Appendix P is included as part of the FEIS. No endangered, threatened or candidate invertebrate species were found on the site.

Archaeological and Historic Resources. The State Historic Preservation Division (“SHPD”) submitted a letter dated December 20, 2021 that, based on the Amended Petition, SHPD has no objection to the requested action by the Petitioner, and that the permitting process can continue. SHPD also commented that they request the opportunity to review future ground disturbing activities on the Petition Area. See OP Exhibit 10.

Cultural Resources. The Petition and FEIS provided a Cultural Impact Assessment (“CIA”) which concluded that there are no known traditional resources or cultural practices associated with the Petition Area. The Assessment interviewed people in the community and conducted historical research. The CIA indicates that the marshlands in the area were a significant resource prior to western contact. The fringes of the marsh were used for taro and where other types of grass was gathered. The marshes also served as fishponds. Recently under the sugar plantations, the marshes were drained and altered to create pastureland. The community also had concerns regarding communications with the community and also spirits of the land when opening up the land to new uses.

Ka Paakai Hawaiian Customary and Traditional Rights. According to the Amended Petition, the FEIS contains an assessment of the Proposed Project on the native Hawaiian customary and traditional rights under Article XII, Section 7 of the Hawaii State Constitution. The document concludes that there are no adverse impacts to any customary or traditional practices of native Hawaiians with the development of the Petition Area. The Amended Petition and FEIS appears to meet the Hawaii Supreme Court analytical framework. The three parts of the framework, are:

1. Identify the scope of “valued cultural, historical and natural resources” in the petition area, including the extent to which traditional and customary rights and practices are exercised in the affected area;
2. Determine the extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action; and
3. Identify feasible actions, if any, that should be taken by the LUC to reasonably protect Native Hawaiian rights and practices if they are found to exist.

Petitioner has conducted an Archaeological Assessment which was accepted by SHPD. Petitioner has also conducted a Cultural Impact Assessment, and finally, in accordance with part three, Petitioner has concluded that there are no adverse impacts to customary or traditional practices of native Hawaiians on the Petition Area.

Sea Level Rise. Petitioner’s Exhibit 8 is a study on Sea Level Rise Assessment. The document’s conclusion indicate that the Proposed Project will most likely not have direct impacts, however, indirect impacts could occur due to flooding and erosion of the coastal area. “The impacts will be mitigated through the design elements and through funding for public road and infrastructure improvements.”

Greenhouse Gas Assessment. Petitioner’s Exhibit 9 is a Greenhouse Gas Assessment for the Petition Area. The conclusion indicates that the” Proposed Project is not anticipated to interfere with the State’s commitment to reduce emission levels to below 1990 levels.”

COMMITMENT OF STATE FUNDS AND RESOURCES

Housing. A letter from the State Hawaii Housing Finance and Development Corporation (“HHFDC”), dated November 6, 2020, indicates that the Petitioner proposes to offer approximately 30% of the total number of housing units and lots for sale at affordable prices. About 231 multi-family units will be sold in the range of \$175,000 to \$275,000. Single-family

units and lot prices are not clear. HHFDC indicates that Petitioner's Project would meet the applicable objectives and policies of the State Housing Functional Plan. See OP Exhibit 4.

Transportation. The Petition Area is located at the corner of Kapaa Bypass Road, under State jurisdiction, and Olohena Road, which is owned by the County of Kauai. According to the State of Hawaii Department of Transportation ("HDOT"), traffic continues to be an ongoing concern for the DOT. In 2015, the HDOT, County and the community prepared the 2015 Kapaa Transportation Solutions Plan ("Plan"). The Plan identified multiple transportation improvement projects which will serve to address the traffic issues in Kapaa. HDOT has reviewed the FEIS and the TIAR dated September 29, 2017 ("2017 TIAR"), and is recommending conditions containing specific mitigation measures tied to approval of the Petition. HDOT's comments are as follows.

1. Submit an updated TIAR, that addresses comments made by HDOT and the County of Kauai Department of Public Works Engineering Division to HDOT for review and acceptance. HDOT has reviewed TIAR Update dated September 29, 2017 and has the following comments relevant to State highways:
 - a. The TIAR shall include a commitment to proposed traffic impact measures and a proposed implementation schedule. The TIAR shall provide mitigation measures for direct impacts to State facilities due to the project in order to maintain the operating Level of Service (LOS) and delay level conditions at the "without project condition" for all horizon years.
 - b. Should the LOS be lower than LOS D, the Petitioner shall provide mitigation improvements to improve the State facilities. The TIAR has identified the following State facilities with LOS lower than LOS D that require mitigation:
 - i. Kuhio Highway, Kukui Street & Huliuli Street
 - ii. Kuhio Highway and Lehua Street.
 - iii. Kuhio Highway and Ohia Street/Pono Kai Driveway
 - iv. Kapaa Bypass Road and Olohena Road
 - v. Kuhio Highway and Kapaa Bypass Road (South Junction).
 - c. Recommendations in the TIAR Section V are acceptable mitigation measures except for "Restrict on street parking along Kuhio Highway within Kapaa Town", as this was not recommended by the Kapaa Transportation Solutions Plan. These recommendations shall be clarified as mitigation measures done by the Petitioner due to the project's direct impacts to the State. A Traffic Analysis shall be done "With Project Mitigation" instead of "With Project—Improved" to analyze the mitigation to be done by the project.
 - d. The TIAR shall include regional improvements to be provided on a pro-rated basis. A proportional share impact fee estimate shall be done based on the project's percentage of trips.

2. Should State and County land use entitlements for the Proposed Project be delayed 5-years beyond the date the TIAR is accepted by the HDOT, an update shall be required.
 3. Petitioner shall fund the planning, design and construction of all traffic improvements required to mitigate local or direct project-generated traffic impacts including the following:
 - a. Construct Road A from Olohena Road to the Kapaa Bypass Road.
 - b. Construct a roundabout at the intersection of Road A and the Kapaa Bypass Road. The roundabout shall have enough travel way and shoulder width to allow for emergency vehicles to pass a disabled vehicle.
 - c. Restripe the median on the north leg of Kuhio Highway at the Kapaa Bypass Road (South Junction) to provide a median refuge lane.
 - d. Modify the traffic signal operations at the intersection of Kuhio Highway and Kukui Street to reduce queuing and delays.
 - e. Add a separate right-turn bypass lane at the roundabout from makai bound Olohena Road to southbound Kapaa Bypass Road.
 - f. Extend the median refuge land/two-way left-turn lane on the north leg of Kuhio Highway at Lehua Street.
 4. Petitioner shall fund its share of the planning, design and construction of all improvements required to mitigate regional project-general related traffic improvements including the following:
 - a. Widen Kuhio Highway between the Kapaa Bypass Road (South Junction) and Kuamoo Road to provide two through lanes in each direction.
 - b. Widen the Kapaa Bypass Road to provide one lane in the northbound direction from Olohena Road to Kuhio Highway.
 - c. Terminate Hauala Road at Kuhio Highway and construct collector road to connect to the Kapaa Bypass Road after widening to accommodate two-way traffic.
 5. Petitioner shall dedicate to HDOT, the appropriate right-of-way on Kapaa Bypass Road, at no cost to HDOT, per the Memorandum of Understanding, dated May 30, 2002.
 6. Petitioner shall establish a 100-foot building setback from Kapaa Bypass Road right-of-way (except the Road A permitted access) for future Kapaa Bypass Road Improvements.
 7. Petitioner shall dedicate appropriate right-of-ways for the recommended transportation improvements, as required by HDOT. The proposed roadway improvement and implementation schedule are subject to HDOT Kauai District Engineer's approval.
- See OP Exhibit 7.

Wastewater. By letter dated October 26, 2020, the Department of Health Wastewater Branch indicates that the wastewater will be connected to the County's Wailua Wastewater Treatment Plant, and thus, they have no comments. See OP Exhibit 5.

Water Supply. Petitioner has prepared a Water Master Plan for the Proposed Project and the adjacent farm lots, and has submitted the plan to the county Department of Water for approval. According to the FEIS, Petitioner has considered two alternatives to provide potable water to HoKua Place. The first alternative is to dedicate its well site to the County to furnish the County's storage tanks and existing water system. The second alternative is for the Petitioner to develop a private water system, utilizing the well to supply potable water to the Proposed Project.

Education. The State Department of Education ("DOE") submitted comments on the Proposed Project on November 25, 2020. The DOE indicates that the Proposed Project is not subject to school impact fees. There are no school impact districts on Kauai. Kapaa Elementary and Kapaa Middle Schools both have capacity for new students at present and for the next five years. Kapaa High School is at capacity at present. The Petition Area borders Kapaa Middle School, which may be subject to short-term construction related impacts. Petitioner should consult with the school prior to and during construction to identify and mitigate impacts.

FEIS 4.8 Socioeconomic Conditions & Public Service Facilities. Public Services & Facilities. This section indicates that Petitioner will work with State and County civil defense agencies to incorporate siren coverage with a 121 db(c) omni-directional siren within the 3.1 acres proposed park near Kapaa Middle School. OP recommends this be a condition of Petition approval.

SUMMARY DISCUSSION OF CONFORMITY WITH DECISION-MAKING CRITERIA FOR BOUNDARY AMENDMENTS

The following summarizes OP's assessment of the Petition's conformity with applicable district standards, planning statutes, plans and other criteria the Commission must consider in decision-making for a district boundary amendment Petition.

Applicable District Standards

The Petition Area is currently located in the State Agricultural Land Use District. OP finds that the Petition Area, for the most part, meets the standards set in section 15-15-18, Hawaii Administrative Rules, for determining State Urban Boundaries, as the Petition Area is adjacent to existing urban development and uses. Basic services are adequate for the proposed HoKua Place residential development in the general area. The Proposed Project is not within the

Special Management Area. However, OP is concerned regarding the possible presence of a wetland within the Petition Area, which should be determined prior to a decision on the Petition.

Hawaii State Plan, Priority Guidelines, and State Functional Plans

With the exception of the potential wetland resource, the proposed reclassification from Agricultural to Urban is generally consistent with the goals, objectives, and policies of the Hawaii State Plan. According to the Petitioner's Amended Petition, the Petitioner intends to develop a sustainable community. As stated in the Amended Petition, Petitioner has already developed an operational 1.18 MW, four-acre solar facility on the Phase I portion of the Kapa'a Highlands project. The Petitioner also plans additional sustainable connectivity concepts to include bikeways and walkways to and from the pool, neighborhood commercial areas, Kapa'a Middle School and Kapa'a's town.

Coastal Zone Management Objectives and Policies, Section 205A-2, HAR

The Petition Area lies within the State's Coastal Zone Management (CZM) Area, which includes all lands of the State and the area extending seaward from the shoreline to the territorial limit. The Petition Area is not within the Special Management Area. With mitigation or removal of the 3.3 acre wetland area from the Petition Area, and with appropriate mitigation with respect to stormwater management, protection of endangered, threatened and candidate wildlife, archaeological, historic, Ka Paakai and cultural resources, drainage, wastewater issues and concerns, the Petition generally conforms to the State CZM objectives and policies.

County of Kauai Plans

According to the Petition and the County Planning Department, the Petition Area is in general conformance with the County of Kauai's Updated General Plan, Kauai Kakou, which designates the area for Neighborhood General.

RECOMMENDATION

Based on the foregoing information and analysis, OP recommends partial approval of the reclassification of the Petition Area, excluding the wetland area as shown on OP Exhibit 2B, and an appropriate buffer area to be determined.

In addition, any approval to reclassify the Petition Area from the State Agricultural Land Use District to the Urban District would be subject to the Petitioner's commitments to avoid, minimize, or mitigate the Proposed Project's impacts as represented herein and in this

proceeding, and the imposition of the following conditions in addition to the standard conditions of the Commission.

1. Stormwater Management and Drainage Improvements. Petitioners shall implement applicable BMP's to minimize infiltration and runoff from construction operations, reduce or eliminate the potential for soil erosion and ground water pollution, and formulate dust control measures to be implemented during and after the development process in accordance with DOH guidelines and County ordinances and rules.
2. Air quality Monitoring. Petitioners shall participate in an air quality monitoring program as required by the DOH.
3. Transportation.
 - a. Petitioner shall submit an updated TIAR to HDOT and the County of Kauai Department of Public Works Engineering Division. The TIAR shall address HDOT's comments dated October 28, 2020, (HWY-PS 2.4135), and shall be reviewed and approved by the HDOT and the County of Kauai Department of Public Works Engineering Division prior to final subdivision approval of the initial development.
 - b. Petitioner shall mitigate all project-generated traffic impacts as recommended and/or required by the HDOT. Petitioners shall initiate, coordinate, and meet with HDOT Highways, to agree upon the regional pro-rata share and to develop a Memorandum of Agreement, which is required to be executed prior to the submittal of a subdivision application to the County of Kauai.
 - c. Petitioner shall dedicate at no cost to the HDOT the appropriate Kapaa Bypass Roadway right-of-way. Petitioner shall establish a 100-foot building setback from the Kapaa Bypass Road right-of-way for future Kapaa Bypass Road improvements.
4. Established Gathering and Access Rights Protected. Pursuant to Article XII, Section 7, of the Hawaii State Constitution, Petitioner shall preserve any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural and religious practice, or for access to other areas.

5. Previously Unidentified Burials and Archaeological/Historic Sites. In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and SHPD shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites are discovered during the course of construction of the Proposed Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from SHPD that mitigation measures have been implemented to its satisfaction.
6. Endangered, Threatened, and Candidate Species. Petitioner shall undertake the following:
 - a. To avoid potential impacts to the Hawaiian Hoary Bat, the clearing of dense vegetation, including woody plants greater than 15 feet, shall not occur between June 1 to September 15 when bats may be carrying young and potentially could be at risk by such clearing activities.
 - b. A wildlife biologist shall survey the project site for listed waterbird presence and nesting activity during the construction periods. If listed waterbirds are present, Petitioner shall follow the recommended mitigation measures suggested by the biologist. Also, Petitioner shall install a construction barrier along the fence between the pastures and wetlands and the project site to prevent listed waterbirds from entering or nesting within the construction area.
 - c. The movement of plant soil material between worksites such as in fill shall be minimized. Petitioner shall contact the Kauai Invasive Species Committee to minimize the risk of spreading invasive species.
 - d. All nighttime work that requires outdoor lighting shall be avoided during the seabird fledging fallout period from September 15 through December 15.
 - e. All outdoor lighting at the Project shall be shielded to prevent upward radiation so as to reduce the potential for seabird attraction.

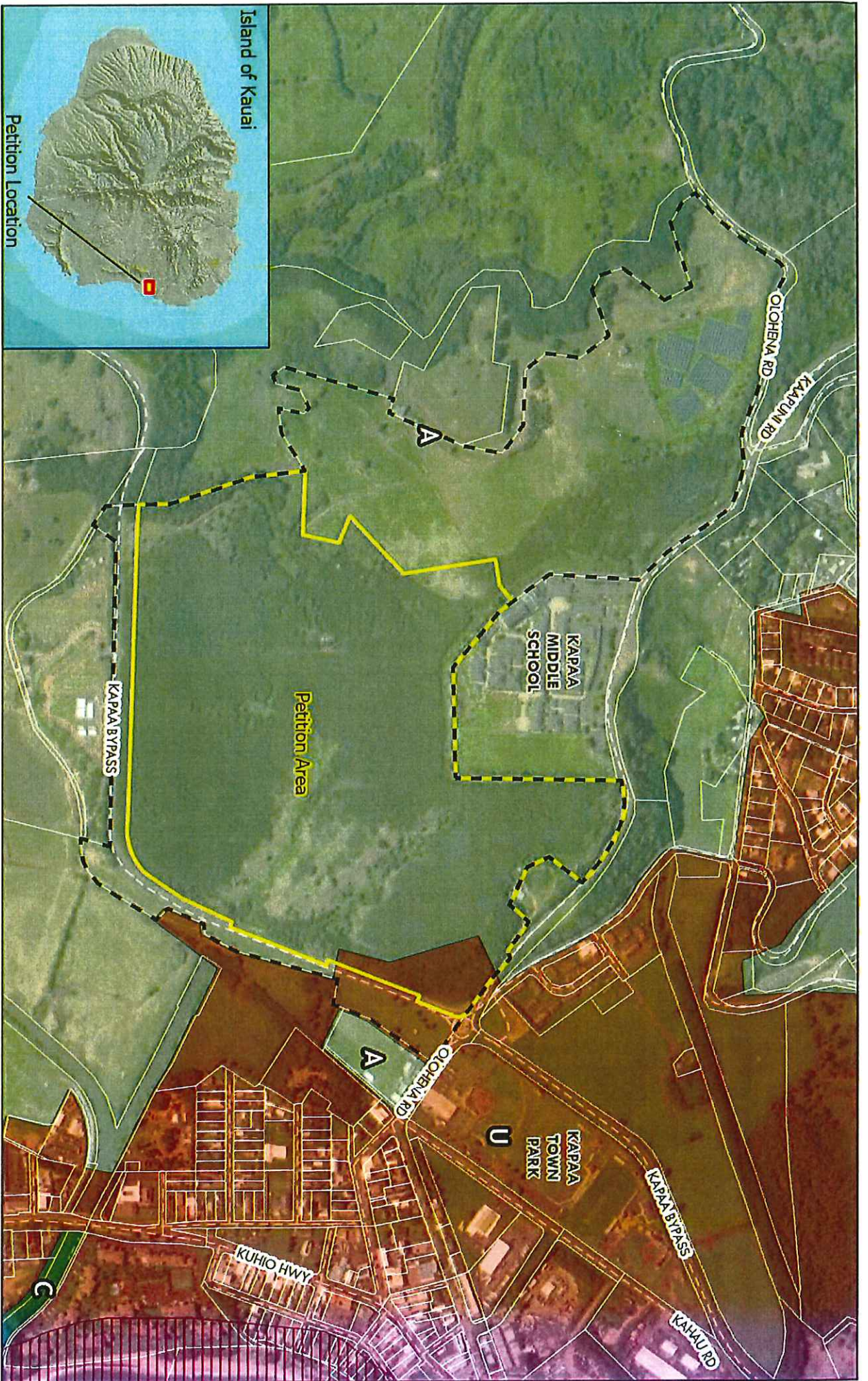
7. Education. Petitioner shall consult with the authorities at the Kapaa Middle School prior to and during construction to identify and mitigate construction-related impacts to the school.
8. Civil Defense. Petitioner shall fund and install warning sirens as required by the State of Hawaii Emergency Management Agency.
9. Compliance with Representations. Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in the Findings of Fact, Conclusions of Law, and Decision and Order, including representations as to the timing and completion of the Project. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification or change to a more appropriate classification.
10. Infrastructure Deadline. Petitioner shall complete construction of the proposed backbone infrastructure, which consists of primary roadways and access points, internal roadways, on- and off-site water, sewer, and electrical system improvements, and storm water/drainage and other utility system improvements, within ten years from the date of the Decision and Order approving the Petition.

DATED: Honolulu, Hawaii, February 11, 2021.

OFFICE OF PLANNING
STATE OF HAWAII

Mary Alice Evans

MARY ALICE EVANS
DIRECTOR



A11-791 Hokua Place Petition

State Land Use District

A Agriculture

C Conservation

R Rural

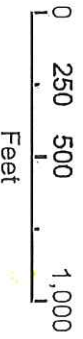
U Urban

TMK 4-3-003:001
 Hokua Place 96.06 acres

Road

Tax Map Key

Special Management Area



OP EXHIBIT NO. 2A



This map was produced by the Office of Planning (OP) for planning purposes only. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.
 Map No: 20210127-01-CC
 Map Date: 01/27/2021
 Sources: SLUD: State Land Use Commission (2020), SMA: County of Kauai (2018)



A11-1-791 Hokua Place Petition

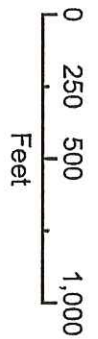
TMK 4-3-003:001

Hokua Place 96.06 acres

- Road
- Tax Map Key

Wetlands (Freshwater)

- Emergent Wetland
- Forested/Shrub Wetland
- Riverine



OP EXHIBIT NO. 2B



This map was produced by the Office of Planning (OP) for planning purposes only. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.
 Map No: 2021.0127-01-CC
 Map Date: 01/27/2021
 Sources: SLUD: Wetlands; USFWS National Wetlands Inventory (2018)

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

January 13, 2021

LD 1108
DTS 20200923 1416MA

Mary Alice Evans, Director
Office of Planning
State of Hawaii
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

via email: lorene.k.maki@hawaii.gov

Dear Ms. Evans:

SUBJECT: Petition for a Land Use District Boundary Amendment
Deemed Complete September 18, 2020
Land Use Commission Docket No. A11-791
JG Kauai Joint Venture, LLC-HoKua Place
Kapaa, Island of Kauai, State of Hawaii
TMK: (4) 4-3-003:001

Thank you for the opportunity to review and comment on the subject project. The Land Division of the Department of Land and Natural Resources (DLNR) distributed copies of your request to DLNR's various divisions for their review and comment.

Enclosed are responses received from our (a) Division of Aquatic Resources, (b) Engineering Division, and (c) Division of Forestry and Wildlife. Should you have any questions, please feel free to contact Barbara Lee via email at barbara.j.lee@hawaii.gov. Thank you.

Sincerely,

Russell Tsuji

Russell Y. Tsuji
Land Administrator

Enclosure(s)
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

December 07, 2020

LD 1108

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources (via email: Kendall.L.Tucker@hawaii.gov)
 Div. of Boating & Ocean Recreation (via email: Richard.T.Howard@hawaii.gov)
 Engineering Division (via email: DLNR.Engr@hawaii.gov)
 Div. of Forestry & Wildlife (via email: Rubyrosa.T.Terrago@hawaii.gov)
 Div. of State Parks
 Commission on Water Resource Management (via email: DLNR.CWRM@hawaii.gov)
 Office of Conservation & Coastal Lands
 Land Division – Kauai District (via email: DLNR.Land@hawaii.gov)
 Historic Preservation (via email: DLNR.Intake.SHPD@hawaii.gov)

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*
SUBJECT: **Petition for a Land Use District Boundary Amendment**
Land Use Commission Docket No. A11-791
HG Kauai Joint Venture, LLC, HoKua Place

LOCATION: Kapaa, Island of Kauai; TMK: (4) 4-3-003:001 (por.)
APPLICANT: **Office of Planning, State of Hawaii**

Transmitted for your review and comment is information on the above-referenced subject. Please submit any comments via email to the Land Division at DLNR.Land@hawaii.gov, copied to barbara.j.lee@hawaii.gov, by the new extended internal due date of **January 12, 2021**.

If no response is received by the above date, we will assume your agency has no comments. If you have any questions about this request, please contact Barbara Lee directly at barbara.j.lee@hawaii.gov. Thank you.

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

Signed: *Brian J. Neilson*
Print Name: Brian J. Neilson
Division: Aquatic Resources
Date: Dec 11, 2020

Attachments
Cc: Central Files

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

Date: 12-9-2020

DAR # LD1108

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

MEMORANDUM

TO: Brian J. Neilson
DAR Administrator

FROM: Heather Ylitalo-Ward, Aquatic Biologist

SUBJECT: Petition for a Land Use District Boundary Amendment
Land Use Commission Docket No. A11-791, HG Kauai Joint Venture, LLC,
HoKua

Request Submitted by: Office of Planning, State of Hawaii
Kapaa, Island of Kauai; TMK: (4) 4-3-003:001 (por.)

Location of Project: _____

Brief Description of Project:

The proposed project would develop the HoKua Place residential community comprised of approximately 683 multi-family lots and homes, HoKua Farm lots, infrastructure, open space, a 3.1-acre park and 1.4-acre commercial area.

Comments:

No Comments Comments Attached

Thank you for providing DAR the opportunity to review and comment on the proposed project. Should there be any changes to the project plan, DAR requests the opportunity to review and comment on those changes.

Comments Approved:  Date: Dec 11, 2020

Brian J. Neilson
DAR Administrator

DAR# LD1108

Comments

Part of the land parcel includes marsh land, as indicated on page 76 of the Environmental Impact Statement (EIS). Additionally, there is marsh land adjacent to the parcel on the west side. On page 77 of the EIS, it states that "no construction will occur in this area, there will be no harm, changes or loss of this area." The Division of Aquatic Resources (DAR) is satisfied that no construction will be completed in the marsh land, however DAR would like to recommend that Best Management Practices (BMPs) are followed during construction to ensure that no construction materials or soil erosion produces runoff into the marsh land and adjacent stream. DAR requests a robust Storm Water Pollution Prevention Plan (SWPPP) be developed and followed during construction to ensure the adjacent marsh land and stream are protected from possible runoff.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 07, 2020

LD 1108

MEMORANDUM

From:

TO:

DLNR Agencies:

- Div. of Aquatic Resources (via email: Kendall.L.Tucker@hawaii.gov)
- Div. of Boating & Ocean Recreation (via email: Richard.T.Howard@hawaii.gov)
- Engineering Division (via email: DLNR.Engr@hawaii.gov)
- Div. of Forestry & Wildlife (via email: Rubyrosa.T.Terrago@hawaii.gov)
- Div. of State Parks
- Commission on Water Resource Management (via email: DLNR.CWRM@hawaii.gov)
- Office of Conservation & Coastal Lands
- Land Division – Kauai District (via email: DLNR.Land@hawaii.gov)
- Historic Preservation (via email: DLNR.Intake.SHPD@hawaii.gov)

To:

FROM:
SUBJECT:

Russell Y. Tsuji, Land Administrator *Russell Tsuji*
Petition for a Land Use District Boundary Amendment
Land Use Commission Docket No. A11-791
HG Kauai Joint Venture, LLC, HoKua Place
 Kapaa, Island of Kauai; TMK: (4) 4-3-003:001 (por.)
Office of Planning, State of Hawaii

LOCATION:
APPLICANT:

Transmitted for your review and comment is information on the above-referenced subject. Please submit any comments via email to the Land Division at DLNR.Land@hawaii.gov, copied to barbara.j.lee@hawaii.gov, by the new extended internal due date of **January 12, 2021**.

If no response is received by the above date, we will assume your agency has no comments. If you have any questions about this request, please contact Barbara Lee directly at barbara.j.lee@hawaii.gov. Thank you.

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

Signed: *C.S. Chang*
 Print Name: Carty S. Chang, Chief Engineer
 Division: Engineering Division
 Date: Jan 4, 2021

Attachments
Cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji

Ref: Petition for a Land Use District Boundary Amendment
Land Use Commission Docket No. A11-791
HG Kauai Joint Venture, LLC, HoKua Place
Location: Kapaa, Island of Kauai
TMK(s): (4) 4-3-003:001 (por.)
Applicant: Office of Planning, State of Hawaii

COMMENTS

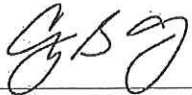
The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 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:

- o Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- o Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- o Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- o Kauai: County of Kauai, Department of Public Works (808) 241-4896.

Signed: _____


CARTY S. CHANG, CHIEF ENGINEER

Date: Jan 4, 2021

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 02, 2020

LD 1108

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources (via email: Kendall.L.Tucker@hawaii.gov)
 Div. of Boating & Ocean Recreation (via email: Richard.T.Howard@hawaii.gov)
 Engineering Division (via email: DLNR.Engr@hawaii.gov)
 Div. of Forestry & Wildlife (via email: Rubyrosa.T.Terrago@hawaii.gov)
 Div. of State Parks
 Commission on Water Resource Management (via email: DLNR.CWRM@hawaii.gov)
 Office of Conservation & Coastal Lands
 Land Division – Kauai District (via email: DLNR.Land@hawaii.gov)
 Historic Preservation (via email: DLNR.Intake.SHPD@hawaii.gov)

Russell Tsuji


FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: **Petition for a Land Use District Boundary Amendment**
Land Use Commission Docket No. A11-791
HG Kauai Joint Venture, LLC, HoKua Place

LOCATION: Kapaa, Island of Kauai; TMK: (4) 4-3-003:001 (por.)
APPLICANT: **Office of Planning, State of Hawaii**

Transmitted for your review and comment is information on the above-referenced subject. Please submit any comments via email to the Land Division at DLNR.Land@hawaii.gov, copied to barbara.j.lee@hawaii.gov, by the extended internal due date of **December 15, 2020**.

If no response is received by the above date, we will assume your agency has no comments. If you have any questions about this request, please contact Barbara Lee directly at barbara.j.lee@hawaii.gov. Thank you.

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

Signed: 
Print Name: DAVID G. SMITH, Administrator
Division: Division of Forestry and Wildlife
Date: Dec 18, 2020

Attachments
Cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII



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

December 17, 2020

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

ROBERT K. MASUDA
FIRST DEPUTY


M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

MEMORANDUM

Log no. 2922

TO: RUSSELL Y. TSUJI, Administrator
Land Division

FROM: DAVID G. SMITH, Administrator 
Division of Forestry and Wildlife

SUBJECT: **Division of Forestry and Wildlife Comments for the Petition for a Land Use District Boundary Amendment Land Use Commission Docket No. A11-791 HG Kauai Joint Venture, LLC, HoKua Place**

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your inquiry regarding review of the petition for a land use district boundary amendment for the HG Kaua'i Joint Venture, LLC Hokua Place in Kapa'a, Kaua'i, TMK: (4) 4-3-003:001 (por.). The proposed project consists of constructing a residential community comprised of 683 multi-family lots and homes, HoKua farm lots, infrastructure, open space, a 3.1-acre park and a 1.4-acre commercial area on previously undeveloped land.

Survey records indicate five threatened or endangered waterbird species that may use the adjacent pastures and wetlands for feeding and loafing. These include the Hawaiian Coot (*Fulica alai*), Hawaiian Common Gallinule (*Gallinula chloropus sandvicensis*), Hawaiian Duck (*Anas wyvilliana*), Hawaiian Stilt (*Himantopus mexicanus knudseni*), and Hawaiian Goose or Nēnē (*Branta sandvicensis*). (There are no known records of nesting within the proposed project site, or adjacent wetlands and pasture lands.) However, it is recommended that a wildlife biologist survey the project site for listed waterbird presence and nesting activity during the construction periods. It is also recommended that a construction barrier be installed along the fence between the pastures and wetlands and the project site to prevent listed waterbirds from entering or nesting within the construction area.

The State listed Hawaiian Hoary Bat or 'Ōpe'ape'a (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. If any site clearing is required this should be timed to avoid disturbance during the bat birthing and pup rearing season (June 1 through September 15). If this cannot be avoided, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed without consulting DOFAW.

DOFAW recommends minimizing the movement of plant or soil material between worksites, such as in fill. Soil and plant material may contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that could harm our native species and ecosystems. We

recommend consulting the Kaua'i Invasive Species Committee at (808) 821-1490 in planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of Rapid 'Ōhi'a Death and other harmful fungal pathogens.

DOFAW recommends using native plant species for landscaping that are appropriate for the area (i.e. climate conditions are suitable for the plants to thrive, historically occurred there, etc.). Please do not plant invasive species. DOFAW recommends consulting the Hawai'i-Pacific Weed Risk Assessment website to determine the potential invasiveness of plants proposed for use in the project (<https://sites.google.com/site/weedriskassessment/home>). We recommend that you refer to www.plantpono.org for guidance on selection and evaluation for landscaping plants.

We note that artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. This disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15. This is the period when young seabirds take their maiden voyage to the open sea. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i please visit: <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

We appreciate your efforts to work with our office for the conservation of our 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 Koa Matsuoka, Protected Species Habitat Conservation Planning Associate at (808) 587-4149 or koa.matsuoka@hawaii.gov.

DAVID Y. IGE
GOVERNOR



DENISE ISERI-MATSUBARA
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

20:PECB/85

November 6, 2020

TO: Mary Alice Evans, Director
Office of Planning

FROM: *for* Denise Iseri-Matsubara *Francis Paul Keeno*
Executive Director

SUBJECT: Petition for a land Use District Boundary Amendment, Docket No. A11-791 HG
Kauai Joint Venture, LLC, HoKua Place Residential Community

We have reviewed the subject Petition for the Proposed HoKua Place Residential Community and offer the following comments.

Petitioner proposes to subdivide approximately 69 acres of the Petition Area into single family lots ranging from 7,500 to 10,000 square feet in size and multi-family lots from one acre to five acres in size. Petitioner proposes to develop 86 single family lots and approximately 683 multi-family units in the Project, with an overall density of approximately 8 dwelling units per acre.

Petitioner proposes to offer approximately thirty percent of the total number of housing units and lots to be developed on the Project site for sale at prices intended to satisfy Kaua'i's affordable housing policy, Kaua'i County Ordinance No. 860, KCC Sec, 7A-2.1 and 2.2. Assuming a total of 769 multifamily units and single family lots are constructed on the Petition Area, 231 units will be sold at affordable prices. According to the FEIS, sales prices for the affordable multifamily units would be in the range of \$175,000 to \$275,000 (in 2015 dollars). The pricing for affordable single-family house and lots is not clear.

The State Housing Functional Plan (February 2017) includes four objectives:

- A. Increase and sustain the supply of permanent rental housing that is affordable and accessible to Hawaii residents, particularly those with incomes at or below 80% AMI.
- B. Increase the homeownership rate.
- C. Address barriers to residential development.
- D. Maintain a statewide housing data system for use by public and private agencies engaged in the provision of housing.

HG Kauai Joint Venture, LLC
HoKua Place Residential Community
November 6, 2020
Page 2

Policies A(3) and B(3) of the 2017 State Housing Functional Plan seek to ensure that (1) housing projects and (2) projects which impact housing provide a fair share/adequate amount of affordable housing opportunities, including rental housing opportunities and for-sale housing opportunities. Petitioner's proposal conforms to the applicable objectives and policies of the State Housing Function Plan.

Should you have any questions, please contact Janice Takahashi, Chief Planner at 587-0639. Thank you for the opportunity to comment.

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer
to:

LUD - 4 4 3 003 001 HoKua Place
New Petition Kapaa ID 5354

October 26, 2020

Ms. Mary Alice Evans, Director
Office of Planning
State of Hawaii
2235 South Beretania Street 6th Floor
Honolulu, Hawaii 96813

Attn: Lorene K. Maki
Email: Lorene.k.maki@hawaii.gov

Dear Ms. Evans:

Subject: Petition for a Land Use District Boundary Amendment
Land Use Commission Docket No. A11-791 HG Kauai Joint Venture, LLC
HoKua Place Residential Community with 683 Single Family Lots and
Multi Family Units, Olohena Road, Kapaa, Kauai 96746
TMK (4) 4-3-003: portion 001

Thank you for allowing us the opportunity to provide comments for the subject project. It is our understanding that the wastewater generated from this planned development will be connected to the County of Kauai's (County) Wailua Wastewater Treatment Plant. The Department of Health has no comments to offer for the subject project if connection is made to the County's sewer system.

Should you have any questions, please call Mr. Mark Tomomitsu of my staff at 586-4294.

Sincerely,

A handwritten signature in black ink, appearing to read "Sina Pruder".

SINA PRUDER, P.E., CHIEF
Wastewater Branch

LM/MST:lmj

cc: Ms. Lori Vetter, WWB-Kauai, via email



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:
01EP1F00-2021-TA-0016

October 22, 2020

Ms. Mary Alice Evans
Office of Planning, State of Hawaii
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Subject: Request for Comment on Land Use Commission Docket No. A11-791 HG Kauai
Joint Venture, LLC. HoKua Place, Kapaa, Kauai, Hawaii

Dear Ms. Evans:

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.

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. We have added to the PIFWO website, located at <https://www.fws.gov/pacificislands/promo.cfm?id=177175840> recommended conservation measures intended to avoid or minimize adverse effects to these federally protected species and best management practices to minimize and avoid sedimentation and erosion impacts to water quality.

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/>.

INTERIOR REGION 9
COLUMBIA-PACIFIC NORTHWEST

INTERIOR REGION 12
PACIFIC ISLANDS

IDAHO, MONTANA*, OREGON*, WASHINGTON
*PARTIAL

AMERICAN SAMOA, GUAM, HAWAII, NORTHERN
MARIANA ISLANDS

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,

**Aaron
Nadig**

Digitally signed
by Aaron Nadig
Date: 2020.10.22
13:08:05 -10'00'

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, this list is not comprehensive and should only be used for general guidance.

<u>Scientific Name</u>	<u>Common Name / Hawaiian Name</u>	<u>Federal Status</u>	<u>May Occur In 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 imbricata</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	T	<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>	Pacific Hawaiian Damselfly	E	<input type="checkbox"/>
<i>M. xanthomelas</i>	Orangeblack Hawaiian Damselfly	E	<input type="checkbox"/>
<i>M. nigrohamatum nigrolineatum</i>	Blackline Hawaiian Damselfly	E	<input type="checkbox"/>

<u>Plants</u>				
<u>Scientific Name</u>	<u>Common Name</u> or <u>Hawaiian Name</u>	<u>Federal Status</u>	<u>Locations</u>	<u>May Occur In Project Area</u>
<i>Abutilon menziesii</i>	Ko'oloa'ula	E	O, L, M, H	<input type="checkbox"/>
<i>Achyranthes splendens</i> var. <i>rotundata</i>	'Ewa hinahina	E	O	<input type="checkbox"/>
<i>Bonamia menziesii</i>	No common name	E	K, O, L, M, H	<input type="checkbox"/>
<i>Canavalia pubescens</i>	'Āwikiwiki	E	Ni, K, L, M	<input type="checkbox"/>
<i>Colubrina oppositifolia</i>	Kauila	E	O, M, H	<input type="checkbox"/>
<i>Cyperus trachysanthos</i>	Pu'uka'a	E	K, O	<input type="checkbox"/>
<i>Gouania hillebrandii</i>	No common name	E	Mo, M	<input type="checkbox"/>
<i>Hibiscus brackenridgei</i>	Ma'o hau hele	E	O, Mo, L, M, H	<input type="checkbox"/>
<i>Ischaemum byrone</i>	Hilo ischaemum	E	K, O, Mo, M, H	<input type="checkbox"/>
<i>Isodendron pyrifolium</i>	Wahine noho kula	E	O, H	<input type="checkbox"/>
<i>Marsilea villosa</i>	'Ihi'ihī	E	Ni, O, Mo	<input type="checkbox"/>
<i>Mezoneuron kavaiense</i>	Uhiuhi	E	O, H	<input type="checkbox"/>
<i>Nothoecstrum breviflorum</i>	'Aiea	E	H	<input type="checkbox"/>
<i>Panicum fauriei</i> var. <i>carteri</i>	Carter's panicgrass	E	Molokini Islet (O), Mo	<input type="checkbox"/>
<i>Panicum niihauense</i>	Lau'ehu	E	K	<input type="checkbox"/>
<i>Peucedanum sandwicense</i>	Makou	E	K, O, Mo, M	<input type="checkbox"/>
<i>Pleomele (Chrysodracon)</i> <i>hawaiiensis</i>	Halapepe	E	H	<input type="checkbox"/>
<i>Portulaca sclerocarpa</i>	'Ihi	E	L, H	<input type="checkbox"/>
<i>Portulaca villosa</i>	'Ihi	E	Le, Ka, Ni, O, Mo, M, L, H, Nihoa	<input type="checkbox"/>
<i>Pritchardia affinis</i> (<i>maideniana</i>)	Loulu	E	H	<input type="checkbox"/>
<i>Pseudognaphalium sandwicense</i> var. <i>molokaiense</i>	'Ena'ena	E	Mo, M	<input type="checkbox"/>
<i>Scaevola coriacea</i>	Dwarf naupaka	E	Mo, M	<input type="checkbox"/>
<i>Schenkia (Centaurium)</i> <i>sebaeoides</i>	'Āwiwi	E	K, O, Mo, L, M	<input type="checkbox"/>
<i>Sesbania tomentosa</i>	'Ōhai	E	Ni, Ka, K, O, Mo, M, L, H, Necker, Nihoa	<input type="checkbox"/>
<i>Tetramolopium rockii</i>	No common name	T	Mo	<input type="checkbox"/>
<i>Vigna o-wahuensis</i>	No common name	E	Mo, M, L, H, Ka	<input type="checkbox"/>

Location key: O=O'ahu, K=Kaua'i, M=Maui, H=Hawai'i Island, L=Lāna'i, Mo=Moloka'i, Ka=Kaho'olawe, Ni=Ni'ihau, Le=Lehua

DAVID Y. IGE
GOVERNOR



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


JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
HWY-PS 2.4135

October 28, 2020

TO: MARY ALICE EVANS, DIRECTOR
OFFICE OF PLANNING

FROM: JADE T. BUTAY 
DIRECTOR OF TRANSPORTATION

SUBJECT: REQUEST FOR COMMENTS
PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT
LAND USE COMMISSION DOCKET NO. A11-791 HG KAUAI JOINT
VENTURE, LLC-HOKUA PLACE
KAPAA, KAUAI, HAWAII
TAX MAP KEY NO.: (4) 4-3-003: 001 (PORTION)

The petitioner proposes to reclassify approximately 97 acres of State Land Use Agricultural District to State Land Use Urban District. The proposed use is a residential subdivision including approximately 683 multifamily units, 86 single family homes, 14 acres of greenways, a 3.1-acre park, 1.4 acres of commercial use, 1 acre for County police and fire substations. The project would comply with Kauai County Ordinance No. 860 to provide workforce housing.

The project site is at the corner of Kapaa Bypass Road (State Route 5600) and Olohena Road (County jurisdiction). The Kapaa Bypass Road was constructed in 1996 and extended in 2007 to alleviate Kapaa traffic congestion; however, the current traffic conditions in the area continue to be an ongoing concern for Hawaii Department of Transportation (HDOT) and the community. The HDOT in cooperation with the County and community stakeholders prepared the 2015 Kapaa Transportation Solutions Plan. Multiple transportation improvement projects were identified in the plan to address the Kapaa traffic, and implementation of the improvements is subject to budget constraints.

The Final Environmental Impact Statement (FEIS) for the subject project, dated November 2019, was accepted by the State Land Use Commission in December 2019. HDOT provided comments on the December 2013 Traffic Impact Assessment Report (TIAR) and the TIAR Update of May 2017, during two Draft Environmental Impact Statement public comment periods.

HDOT reviewed the FEIS and the appended TIAR Update dated September 29, 2017, and recommends the following conditions be attached to the Land Use Commission Decision and Order:

1. Submit an updated TIAR, that addresses comments made by HDOT and the County of Kauai Department of Public Works Engineering Division to HDOT for review and acceptance. HDOT has reviewed TIAR Update dated September 29, 2017 and has the following comments relevant to State highway:
 - a. The TIAR shall include a commitment to proposed traffic impact measures and a proposed implementation schedule. The TIAR shall provide mitigation measures for direct impacts to State facilities due to the project in order to maintain the operating Level of Service (LOS) and delay level conditions at the “without project condition” for all horizon years.
 - b. Should the LOS be lower than LOS D, the applicant shall provide mitigation improvements to improve the State facilities. The TIAR has identified the following State facilities with LOS lower than LOS D that require mitigation:
 1. Kuhio Highway, Kukui Street, & Huluili Street.
 2. Kuhio Highway and Lehua Street.
 3. Kuhio Highway and Ohia Street/Pono Kai Driveway.
 4. Kapaa Bypass Road and Oloheua Road.
 5. Kuhio Highway and Kapaa Bypass Road (South Junction).
 - c. Recommendations in the TIAR Section V are acceptable mitigation measures except for “Restrict on street parking along Kuhio Highway within Kapaa town”, as this was not recommended by the Kapaa Transportation Solutions Plan. These recommendations shall be clarified as mitigations measures done by the applicant due to the project’s direct impacts to the State. A Traffic Analysis shall be done “With Project Mitigation” instead of “With Project – Improved” to analyze the mitigation to be done by the project.
 - d. The TIAR shall include regional improvements to be provided on a pro-rated basis. A proportional share impact fee estimate shall be done based on the project’s percent of trips.
2. Should State and County land use entitlements for the project be delayed 5-years beyond the date the TIAR is accepted by HDOT, an update shall be required.

3. Fund the planning, design and construction of all traffic improvements required to mitigate local or direct project-generated related traffic impacts including the following:
 - a. Construct Road A from Olohena Road to the Kapaa Bypass Road.
 - b. Construct a roundabout at the intersection of Road A and the Kapaa Bypass Road. The roundabout shall have enough travel way and shoulder width to allow for emergency vehicles to pass a disabled vehicle.
 - c. Restripe the median on the north leg of Kuhio Highway at the Kapaa Bypass Road (South Junction) to provide a median refuge lane.
 - d. Modify the traffic signal operations at the intersection of Kuhio Highway and Kukui Street to reduce queuing and delays.
 - e. Add a separate right-turn bypass lane at the roundabout from makai bound Olohena Road to southbound Kapaa Bypass Road.
 - f. Extend the median refuge lane/two-way left-turn lane on the north leg of Kuhio Highway at Lehua Street.
4. Fund its share of the planning, design and construction of all improvements required to mitigate regional project-general related traffic improvements including the following:
 - a. Widen Kuhio Highway between the Kapaa Bypass Road (South Junction) and Kuamoo Road to provide two through lanes in each direction.
 - b. Widen the Kapaa Bypass Road to provide one lane in the northbound direction from Olohena Road to Kuhio Highway.
 - c. Terminate Hauala Road at Kuhio Highway and construct collector road to connect to the Kapaa Bypass Road after widening to accommodate two-way traffic.
5. The Kapaa Bypass Road was constructed, in part, within Tax Map Key No.: (4) 4-3-003:001. As noted in our comments on the 2013 TIAR, the appropriate Kapaa Bypass Roadway right-of-way (ROW) shall be dedicated to HDOT, at no cost to HDOT, as a condition of the land use boundary amendment, per the Memorandum of Understanding, dated May 30, 2002.
6. Establish a 100-foot building setback from the Kapaa Bypass Road ROW (except the Road A permitted access) for future Kapaa Bypass Road improvements.

MARY ALICE EVANS
October 28, 2020
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HWY-PS 2.4135

7. Dedicate appropriate ROW for the recommended transportation improvements to the State, as required by HDOT. Proposed roadway improvement and implementation schedule are subject to HDOT Kauai District Engineer's approval.

If you have any questions, please contact Jeyan Thirugnanam, Systems Planning Engineer, Highways Division, Planning Branch at (808) 587-6336 or by email at jeyan.thirugnanam@hawaii.gov. Please reference file review number PS 2020-159.



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

OFFICE OF FACILITIES AND OPERATIONS

November 25, 2020

TO: Marie Alice Evans
Director
Office of State Planning

FROM: Kenneth G. Masden II *mona alourey*
Public Works Manager, Planning Section
Facilities Development Branch

SUBJECT: **LUC Docket No. A11-791, HG Kauai Joint Venture, LLC-HoKua Place
State Land Use District Boundary Amendment**

The Hawaii State Department of Education (HIDOE) has the following comments on Land Use Commission Docket No. A11-791 requesting the reclassification of 97 acres of land from the State Agricultural District to the State Urban District for the proposed HoKua Residential Community (Project) located at Kapaa, Island of Kauai, TMK: 4-3-003:Por. 001. The Project is comprised of 683 residential units; 86 single-family and 683 multi-family dwellings.

The HIDOE schools serving the Project are Kapaa Elementary, Kapaa Middle, and Kapaa High. Both Kapaa Elementary and Kapaa Middle have capacity for new students and will continue to have capacity over the next five years. Kapaa High is operating at capacity and will continue to operate at capacity over the next five years.

The Project is not subject to school impact fees. There are no school impact districts on Kauai.

The Project borders Kapaa Middle and will be subject to short term construction related impacts. Consultation should occur with Kapaa Middle prior to and during construction to identify and mitigate impacts construction-related impacts.

Thank you for the opportunity to comment. Should you have questions, please contact Robyn Loudermilk of the Facilities Development Branch, Planning Section, at 784-5093 or via email at robyn.loudermilk@k12.hi.us.

KGM:rl1

c: Paul Zina, Complex Area Superintendent, Kauai District



**OFFICE OF PLANNING
STATE OF HAWAII**

DOE - SUPT'S OFFICE
NOV 10 '20 AM 9:43

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

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

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

DTS 202011041458MA

Email Ref: LUC Docket No. A11-791 Request for Comments. **DUE November 23, 2020**

November 5, 2020

TO: Dr. Christina M. Kishimoto, Superintendent
Department of Education

ATTN: Kenneth Masden II, Public Works Administrator, Planning Section

FROM: Mary Alice Evans, Director *Mary Alice Evans*
Office of Planning

SUBJECT: Petition for a Land Use District Boundary Amendment
Deemed Complete September 18, 2020
Land Use Commission Docket No. A11-791 HG Kauai Joint Venture, LLC-
HoKua Place
Proposed Use: To Develop the HoKua Place Residential Community with
683 Single Family Lots and Multi-family Units
Request: Agricultural to Urban Land Use District
Location: Kapaa, Kauai, Hawaii
Tax Map Key No: (4) 4-3-03: Por. 01
Land Area: Approximately 96 Acres

The Office of Planning (OP) requests your comments on the subject District Boundary Amendment (DBA) in order to prepare the State's position statement, and subsequent testimony for the Land Use Commission (LUC) hearing on the Petition. Petitioner is proposing to develop the HoKua Place residential community comprised of approximately 683 single-family and multi-family lots and homes, HoKua Farm lots, infrastructure, open space, a 3.1 acre park and 1.4 acre commercial area.

The Petition was deemed complete by the LUC as of September 18, 2020. Hearings on this District Boundary Amendment have not been scheduled yet. However, our position statement will be required shortly.

OP is soliciting information on anticipated effects of the proposed project as it relates to your Department's responsibilities. Also, please consider the following with respect to the DBA:

1. Programs, facilities, or resources under the jurisdiction of your agency that will be directly and indirectly affected by the project proposal, for example, impacts to natural resources regulated by your agency or infrastructure, such as roadways maintained and under the jurisdiction of your agency; and

Dr. Christina M. Kishimoto, Superintendent
November 5, 2020
Page 2

2. Recommended mitigation measures to address the above issues if the Petition were to be approved.

Below is an internet link to the current set of documents for this Petition. We are also including a CD of the materials with the hard copy of this letter.

<https://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/completed-dba-kauai-county/completed-dba-kauai-county-2010s/a11-791-kapaa-highlands-phase-ii-hg-kauai-joint-venture-llc/>

Please submit your comments to OP no later than November 23, 2020.

If you have any questions on this request, or need an extension of time to respond, please contact Lorene Maki by email at Lorene.k.maki@hawaii.gov. Thank you for your time and attention to this important matter.

Enclosures

c: Kenneth Masden II
Public Works Administrator
Office of Facilities Operations
Facilities Development Branch/Planning Section
3633 Waialae Avenue, Room C209
Honolulu, HI 96816

RESUME

Rodney Funakoshi

Planning Program Administrator, Land Use Division
State of Hawaii Office of Planning

Employment:

- Planning Program Administrator, Land Use Division, Office of Planning, 2011-present
- Senior Project Manager, Planning and Development, Castle & Cooke Hawaii, 2007 - 2011
- Senior Project Manager – Planning, Wilson Okamoto Corporation, 1987 – 2007
- Planner IV-VI, State of Hawaii Department of Planning and Economic Development, 1979 – 1987

Education:

- Master of Urban and Regional Planning, University of Hawaii at Manoa
- Bachelor of Arts, Sociology, University of Hawaii at Manoa

Expertise:

- Hawaii land/water use development permits
- Community master plans
- Public awareness and involvement
- Infrastructure & erosion control plans
- Environmental assessments/EISs
- Water quality and wetlands permits
- Land use development plans
- Airport and military master plans

Experience:

Mr. Funakoshi has managed a wide range of government and private sector planning and development projects in Hawaii and the Pacific. As a consulting planner he has represented major land owners and developers including Castle & Cooke Hawaii, Alexander and Baldwin, Stanford Carr Development, Haseko, Gentry Hawaii, Ko Olina Resort, TSA International, Outrigger Resorts, Kamehameha Schools, and Kauai Lagoons. Development approvals processed include State land use boundary amendment petitions, Conservation District Use, Special Management Area permits, county zoning, variance and subdivision approvals, and Federal and State water quality permits.

Major public sector projects managed include the Aiea-Pearl City Livable Communities Plan, Hawaii State Airport Systems Plan, Kailua-Kaneohe-Kahaluu Wastewater Facilities Plan, Waipahu Town Plan, Maui Land Use Technical Study and Infrastructure Assessment, Kawainui Marsh Master Plan, Hilo International Airport Master Plan, Camp H.M. Smith Master Plan, Hawaii Water Resources Protection Plan, Oahu Water Master Plan, Five-Year Boundary Review/Affordable Housing Study, Grading/Erosion Control Ordinance Revision for Maui and Hawaii County, and Marine Education and Training Center at Sand Island.

Mr. Funakoshi has supervised the preparation of over 50 environmental assessments and environmental impacts statements under Hawaii and Federal EIS laws for airports, highways, harbors, schools, military, land use, infrastructure, resort, commercial-industrial, residential, and master planned communities. He has coordinated hundreds of environmental technical and scientific studies including engineering, archaeology, botany, ornithology, traffic, air, noise, socio-economic and water quality.

Professional Associations:

- American Planning Association, Hawaii Chapter

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD., STE 555
KAPOLEI, HI 96707

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MĀNUEL
DIRECTOR - WATER

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

December 20, 2020

Russell Y. Tsuji, Administrator
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809
c/o Wesley Matsunaga
Wesley.t.matstunaga@hawaii.gov

IN REPLY REFER TO:
Log No. 2020.02061
Log No. 2020.02273
Doc No. 2012LS01
Archaeology

Mary Alice Evans, Director
State of Hawaii
Office of Planning
235 South Beretania St., 6th floor
Honolulu, HI 96804
c/o Lorene Maki
Lorene.k.maki@hawaii.gov

Dear Mr. Tsuji and Ms. Evans:

SUBJECT: Chapter 6E-8 Historic Preservation Review –
Request for Comments, Land Use Commission Docket #A11-791
Amended Petition for Land Use District Boundary Amendment
Petitioner: HG Kauai Joint Venture, LLC
Kapa‘a Ahupua‘a, Puna District, Island of Kaua‘i
TMK: (4) 4-3-003:001

This letter provides the State Historic Preservation Division's (SHPD's) comments on the Department of Land and Natural Resources, Land Division's submittal titled *Land Use Commission Docket #A11-791 HG Kauai Joint Venture, LLC, Amended Petition for Land Use District Boundary Amendment*. According to the submittal, an amended petition has been filed to amend the State Land Use District Boundaries of approximately 96 acres of land identified as TMK: (4) 4-3-003:001, from the State Land Use Agricultural District to the State Land Use Urban District for the development and construction of the HoKua Place residential community. The SHPD received this submittal on September 7, 2020 which included a Notice of Amended Petition and a Memorandum from the Department of Land and Natural Resources, Land Division.

Determination

Based on the information provided, SHPD has no objections to the requested action by the Land Division. The permitting process may continue.

The SHPD requests the opportunity to review future permits involving ground disturbing activities on the subject property.

Please contact Dr. Susan A. Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov for any questions regarding this letter.

Mr. Tsuji and Ms. Evans
December 20, 2020
Page 2

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

LAND USE COMMISSION

DOCKET NO./PETITIONER: A11-791 HG KAUALI JOINT VENTURE, LLC
 OFFICE OF PLANNING (OP)

PARTY:

FIRST AMENDED LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Office of Planning (OP) Written Testimony		
2A	Location Map with State Land Use Districts		
2B	Wetland Map USFWS GIS Layer		
3	State Department of Land and Natural Resources Letter, dated January 13, 2021		
4	State Department of Housing Finance and Development Corporation Letter, dated November 6, 2020		
5	State Department of Health Letter, dated October 26, 2020		
6	U.S. Fish and Wildlife Service Letter, dated October 22, 2020		
7	State Department of Transportation Letter, dated October 28, 2020		
8	State Department of Education Letter, dated November 25, 2020		
9	Resume of Rodney Funakoshi		
10			

LAND USE COMMISSION

DOCKET NO./PETITIONER: A11-791 HG KAUALI JOINT VENTURE, LLC
 OFFICE OF PLANNING (OP)

PARTY:

FIRST AMENDED LIST OF EXHIBITS

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6	U.S. Fish and Wildlife Service Letter, dated October 22, 2020		
7	State Department of Transportation Letter, dated October 28, 2020		
8	State Department of Education Letter, dated November 25, 2020		
9	Resume of Rodney Funakoshi		
10	State Department of Land and Natural Resources Letter, State Historic Preservation Division, dated December 20, 2021		

OFFICE OF PLANNING

Leiopapa a Kamehameha, Room 600
235 South Beretania Street
Honolulu, Hawaii 96813
Telephone: (808) 587-2846
Facsimile: (808) 587-2824

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A11-791
)	
HG KAUAI JOINT VENTURE, LLC	)	OFFICE OF PLANNING’S TESTIMONY
	)	IN PARTIAL SUPPORT WITH
	)	CONDITIONS, FIRST AMENDED LIST
To Amend the Land Use District Boundary	)	OF EXHIBITS; OP EXHIBITS 1, 2A, 2B,
of Certain Lands Situated at Kapaa, Island	)	3, 4, 5, 6, 7, 8, 9, AND 10; CERTIFICATE
of Kauai, State of Hawaii, Consisting of	)	OF SERVICE
approximately 96 Acres, From the)	
Agricultural Land Use District to the Urban)	
Land Use District, Kauai Tax Map Key 4-3-)	
03: por. 01)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

HG KAUAI JOINT VENTURE, LLC
c/o OAR Management, Inc.
9911 South 78th Avenue
Hickory Hills, IL 60457
Attn: Theresa M. Roche, President

JAKE BRACKEN
Acting Director c/o HG Management, LLC
5662 W. Clubhouse Drive
Hurricane, UT 84373

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808.243.9292

BIANCA K. ISAKI 9977, ESQ.
Law Office of Bianca Isaki
1720 Huna Street, 401B
Honolulu, Hawai'i 96837

DATED: Honolulu, Hawaii, February 11, 2021.

OFFICE OF PLANNING
STATE OF HAWAII

Mary Alice Evans

MARY ALICE EVANS
DIRECTOR