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LIKO MARTIN

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	) INTERVENOR'S REQUEST FOR JUDICIAL
To Amend the Land Use District Boundary of	) NOTICE AND REVISED EXHIBIT LIST;
Certain Lands Situated at Kapa'a, Island of	) EXHIBIT NO. I-124; CERTIFICATE OF
Kauai, State of Hawai'i, consisting 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.	) Hearing Dates : March 10-11, 2021

INTERVENOR'S REQUEST FOR JUDICIAL NOTICE AND REVISED EXHIBIT LIST

Intervenor LIKO MARTIN respectfully requests this Commission take judicial notice of Kaua'i County Ordinance No. 254 (eff. Jun. 16, 1975), codified at Kaua'i County Code §10-1.1, which ordinance includes maps from the "Kapa'a-Wailua Development Plan," pursuant to the Hawai'i Rules of Evidence, Rule 201. Excerpts of these maps are submitted as Exhibit No. I-124 as noted in the revised exhibit list below:

No.	Description
I-01*	Amended District Boundary Amendment Application, as filed with the Commission on Aug. 27, 2020 (excerpts)
I-02*	HoKua Place Final Environmental Impact Statement, as filed with the Commission on Nov. 22, 2019 (excerpts)
I-03*	HoKua Place Draft Environmental Impact Statement, as filed with the Commission on Apr. 27, 2015 (excerpts)

I-04*	Letter from W. Yuen, counsel for HG Kaua'i Joint Venture, LLC to D. Orodener, Executive Director, Land Use Commission, as filed Nov. 25, 2020.
I-05	Land Patent No. 5266 (R. Spaulding)
I-06	Registered Map Kapa'a 1892
I-07	1877 Makee Sugar Lease of Crown Lands
I-08	Staff Submittal, Dep't of Land and Natural Resources, PSF No. 18KD-135 (Mar. 8, 2019)
I-09	Duncan McBryde & Jas. W. Gay, Notes of Survey for Kapa'a, Puna, Kaua'i according to Certificate of Boundary Commission (Dec. 11, 1872)
I-10	Photographs of native plant nursery, Kula, Maui (2017)
I-11	Kaua'i Government Survey Map (1878), Library of Congress
I-12	Walter E. Wall, Hawaiian Territorial Survey Map of Kaua'i (1903), Library of Congress
I-13	Liko Martin, Evolution of entitlements in the Crown Lands of the Royal Domain of the Hawaiian Islands (Jan. 20, 2021)
I-14	Memorandum from the Kaua'i Historic Preservation Review Committee to Walton Hong dated Aug. 12, 2002, "EWM Kaua'i LLC, General Plan Amendment TMK 3-7-03:1, 3-9-05:5"; meeting minutes, submittals, EWM Kaua'i LLC application, and the Kaua'i Historic Preservation Review Committee letter to the Planning Department, dated Feb. 12, 2002
I-15	Rupert Rowe witness statement
I-16	Rupert Rower presentation
I-17	Photograph of lo'i from Waialua, O'ahu (demonstrative exhibit)
I-18	Rayne Regush witness statement
I-19	Rayne Regush presentation
I-20	Jacy L. Youn, "In Crisis: Mayor Bryan Baptiste deals with a garden of gridlock," <i>Business Magazine</i> (Sept. 2005).
I-21	Kaua'i Planning Dep't, Updated list of entitled South and East Kaua'i projects, pursuant to UIPA request, January 2021.
I-22	Aerial photograph of HoKua Place parcel, G. Allen to R. Regush (2011)
I-23	Google Earth Waikaea Stream Map (accessed Jan. 2021)
I-24	Kapa'a Transportation Solutions, Dep't of Transportation, State of Hawai'i (Aug. 2015)
I-25	R. Regush, Compilation of excerpts from Kaua'i General Plans dated 1961, 1970, 1982, 2000, 2018 (Jan. 2021).
I-26	Kaua'i Kākou General Plan (2018) (excerpts)
I-27	Kapa'a-Wailua Development Plan (1973) (excerpts)
I-28	Southeast Kaua'i Development Plan 2030 (draft), as provided to the Kaua'i Citizen Advisory Committee (excerpt)
I-29	Kaua'i Real Property Assessment, Tax Map Key map of parcel, accessed Jan. 20, 2021
I-30	Amended District Boundary Amendment (DBA) Petition, Exh. 1, filed Aug. 27, 2020.
I-31	Applicant Amended DBA Petition, Exh. 2, filed Aug. 27, 2020.
I-32	Applicant, Incremental Phase Map, filed Nov. 25, 2020.
I-33	USDA Natural Resource Conservation Svc., (4) 4-3-003:001 "Soils Map," (May 31, 2018)
I-34	Applicant Amended DBA Petition, Exh. 9, filed Aug. 27, 2020 (excerpts)
I-35	Wailua-Kapa'a Neighborhood Association, Information Packet for Oct. 22, 2011 meeting
I-36	Wagner Engineering Srvcs., Inc., Survey of Parcel I TMK 4-3-03 and Parcel II TMK 4-3-04 (Nov. 12, 1997, revised Sep. 11, 1998) (FEIS Vol. IIB, Exh. N.2)
I-37	Kaua'i County Tax Map "K4303A" available at: <a href="http://www.kauaigovonline.org">www.kauaigovonline.org</a>

I-38	Kaua'i Planning Dep't Memorandum, "HoKua Place Comments for LUC Tuesday December 17, 2019"
I-39	Anne Walton, Ph.D. Resume and Biographical statement
I-40	Anne Walton, Ph.D. witness statement
I-41	Traffic Impact Analysis Report, Kealia Mauka Homesites, prepared by Austin, Tsutsumi & Associates (May 10, 2019), Appendix H to the Keālia Mauka Homesites Final Environmental Impact Statement, Jul. 2019; (excerpts)
I-42	HoKua Place FEIS Appx. H.1 (2017 updated TIAR)
I-43	Sharon Goodwin, Written Testimony
I-44	Sharon Goodwin, Traffic Count by Kapa'a Middle School, Map No. 1 (May 27, 2015)
I-45	Sharon Goodwin, Traffic Count by Kapa'a roundabout, Map No. 2 (May 27, 2015)
I-46	Noreen Dougherty, resume and witness statement
I-47	Noreen Dougherty, HoKua Place FEIS Vol. IA, at 111-12 (school capacity)
I-48	Noreen Dougherty, traffic photos (Feb. 2020)
I-49	John D. Harder witness statement & resume
I-50	John D. Harder, <i>Zero Waste Kaua'i</i> website (accessed Jan. 13, 2021)
I-51	Email from Allison Fraley, Acting Solid Waste Chief, County of Kaua'i Solid Waste Division, Subject: UIPA response (Jan. 19, 2021)
I-52	James Edmonds, witness statement & curriculum vitae
I-53	Larry Graff, witness statement & curriculum vitae
I-54	James Edmonds' presentation, February 2021
I-55	<i>Mālama 'Aina: A Conversation about Maui's Farming Future</i> , a project of the Maui Tomorrow Foundation, prepared by J. Pell (Oct. 2016)
I-56	<i>Hawai'i Housing Planning Study, 2019</i> , prepared by SMS Research & Marketing Services, Inc. for the Hawai'i Housing Finance and Development Corp. (Dec. 2019)
I-57	Kaua'i County Housing Agency, 2020 Income Limits, Rental Limits by Family Size, Rental Limits by Bedroom Count, Sale limits by Family Size, Sale Limits by Bedroom Count, Sale Limits by Income-Bedroom Size (accessed Jan. 22, 2021)
I-58	State of Hawai'i Databook, Chapter 21 (2019)
I-59	Testimony to the Kaua'i County Council Bill No. 2774 (Ordinance No. 1081), enacted Oct. 29, 2020.
I-60	L. Collins "Fast-Tracking the Luxury Housing Crisis in West Maui," in <i>Social Change in West Maui</i> (North Beach West Maui Benefit Fund, Lahaina 2019)
I-61	A. Parachini, "Kauai realtors see uptick in people buying houses sight-unseen" <i>Civil Beat</i> (Jan. 11, 2021)
I-62	Anne Thurston, Ph.D. biographical information
I-63	Anne Thurston witness statement
I-64	Wailua Facility Plan, Final Environmental Assessment, Kaua'i County Dep't of Public Works (Apr. 2008) (excerpts)
I-65	County of Kaua'i, General Plan Update, Kaua'i Infrastructure Analysis, prepared by R.M. Towill Corp. (May 2015) (excerpts)
I-66	Chris D'Angelo, "Battle over wastewater in Wailua," <i>The Garden Island</i> (Sun. Apr. 20, 2014)
I-67	State Department of Education, Invitation for Bids No. IFB D21-015 for Maintenance and Repair of Individual Wastewater Systems (Sep. 14, 2020)
I-68	Dep't of Health, Clean Water CWSRF Projects, Amendment No. 2 (Nov. 2020)

I-69	Email from E. Tschupp, Kaua'i Wastewater Management, Subject: FW: WETT Result 02/23/11 C. of Kauai (Mar. 3, 2011).
I-70	Letter from E. Tschupp, Kaua'i Wastewater Management, to Mike Tsuji, Dep't of Health (DOH), Subj: August 2012 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (filed Sep. 13, 2012).
I-71	Letter from E. Tschupp, Kaua'i Wastewater Management, to Mike Tsuji, DOH, Subj: Oct.2012 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (filed Nov. 26, 2012).
I-72	Letter from E. Tschupp, Kaua'i Wastewater Management, to Mike Tsuji, DOH, Subj: Nov. 2012 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (filed Dec. 27, 2012).
I-73	Letter from E. Tschupp, Kaua'i Wastewater Management, to Mike Tsuji, DOH, Subj: Nov. 2012 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (filed Dec. 29, 2012).
I-74	Letter from E. Tschupp, Kaua'i Wastewater Management, to Mike Tsuji, DOH Subj: February 2013 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (dated Mar. 28, 2013, filed Jan. 4, 2013).
I-75	Annual Report Water Pollution Prevention Program, NPDES Permit No. HI0020257, Wailua Wastewater Treatment Plant (Apr. 30, 2013) (without flow records)
I-76	Letter from E. Tschupp, Kaua'i Wastewater Management, to Mike Tsuji, DOH Subj: May 2013 Discharge Monitoring Report, Wailua WWTP (dated Jun. 28, 2013).
I-77	Letter from E. Tschupp, Kaua'i Wastewater Management, to State Dep't of Health, Subj: Proposed Water Pollution Control Permit, County of Kaua'i, Department of Public Works, Wailua Wastewater Treatment Plant, NPDES Permit No. HI0020257, Zone of Mixing No. ZM-30, Reference: 13-CW-PW-98 (Aug. 8, 2013)
I-78	Clean Water Branch, Dep't of Health, Fact Sheet: Application for Renewal of NPDES Permit No. HI 0020257, and Zone of Mixing, Wailua WWTP (Oct. 1, 2013).
I-79	Env'tl Protection Agency, Response to Comments on Public Notice NPDES Permit and Tentative Determinations for Wailua Wastewater Treatment Plant, Oct. 1, 2013.
I-80	Letter from E. Tschupp, Kaua'i Wastewater Management, to Dep't of Health, Clean Water Branch, Subj: January 2014 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (dated Feb. 28, 2014).
I-81	Transmittal from E. Tschupp, Kaua'i Wastewater Management toDOH Clean Water Branch, Annual Report, Wastewater Pollution Prevention Program, Permit No. HI 0020257, Wailua WWTP, Kaua'i" (dated Apr. 25, 2014) (appendix of flows removed)
I-82	Letter from E. Tschupp, Kaua'i Wastewater Management, to DOH, Subj: November 2014 Discharge Monitoring Report, Wailua WWTP (dated Dec. 24, 2014).
I-83	Letter from E. Tschupp, Kaua'i Wastewater Management, to DOH, Subj: April 2015 Discharge Monitoring Report, Wailua WWTP (dated May 28, 2015, filed May 27, 2015).
I-84	E. Tschupp, Kaua'i Wastewater Management to Dep't of Health, Clean Water Branch, Annual Report, Wastewater Pollution Prevention Program, Permit No. HI 0020257, Wailua WWTP, Kaua'i" (dated May 29, 2015) (appendix of flows removed)
I-85	Letter from E. Tschupp, Kaua'i Wastewater Management, to Dep't of Health, Clean Water Branch, Subj: July 2015 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (dated Aug. 28, 2015).
I-86	E. Tschupp, Kaua'i Wastewater Management, to Dep't of Health, Clean Water Branch, Final Report, Ammonia Nitrogen Effluent Limits Compliance Alternatives Evaluation

	Study, Permit No. HI00202057, Wailua WWTP (dated Oct. 30, 2015).
I-87	Letter from E. Tschupp, Kaua'i Wastewater Management, to Dep't of Health, Clean Water Branch, Subj: November 2015 Discharge Monitoring Report, Permit No. HI00202057, Wailua WWTP (dated Dec. 28, 2015).
I-88	Letter from E. Tschupp, Kaua'i Wastewater Management, to DOH, Subj: Jan. 2016 Discharge Monitoring Rept, Permit No. HI00202057, Wailua WWTP (dated Feb. 26, 2016).
I-89	E. Tschupp, County of Kaua'i to Clean Water Branch, 2016 Annual Receiving Water Monitoring Programs Report, (recv'd May 1, 2017)
I-90	J. Kagimoto, County of Kaua'i to Clean Water Branch, Dep't of Health, "Wailua WWTP Ammonia Nitrogen Effluent Limits Compliance" (Nov. 1, 2017)
I-91	County of Kaua'i, Wastewater Division, NPDES Form 2A, Wailua WWTP, Mar. 30, 2018.
I-92	County of Kauai, Dep't of Public Works, Corrective Action Plan for the Wailua Wastewater Treatment Plant, (April 26, 2018)
I-93	Letter from Jason Kagimoto, Wastewater Management Division, County of Kaua'i to Dep't of Health, Subject: 2019 Annual Receiving Water Monitoring Programs Report, Permit No. HI 0020257, Wailua WWTP (Mar. 27, 2020).
I-94	County of Kaua'i, Wastewater Management Division, Annual Report, Wastewater Pollution Prevention Program, Permit No. HI 0020257, May 31, 2019.
I-95	County of Kaua'i, Wastewater Management Division, Annual Report, Wastewater Pollution Prevention Program, Permit No. HI 0020257, May 20, 2020.
I-96	Email from J. Kagimoto, Kaua'i County, to Clean Water Branch, Dep't of Health, Subject: NPDES Permit HI 0020257 WET Test Result, Fail (Aug. 25, 2020).
I-97	Correspondence between J. Kagimoto, County of Kaua'i and Clean Water Branch, Dep't of Health, Re: NPDES Permit No. 00202057, Sep. 19, 2020.
I-98	County of Kaua'i, Wastewater Management Division, Compliance Evaluation Inspection Response for NPDES No. HI 0020257, Dec. 14, 2020.
I-99	Surfrider Kaua'i Blue Water Task Force report, Dec. 12, 2020
I-100	Kauai County Public Works Department, Wastewater Division, Wailua WWTP Wastewater allocation documentation pursuant to UIPA request, Jan. 2021.
I-101	Dep't of Health, Kapaa Intermediate School septic/wastewater system records.
I-102	Wailua Wastewater Treatment Plant Discharge Monitoring Reports (2016-2020)
I-103	County of Kaua'i, Final Env. Assessment for the Wailua Facility Plan, (Apr. 23, 2008)
I-104	Chris D'Angelo, "Battle over wastewater in Wailua" <i>The Garden Island</i> (Apr. 20, 2014)
I-105	S. Dollar, "Receiving Water Biological Communities Monitoring Program for the Wailua Wastewater Treatment Plant, Wailua, Kaua'i, Hawai'i" (2016)
I-106	Chip Fletcher, Ph.D., <i>On the Shores of Paradise</i> , Chapter 7 (UH Press, 2010) (excerpts)
I-107	Matt Rosener, Ph.D., witness statement
I-108	Resume of Matt Rosener, Ph.D., updated Jan. 2021.
I-109	M. Rosener, P.E., "Hau Bush Impacts on the Hydrology of Kainahola Stream Near Bosshard Kuleana Property (TMK 4-3-0:11), Kapa'a, Hawai'i" May 28, 2018
I-110	Ayron Strauch, Commission on Water Resource Management, "Information relevant to Civ. No. 15-1-0127 (JRV) KRB, LLC vs. State of Hawai'i" (dated Jun. 26, 2020) (excerpts)
I-111	Bridget Hammerquist, resume
I-112	Manager's Report No. 13-1, Minutes and Correspondence of the Board of Water Supply of the County of Kaua'i (excerpts) (Aug. 21, 2012)
I-113	Minutes and Correspondence of the Board of Water Supply of the County of Kaua'i

	(excerpts) (Jul. 28, 2011)
I-114	“Water Pipeline”, Slide No. 24, Greg Allen, Kapa‘a Highlands presentation (Jan. 2012)
I-115	Comm’n on Water Resources Mgmt, <i>Water Resources Protection Plan</i> (2019) (excerpts)
I-116	Adam Asquith, biographical information and witness statement
I-117	Kulana Subdivision Preliminary Marketing Map, TMK 4-3-03:05
I-118	Comm’n on Water Resources Mgmt, <i>Agricultural Water Use and Dev. Plan</i> (2019) (excerpts)
I-119	Comm’n on Water Resources Mgmt, Response to HRS chapter 92F request for all public records for Kapa‘a Highlands Well No. 0419-005 (Jan. 6, 2021).
I-120	Izuka, S.K., et al, Effects of Irrigation and Rainfall Reduction on Ground-water Recharge in the Lihue Basin, Kauai, Hawaii. U.S. Geological Survey Sci. Inv. Rep. 2005-5146 (2005)
I-121	Izuka, S.K., et al, “A thick lens of fresh groundwater in the southern Lihue Basin, Kauai, Hawaii, USA” 11 <i>Hydrogeology J.</i> 240 (2003)
I-122	Adam Asquith, Presentation to the Kaua‘i County Council on South Puna Water Management Area Designation (n.d.).
I-123	U.S. Geological Survey, Kapa‘a Quadrangle Hawaii-Kauai Co., 7.5-Minute Series (Topographic) (Mar. 31, 1999)
I-124	U.S. Geological Survey, Kapa‘a Quadrangle Hawaii-Kauai Co., 7.5-Minute Series (Topographic) (Aug. 10, 1971) <a href="https://store.usgs.gov/product/339040">https://store.usgs.gov/product/339040</a> (water tunnel)
I-111	Dep’t of Health, Report to the 29th Legislature, 2018 Regular Session, Relating to Cesspools and Prioritization for Replacement (Dec. 2017) (excerpts)
I-112	County of Kaua‘i Wastewater Division, Preliminary Design Report Wailua Wastewater Treatment Plant Alternative Effluent Disposal System Design, Oct. 2018,” (excerpts)
I-113	Rebuttal Testimony of Sharon Goodwin
I-114	Rebuttal Testimony of Jim Edmonds
I-115	Rebuttal Testimony of Anne Thurston, Ph.D., OBE
I-116	Rebuttal Testimony of Liko Martin
I-117	Rebuttal Testimony of JoAnn Yukimura
I-118	Rebuttal Testimony of Bridget Hammerquist
I-119	Commission on Water Resource Management, Wailua water system schematic map (n.d.)
I-120	County of Kaua‘i, Department of Water, Manager’s Report No. 19-42 (Jan. 25, 2019)
I-121	Email from D. Moises, Civil Engineer, Kaua‘i Dep’t of Water, (Apr. 10, 2019)
I-122	Comment and Request from B. Hammerquist, Friends of Māhā‘ulepū and Kia‘i Wai o Waialealae, to Dep’t of Health, Nov. 29, 2020.
I-123	Matt Rosener, P.E., HoKua Place Drainage Analysis review, Feb. 15, 2021.
I-124	Maps from Kapa‘a-Wailua Development Plan, Ordinance No. 254, Jun. 16, 1975

DATED: Honolulu, Hawai‘i

March 8, 2021

*Bianca Isaki*

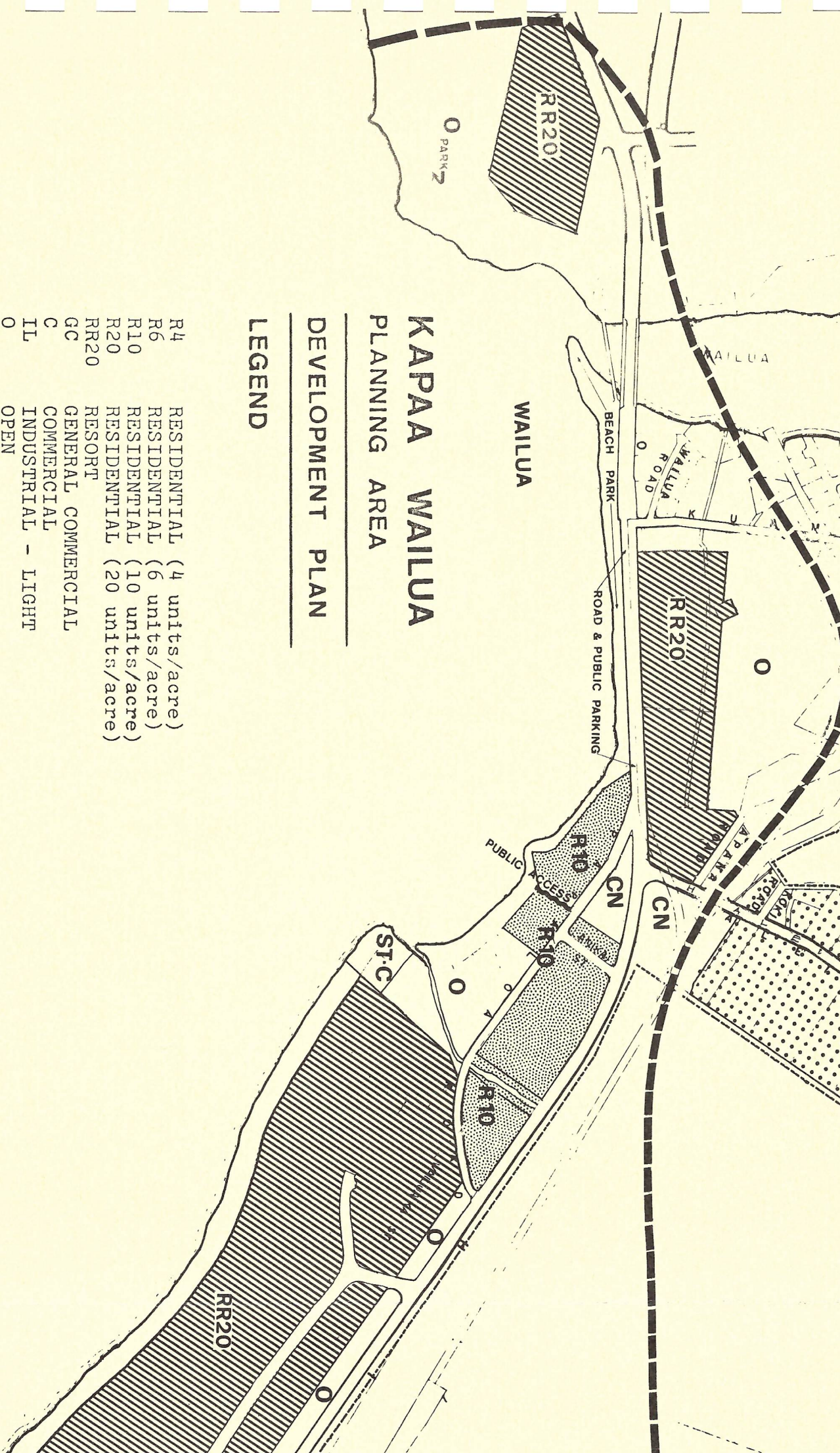
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# KAPAA WAILUA PLANNING AREA

## DEVELOPMENT PLAN

### LEGEND

- R4 RESIDENTIAL (4 units/acre)
- R6 RESIDENTIAL (6 units/acre)
- R10 RESIDENTIAL (10 units/acre)
- R20 RESIDENTIAL (20 units/acre)
- RR20 RESORT
- GC GENERAL COMMERCIAL
- C COMMERCIAL
- IL INDUSTRIAL - LIGHT
- O OPEN
- ST-P SPECIAL TREATMENT - PUBLIC
- SPA SPECIAL PLANNING AREA
- STATE LAND USE BOUNDARIES
- .- SPECIAL PLANNING AREA BOUNDARIES
- A AGRICULTURE
- G CONSERVATION





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	)
HG KAUAI JOINT VENTURE, LLC	) CERTIFICATE OF SERVICE
	)
_____	)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing document was served on the following via email pursuant to the Executive Director's email dated December 15, 2020:

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DATED: Honolulu, Hawai'i

March 8, 2021



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