

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

JUN 23 1993

KEITH W. AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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JOHN P. KEPPELER, II
DONAL L. HANAIKE

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- AQUATIC RESOURCES
- BOATING AND OCEAN RECREATION
- CONSERVATION AND ENVIRONMENTAL AFFAIRS
- CONSERVATION AND RESOURCES ENFORCEMENT
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- HISTORIC PRESERVATION
- LAND MANAGEMENT
- STATE PARKS
- WATER AND LAND DEVELOPMENT

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

KA-92-1424

25
P3:26

Ref.: LM-GM

Mr. Brian Choy, Director
Office of Environmental
Quality Control
State of Hawaii
220 South King Street, 4th Floor
Honolulu, Hawaii 96813

Dear Mr. Choy:

Subject: Negative Declaration for the Proposed Drainage Outlet for the Niumalu - Nawiliwili Community Planning Project, Inc. Subdivision, Nawiliwili, Kauai, Tax Map Key: 3-2-03

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period. We have determined that this project will not have a significant environmental effect, and therefore, we are issuing a negative declaration. Please publish this notice in the July 8, 1993 OEQC Bulletin.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the final environmental assessment.

Please contact Mr. Gary Martin at 587-0414 if you have any questions.

Thank you for your attention to this matter.

Very truly yours,

John P. Keppeler
for KEITH W. AHUE

Enclosures

cc: Kauai Land Board Member
Kauai District Land Office

1993-07-08- KA-FA- Niimalu-Nawiliwili Drainage Outlet JUL - 8 1993

CASE & LYNCH

PETER M. MORIMOTO (3589-0)
4334 Rice Street, Suite 202
Lihue, Kauai, Hawaii 96766
Telephone No.: (808)245-4705

Attorney for Applicant

REC. OF ENVIRONMENTAL QUALITY DIV.

93 JUN 25 13:27

RECEIVED

FINAL
ENVIRONMENTAL ASSESSMENT
FOR THE
PROPOSED DRAINAGE OUTLET FOR
THE NIUMALU-NAWILIWILI COMMUNITY PLANNING
PROJECT, INC. SUBDIVISION

THE NIUMALU-NAWILIWILI COMMUNITY PLANNING PROJECT, INC., a non-profit Hawaii Corporation, whose principal place of business is 2519 Niimalu Road, Lihue, Kauai, Hawaii, and whose mailing address is P. O. Box 382, Lihue, Kauai, Hawaii 96766, hereby submits this Environmental Assessment pursuant to the requirements contained in Chapter 343 of the Hawaii Revised Statutes, and Chapter 200, Title 11, Hawaii Administrative Rules.

The Environmental Assessment is required because the applicant proposes to use land owned by the State of Hawaii to construct a drainage outlet and is requesting an easement for that purpose from the Board of Land and Natural Resources of the State of Hawaii.

1. Applicant.

The Applicant is the Niimalu-Nawiliwili Community Planning Project, Inc. (hereinafter referred to as "NNCP"), a

0027P/120292

non-profit organization consisting of residents of Niumalu and Nawiliwili on the Island of Kauai.

2. Approving Agency.

The approving agencies are the Department of Land and Natural Resources and the Board of Land and Natural Resources of the State of Hawaii.

3. Consulted Agencies.

The governmental agencies consulted with regard to the Applicant's proposal include: the Public Works Department of the County of Kauai; the Office of State Planning of the State of Hawaii; the Planning Commission and the Planning Department of the County of Kauai; the Department of Health, Clean Water Branch, State of Hawaii, the United States Army Corps of Engineers and the Department of Land and Natural Resources of the State of Hawaii, Commission on Water Resource Management. The comments received from the Department of Health, Clean Water Branch, State of Hawaii and the United States Army Corps of Engineers are attached hereto as Exhibit "A" and "B" respectively.

In response to the comments of the Department of Health, Clean Water Branch, Applicant states that it has contacted the Army Corps of Engineers and has received the comments attached to this assessment. The proposed project will not involve the clearing, grading or excavation of land equal to or greater than five acres.

In response to the comments from the United States Army Corps of Engineers, Applicant has submitted a wetlands delineation for their review.

The Applicant has not received comments from the public or any other governmental agency.

4. Technical, economic, social and environmental characteristics of the proposed action.

Technical.

The drainage outlet proposed to be located on the easement would be a pipe 36" in diameter and adjacent to the State of Hawaii Department of Transportation's drainage ditch. The drainage outlet would drain rainwater runoff from the proposed subdivision into Niumalu Stream, and then to Nawiliwili Harbor. A drawing of the outlet is attached hereto as Exhibit "A".

Economic.

Construction of the drainage easement will cost approximately \$15,000.00. The entire subdivision will also have economic benefits due to the construction of the houses and related infrastructure.

Social.

The NNCP is proposing to develop a twenty (20) lot subdivision in Niumalu, Kauai, Hawaii. Most of the members of the NNCP are Kauai born, long-time residents of the area who have low to moderate incomes. In 1986, the NNCP applied for

approval of the subdivision by the Planning Commission of the County of Kauai. The lots would be first offered to long-time residents with low to moderate incomes, and then to others with low to moderate incomes. The Planning Commission granted tentative approval to the subdivision. As a condition of approval, the NNCP was required to provide drainage off of the property and into Nawiliwili Bay.

The NNCP obtained easements for most of the drainage system, with the exception of the outlet, which would be located on land owned by the State of Hawaii.

Environmental.

The drainage system will discharge rainwater runoff from the proposed twenty (20) lot subdivision into Niumalu Stream, and then into Nawiliwili Bay. Construction of the outlet's headwall will require the excavation of approximately eight (8) cubic yards along the Niumalu Stream bank.

5. Summary description of the affected environment.

The surrounding area includes numerous homes, industrial and warehouse facilities, and a State of Hawaii Department of Transportation boat and harbor facility. The water from the drain would enter into Niumalu Stream, which normally has a sluggish water circulation, but can become a raging torrent during rainstorms. The water quality is brackish, and there is no groundwater recharge in the area.

There have been no erosion problems at the site, and the air and water quality in the area are excellent.

A location map of the project is attached hereto as Exhibit "B". A site map of the project is attached hereto as Exhibit "C".

6. Identification and summary of the major impacts and alternatives considered.

During construction of the drainage outlet, runoff from excavation into Niumalu Stream may occur. After construction is completed, water from the twenty (20) lot subdivision will drain into Niumalu Stream, and then into Nawiliwili Bay. The drainage outlet itself will have no significant impact on air quality, noise, traffic, archaeological sites, flora or fauna. The proposed structure may be less aesthetically pleasing than the current condition of the Niumalu Streambank, but is expected to be insignificant.

Alternatives.

The NNCP attempted to obtain easements from the adjoining property owner that would have allowed water to drain from the subdivision into Niumalu Stream, and then into Nawiliwili Bay. However, the NNCP was refused, and the Planning Commission approved an alternative underground drainage system that would go under Niumalu and Waapa Roads with an outlet into Niumalu Stream.

7. Proposed mitigation measures.

The contractor will be instructed to take precaution to ensure that runoff into Niumalu Stream will be minimal during construction, and will be further instructed to complete the project and restore the area as soon as practicable to prevent erosion and sedimentary runoff.

8. Determination.

The drainage outlet is not expected to cause signification impact to the environment.

Findings and reasons supporting determination.

1. The proposed project will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources.

2. The proposed project will not curtail the range of beneficial uses of the environment.

3. The proposed project will not conflict with the State's long-term environmental policies.

4. The proposed project will have a positive impact on economic and social welfare of the community and State.

5. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities, as the project is designed to provide housing for people already living in the area.

6. The proposed project will not involve a substantial degradation of environmental quality.

7. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. No endangered species of flora or fauna are known to exist in the project site.

8. The proposed project will not detrimentally affect air or water quality of ambient noise levels.

For the above-stated reasons, the proposed drainage outlet will not have any significant effects on the context of Chapter 343, Hawaii Revised Statutes, and §11-200-12, State Administrative Rules.

DATED: Lihue, Kauai, Hawaii, APR 23 1993.



PETER M. MORIMOTO
Attorney for Applicant

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File: EMD:CWB

March 23, 1993

P0384DN

Mr. Peter M. Morimoto
Case & Lynch
Attorneys At Law
4334 Rice Street, Suite 202
Lihue, Kauai, HI 96766-1388

Dear Mr. Morimoto:

Subject: Proposed Drainage Outlet for the Niumalu-Nawiliwli
Community Planning Project, Inc. Subdivision,
Niumalu, Kauai

We have reviewed the subject document dated March 16, 1993, and
have the following comments:

WATER QUALITY CERTIFICATION (WQC)

A Section 401 WQC is required for "Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable water.", pursuant to Section 401(a) of the Federal Water Pollution Act (commonly known as the "Clean Water Act (CWA)").

The Department requests the applicant to contact the Army Corps of Engineers to identify whether a Federal permit (including a Department of Army permit) is required for excavation and construction of the drainage outlet's headwall along the Niumalu Stream bank. A Section 401 WQC is required when a Federal permit is required for the project.

STORM WATER DISCHARGE

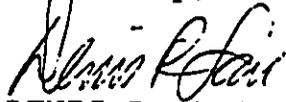
A storm water National Pollutant Discharge Elimination System permit application is required for construction activities which involve the clearing, grading, and excavation of equal to or greater than five (5) acres of total land area. The Notice of Intent Form should be submitted to the Director of Health at least 90 days before the date on which construction is to commence.

EXHIBIT "A"

Mr. Peter M. Morimoto
March 23, 1993
Page 2

If you have any questions on this matter, please contact
Mr. Devender Narala of the Engineering Section, Clean Water
Branch, at 586-4309.

Sincerely,



DENIS R. LAU, P.E., CHIEF
Clean Water Branch

DN:auc



REPLY TO
ATTENTION OF

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

November 24, 1992



Operations Division

Mr. Peter N. Taylor
4444 Rice Street
Suite 201A
Lihue, Hawaii 96766

NOV 25 1992 *QJ*

Dear Mr. Taylor:

This is in regard to the application for a Department of the Army permit on behalf of the NAW-Niumalu Community Planning Project for the Niumalu Subdivision Drainage Outlet, Niumalu, Kauai. According to the information included in your submittal, the drainage outlet work is part of a twenty-lot subdivision project located at the edge of Niumalu Flat, a freshwater marsh in the Nawiliwili area.

Although the drainage outlet work appears to meet the requirements for authorization under the enclosed General Permit PODCO GP80-3E for Minor Storm Drainage Culverts, the proximity of the subdivision to the adjacent marsh raises the question of possible wetland fill. A wetland delineation survey must be performed for the lower elevations of the subdivision project (lots 1-11) and submitted for verification by our office. The delineation should be accompanied by or superimposed on your subdivision grading plans.

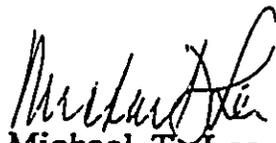
If the subdivision work is confirmed by our office to be outside of jurisdictional wetlands, your application for the drainage outlet can be processed under the General Permit (GP). On the other hand, if subdivision construction involves the placement of fill into wetlands, that work would be processed together with the drainage outlet as one application. The type of processing would depend on the magnitude of the wetland fill.

You should also review the specifications and limitations for work to be authorized under the GP on pages 2-3 of the enclosed notice, as well as the general and special conditions applicable to this authorization. Your permit drawings should provide the information necessary to verify that the specifications and limitations have been met.

EXHIBIT "B"

File No. PO93-016 has been assigned to your project. Please refer to this number in any future correspondence or inquiries.

Sincerely,



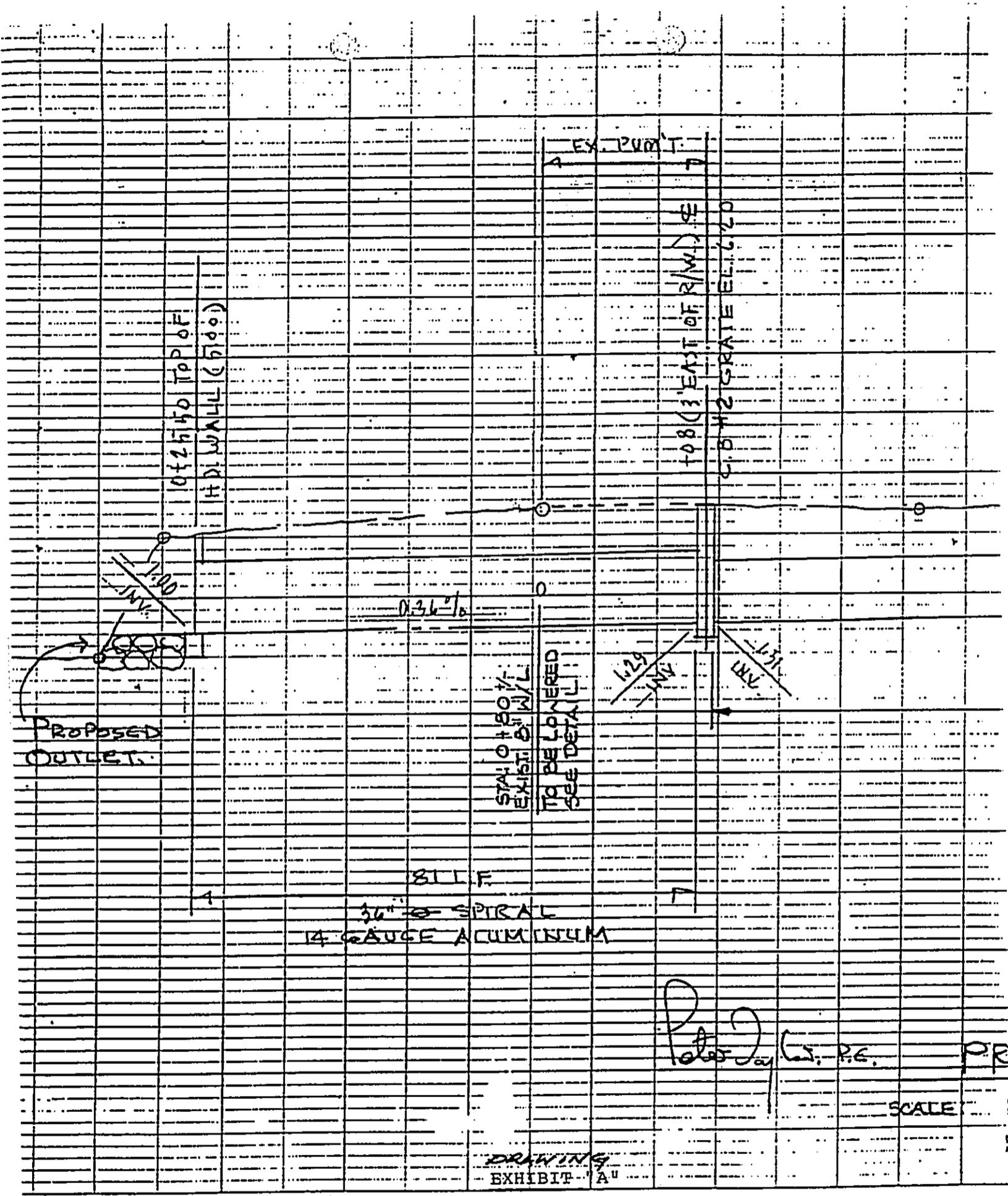
Michael T. Lee
Chief, Operations Division

Enclosure

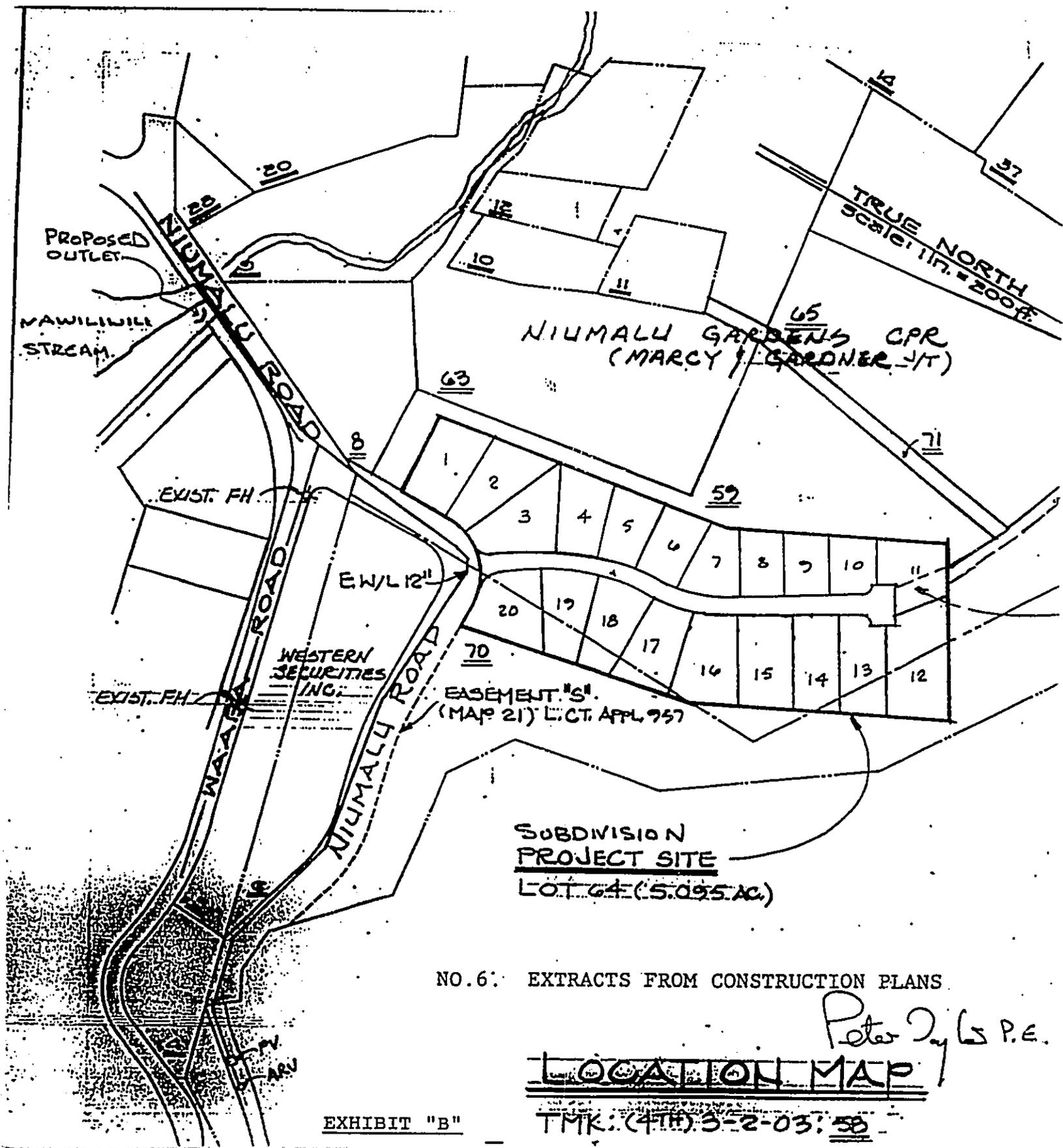
Copies Furnished (w/o enclosures):

Office of State Planning, CZM Program Office, P.O. Box 3540, Honolulu
Hawaii 96811-3540

Clean Water Branch, Environmental Management Division, Department
of Health, State of Hawaii, P.O. Box 3378, Honolulu, Hawaii 96801



NO. 6. EXTRACTS FROM CONSTRUCTION PLANS



SUBDIVISION
PROJECT SITE
LOT 4 (5.095 AC.)

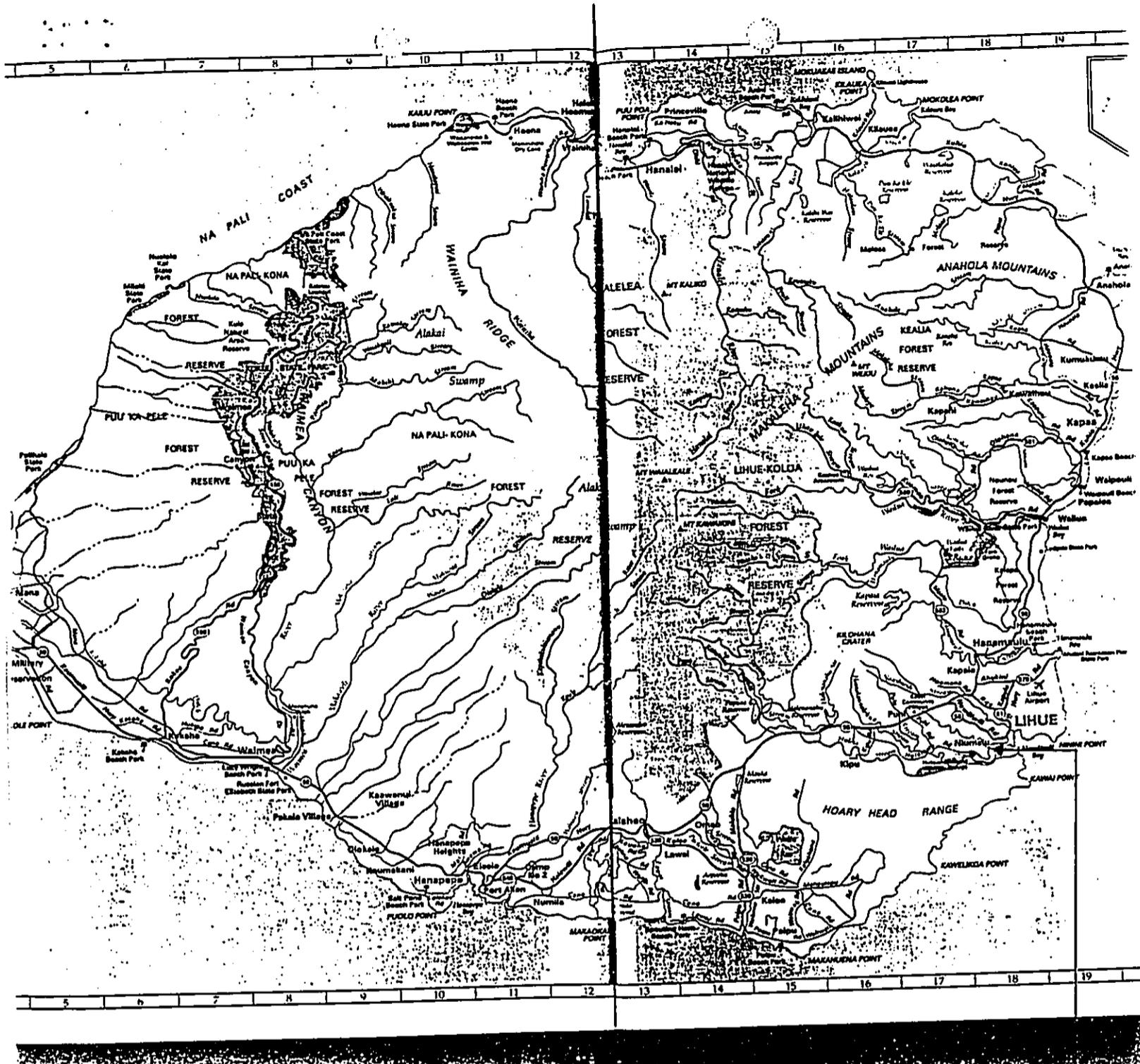
NO. 6: EXTRACTS FROM CONSTRUCTION PLANS

Peter J. G. P.E.

LOCATION MAP

TMK: (4TH) 3-2-03: 58

EXHIBIT "B"



Project Site

SITE MAP
EXHIBIT "C"