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STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P.O. BOX 1879  
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April 30, 2002

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

Ms. Genevieve Salmonson, Director  
Office of Environmental Quality Control  
State of Hawaii  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

Dear Ms. Salmonson:

Subject: Finding of No Significant Impact  
Kekaha Residence Lots  
Kekaha, Kauai, TMK: (4) 1-2-002:044

The Department of Hawaiian Home Lands has reviewed the comments received during the 30-day public comment period which began on January 23, 2003. The Hawaiian Homes Commission has determined that the subject project will not have significant environmental effects and has issued a Finding of No Significant Impact. Please publish this notice in the May 23, 2003 Office of Environmental Quality Control (OEQC) Environmental Notice.

We have enclosed a completed OEQC Publication Form, a Project Summary with diskette and four copies of the Final Environment Assessment.

Should you have any questions, call Stewart Matsunaga, Project Manager, Land Development Division, at 587-6454.

Aloha and mahalo,

A handwritten signature in black ink, appearing to read "Micah A. Kane".

Micah A. Kane, Chairman  
Hawaiian Homes Commission

Enc.

47

MAY 23 2003

**FILE COPY**

2003-05-23-KA-FEA-

**Final Environmental Assessment**  
Submitted Pursuant to Hawaii Revised Statutes,  
Chapter 343

(Kekaha Residence Lots)  
Kekaha, Kaua'i, Hawai'i

Tax Map Key: (4) 1-2-002: 044

Applicant:  
Department of Hawaiian Home Lands  
State of Hawai'i

Prepared for:  
Esaki Surveying and Mapping, Inc.  
1610 Haleukana Street  
Lihue, HI 96766

NKN Project Planning  
April 2003

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## 1.0 Project Description

### 1.1 Location

Kekaha Residence Lots project is located in Kekaha, Waimea, Kaua'i. The parcel is bounded by uncultivated agricultural land on the north, by the Kekaha Gardens subdivision to the east, Kaunualii Highway on the south, and uncultivated agricultural lands to the west.

The parcel, Tax Map Key 1-2-02:44 (formerly identified as Lot C-1), is 20 acres in size. Location and vicinity maps are found in **Figures 1 and 2**, respectively.

### 1.2 Proposed Action

The Department of Hawaiian Home Lands (DHHL) is proposing to construct forty-two (42) single-family house lots, one school lot, one communication lot, one detention basin lot, and five roadway lots. The homes would be constructed on parcels ranging from about 10,000 to 15,000 square feet in size. The site plan and subdivision map are found in **Figure 3**.

Lots will be leased to persons of Hawaiian ancestry who are on the Department of Hawaiian Home Lands residential waiting list. As of December 31, 2002, there were 1,478 persons on the waiting list for residences.

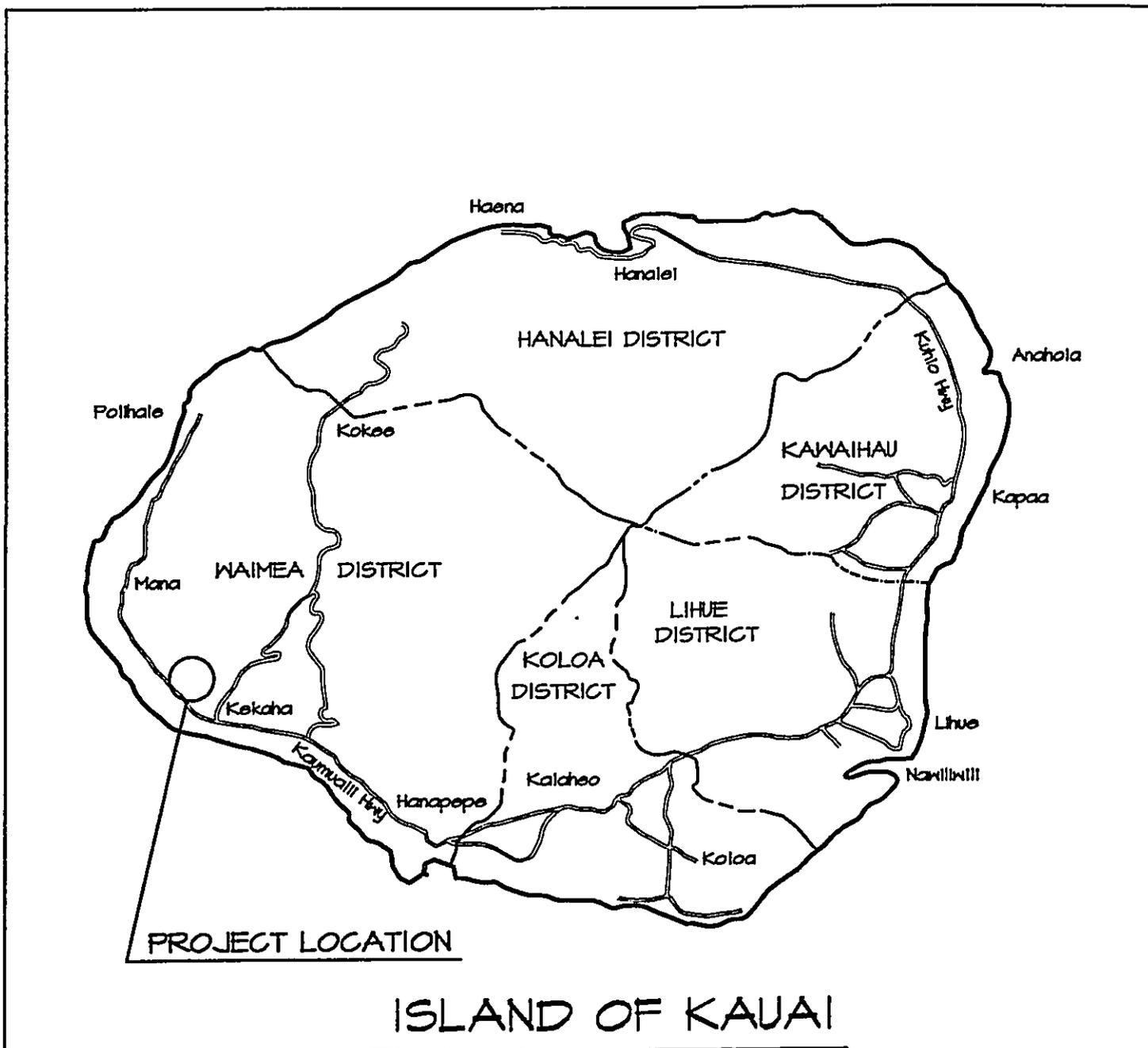
### 1.3 Project Scope

The expenditure of State funds to subdivide and improve these house lots triggers the environmental review process as defined by Chapter 343, Hawai'i Revised Statutes (HRS).

### 1.4 Permits Required

Although the Department of Hawaiian Home Lands is exempt from State and County land use regulations, awardees of DHHL leases that intend to build single-family homes will apply for building permits from the County of Kaua'i.

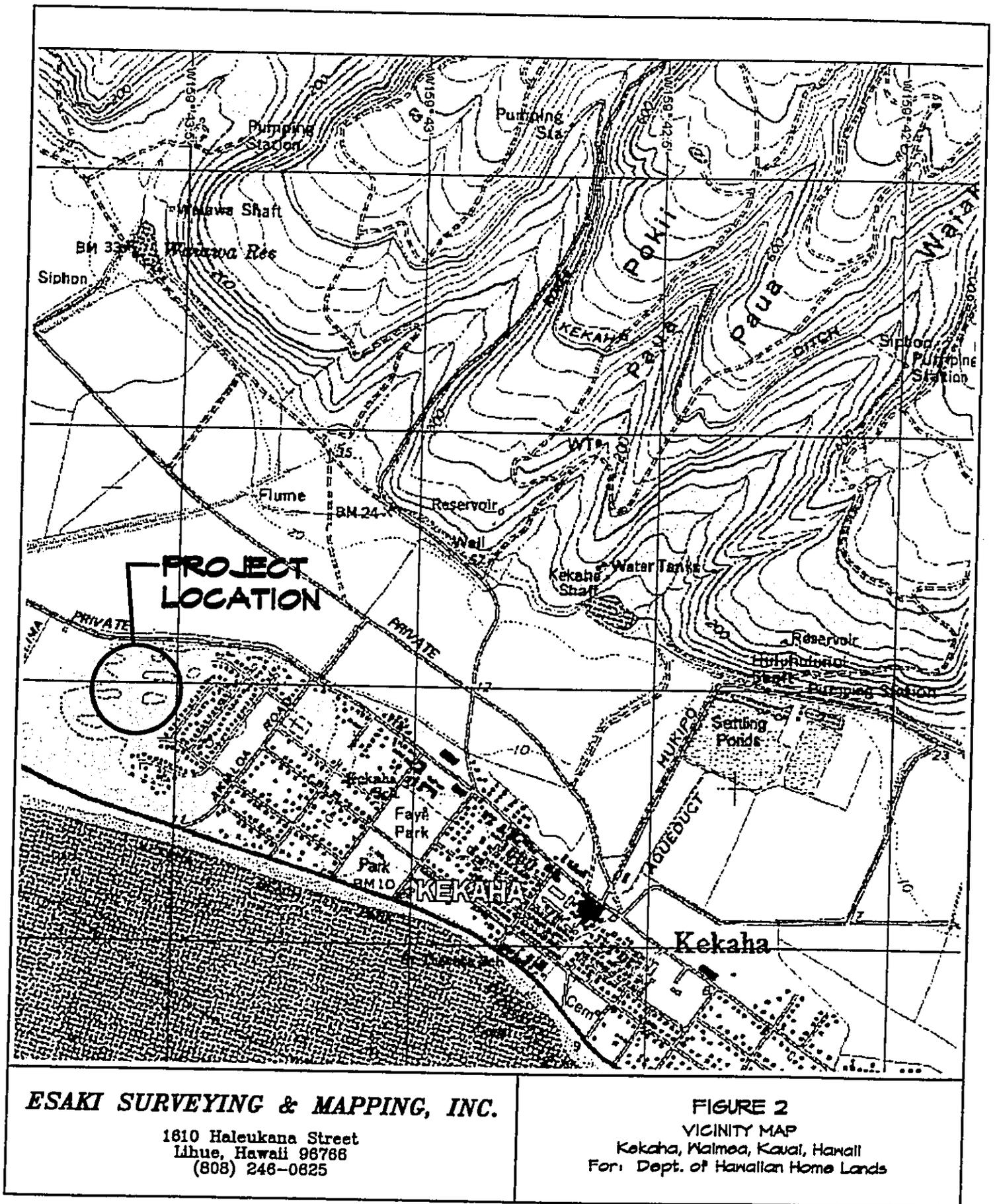
The project site is not within the Special Management Area.

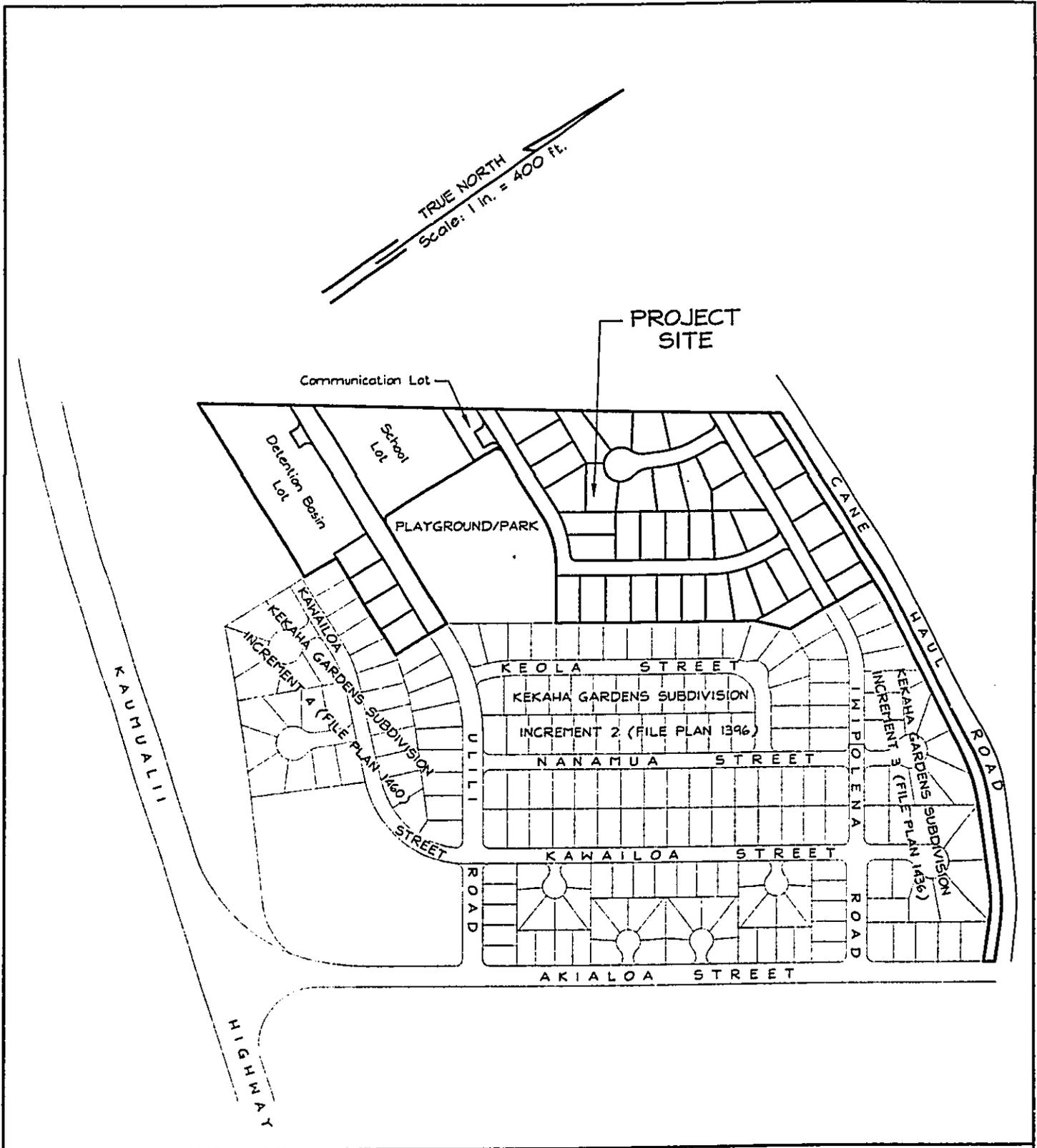


**ESAKI SURVEYING & MAPPING, INC.**

1610 Haleukana Street  
 Lihue, Hawaii 96766  
 (808) 248-0625

**FIGURE 1**  
 LOCATION MAP  
 Kekaha, Waimea, Kauai, Hawaii  
 For: Dept. of Hawaiian Home Lands





**ESAKI SURVEYING & MAPPING, INC.**

1810 Haleukana Street  
 Lihue, Hawaii 96786  
 (808) 248-0825

**FIGURE 3**  
 SITE PLAN AND  
 SUBDIVISION MAP  
 Kekaha, Waimea, Kauai, Hawaii  
 For: Dept. of Hawaiian Home Lands

### 1.5 Project Schedule

|                                      |                 |
|--------------------------------------|-----------------|
| Complete construction plans          | mid-end of 2003 |
| Complete infrastructure improvements | mid-2004        |

Following final subdivision approval, the DHHL will award the residential lots to qualified lessees.

### 1.6 Technical Characteristics and Public Services

The project is 20.0 acres in size. The parcel was previously owned by the Department of Land and Natural Resources, State of Hawai'i (DLNR), but has since been deeded to the DHHL.

The proposed project involves the subdividing of a 20.00-acre lot into forty-two (42) house lots, a school site, detention basin, communications lot, and roadways as follows:

|                  |                          |
|------------------|--------------------------|
| Lots 1-38, 40-43 | Single Family House lots |
| Lot 39           | School Lot               |
| Lot 44           | Detention Basin Lot      |
| Lots 45 – 49     | Roadway Lots             |
| Lot 50           | Communication Lot        |

#### Roads

Access to the Kekaha Residence Lots Project is by traveling west on Kaunualii Highway, turning north on Akialoa Street, then through the Kekaha Gardens subdivision on U'ili Road or Iwipolena Road to the west.

#### Water

The DHHL has received tentative approval for water service for the proposed subdivision. Presently, water storage facilities are adequate in the vicinity to accommodate this proposed subdivision. There is a 12-inch main water line that ends at Iwipolena Road, outside the subdivision's eastern boundary.

However, existing source facilities are inadequate to meet the needs of this subdivision. The Department of Water is in the process of developing a new well to add water capacity for the Kekaha water system. Completion of the well is expected in the summer of 2003. Although the new well would meet the demands of this subdivision, approvals would be

dependent upon the adequacy of the source facilities at the time water service is requested.

Prior to water meter or building permit approval, the DHHL will be required to:

- A. Prepare and receive Department of Water's approval of construction drawings for necessary water system facilities and construct said facilities.
- B. Pay the applicable charges in effect at the time payment is made to the Department of Water.
- C. Submit water demand estimates for the proposed pre-school and communications lot.

#### Sewer/Wastewater Disposal

There are no sewer lines serving the area. Individual wastewater systems will be installed in conformance with State of Hawai'i, Department of Health Administrative Rules, Chapter 11-62, "Wastewater Systems." Houses will be built through the owner/builder system and each lessee is required to comply with County and State building code and building permit procedures.

#### Drainage

There are no underground drainage lines serving the area. Storm water runoff would be directed to a detention basin that is proposed on a 2.62-acre lot on the southwest corner of the project site.

#### Fire, Police and Medical Services

The nearest fire, police and medical services are the Waimea Fire Station, the Waimea Police Sub-station, and the West Kaua'i Medical Center (includes Kaua'i Veterans Memorial Hospital).

#### Schools and Recreation

A 2-acre lot is proposed for a preschool to be operated by Kamehameha Schools Bernice Pauahi Bishop Estate. This lot would be comprised of four classrooms, an administrative office, outdoor storage building, parking, and perimeter fencing. Each classroom would be approximately 1,000 square feet in size. The preschool would serve approximately 80 three and four-year old children. There would be approximately eight-ten staff employed at the preschool.

Should the school plans not materialize, seven additional house lots would be constructed in its place.

The nearest schools are Kekaha School (grades K-5), Waimea Canyon School (grades 6-8) and Waimea High School (grades 9-12).

A park is located to the west of Akialoa Street, at the end of U'lili road. A fence surrounds three sides of the park, excluding the parking area. It is owned and maintained by the County of Kaua'i. A park improvement initiative was recently lead by a Kekaha Gardens community group in conjunction with the County Ho'olokahi program. The group built a pavilion, installed a sprinkler system, and planted grass.

Under the proposed project, U'lili Road will be extended to accommodate new uses. The existing parking lot area will be reduced, but will accommodate approximately 20 parking stalls.

#### Communications

Telephone and fiber optic network will be provided by the Sandwich Isles Communications, Inc. (SIC). SIC will construct an unmanned one-story, 775 square foot building. The building will be of masonry construction with a gable metal roof. Remote telephone equipment, fiber optic terminals, restroom, and emergency generator will be included in this facility. The emergency generator housed in the communications facility does not have an underground storage fuel tank. Fuel storage is self-contained within the generator unit, all of which is above ground. A septic system will be used for sewer treatment.

SIC is currently constructing an underground fiber optic network on all islands under a license granted by the Hawaiian Homes Commission. The fiber optic network for this site will be connected to the SIC's facility in Anahola.

### 1.7 Socio-Economic Characteristics

Subdivision, construction, and project management costs are estimated at \$4,000,000 (2002 dollars). The planning, design, and construction of the proposed project will generate some short-term employment opportunities.

The proposed subdivision will provide needed housing for families of Hawaiian ancestry. As of December 31, 2002, there were 1,478 applicants on DHHL's Kaua'i residential lot waiting list. This list represents individuals 18 years or older, having at least 50 percent Hawaiian blood quantum. The anticipated population at project build-out

could be 210 individuals. This estimation is based on 42 residential units with an average occupancy of 5 individuals per household. Awardees will be responsible for building their own homes within one year of their lease awards. The land will be leased for \$1.00 per year for 99 years.

## 1.8 Environmental Characteristics

Construction of the proposed improvements may temporarily impact existing air quality and noise levels. Construction will also increase the amount of dust in the air. Noise levels in the surrounding area will be raised during this time. These impacts are considered short-term.

Once homes are built on the vacant lots and the preschool opens, additional traffic will be generated along Kaumualii Highway, Akialoa Street, and Ulii Road.

## 2.0 Affected Environment, Potential Impacts, and Mitigation Measures

### 2.1 Existing Land Use

The proposed site is located in Kekaha, in the Waimea area. The parcel is further identified as TMK (4) 1-2-002:044.

The subject site is located to the west of the Kekaha town core, in the Waimea District. Access to the site is from Kaunualii Highway heading west, then east on to Akialoa Street, and into the existing Kekaha Gardens subdivision. The primary ingress and egress to the project site will be from Iwipolena Road. Access to the school site and lots 40-43 will be on Ulili Road.

North of the project site is a cane haul road and agricultural land no longer in cultivation. Also along the northern boundary of the parcel is a 30-foot wide non-exclusive easement for a transmission line. To the east is the Kekaha Gardens subdivision, consisting of single-family homes. Also to the east between the project site and the Kekaha Gardens subdivision is an undeveloped fenced playground/park site.

Lot C-2, directly to the south of the project site, is overgrown with *kiawe* trees. There are burials in this area according to the archaeological study entitled, "Archaeological Inventory Survey of Kekaha Housing Project," dated August 1993.

The agricultural land to the west of the project site is owned by the State of Hawai'i and controlled by the Department of Land and Natural Resources. This land is currently idle and not under cultivation. Further to the west, Pioneer Hi-Bred International, Inc. is cultivating seed corn.

The State of Hawai'i Land Use Classification of the project site is Urban. The project is designated "Residential Community" in the County of Kaua'i General Plan. The County of Kaua'i Comprehensive Zoning Ordinance designates the majority of the area as "Residential R-6 District" and a small section as "Open."

#### **Impacts and Mitigation Measures**

The proposed subdivision is not anticipated to have impacts on land uses in the area. The single-family residential lots, of about 10,000 - 15,000 square foot each, will blend into the existing community of Kekaha Gardens. The proposed communication facility will house fiber-optic hardware that will serve the proposed subdivision. There are no plans to hire staff to work out of the communications facility. The preschool will serve eligible students from the proposed subdivision and West Kaua'i.

The adjacent land to the west is currently idle and while no impacts are anticipated at this time, the resumption of agricultural activities may require the agricultural enterprise to employ best management farming practices to reduce dust, noise and chemical drift into the Hawaiian home lands subdivision.

## 2.2 Topography, Geology, Soils, Climate

The project site is located at an elevation of about ten feet higher than the surrounding agricultural and residential lands. Most of the site is elevated relative to the surrounding residential properties, except for some gulches with about 10 feet of vertical relief. The land is comprised predominantly of lithified sand dunes of pleistocene age and loose sand of more recent origins, deposited on the beach and reworked by the winds into low dunes.<sup>1</sup>

The soil types found at the project site is Jaucas loamy fine sand (JfB) and Dune Land (DL). Jaucas loamy fine sand consists of excessively drained, calcareous soils, with slopes between 0 to 8%. Permeability is rapid, and runoff is very slow to slow. Dune Land consists of hills and ridges on sand-size particles, from coral and seashells.

Kekaha is sunny and warm, and the average temperatures in the area range from 60 to 85 degrees Fahrenheit. The average annual precipitation is less than 10 inches.

### **Impacts and Mitigation Measures**

The proposed subdivision may alter the topography of the area. Some excavation or grading is planned around infrastructure improvements. A grading plan will be included in the construction plans.

## 2.3 Geotechnical

A geotechnical and Phase I environmental investigation was conducted by Masa Fujioka & Associates (MFA) in April 2002. The scope of the investigation included recommendations for site preparation and grading, design and construction of roadways; permeability data for drainage control design; geotechnical design criteria for residences, and environmental test data for use in evaluating suitability of near surface contaminated soils for landfill disposal.

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<sup>1</sup> Hammatt, Hallett H., et. al. *Archaeological Inventory Survey of Kekaha Housing Project*. August 1993.

Following site grading, it is anticipated that the subsurface soils will be suitable for residences constructed either on-grade slabs or on post and beam foundations.

Site subsurface conditions consist of a uniform poorly graded coralline beach sand. The average permeability is in the range expected for a poorly graded, clean, fine sand. The average permeability is recommended for site drainage control design.

#### On-site Debris

A previous 1998 site visit was made by MFA personnel noted numerous burned and abandoned vehicles, some ash, glass and sundry items. Some areas of the site appeared to have been previously quarried for coral sand. In addition, there were areas that had steel cables and pieces of corrugated steel protruding from the ground as well. It was reported that these were areas in which dumping had occurred when the nearby sugar mill was torn down.

#### Impact and Mitigation Measures

Based on MFA's experience with similar sites and with the Department of Health solid waste division, it is anticipated that some removal of soil that may have been contaminated by previous site operations may be required. Testing did not indicate that the debris contained within the near surface soils will need to be handled as hazardous material. After grading, organic materials can be separated out for possible use as topsoil if desired. Debris can be separated and either hauled to the Kekaha Landfill or shipped to a metal recycler, whichever is appropriate for the type of material separated.

## 2.4 Drainage

The proposed improvements will increase runoff compared to predevelopment levels. A drainage study is currently being conducted.

#### Impact and Mitigation Measures

Two drainage alternatives are being reviewed. One alternative is to develop an on-site retention basin. The second alternative is to channelize drainage to the ocean. This second alternative would involve developing a channel through TMK 1-2-2: 45 and along the mauka edge of Kaunualii Highway heading west. This channel would connect to an existing channel that crosses Kaunualii Highway and leads to the ocean.

The project will abide by the County of Kaua'i, Department of Public Works' new drainage standards. Detention facilities shall be required to keep peak storm flow rates leaving the site at predevelopment levels and detain the increase volume of runoff due to the proposed development. The capacity of the detention basin would accommodate a two-year storm, 24-hour duration. Additional capacity for sediment and debris will be provided on-site.

Since the proposed development is 20 acres in size, the drainage report will be submitted to the Department of Public Works for review and approval.

## 2.5 Flood Hazard

Federal Emergency Management Flood Insurance Rate Map, Panel 152, shows the project to be in Zone X (unshaded). Zone X (unshaded) means that the Federal Emergency Management Agency (FEMA) determined this area to be outside the 500-year flood plain.

A Kekaha Sugar Infrastructure Study dated April 17, 2002 (Final Report), reports that

"...prior to the initiation of sugarcane cultivation in the 1920, approximately 900 acres of the Kekaha-Mana plain were comprised of open ponds, marshlands and rice fields. There were two large ponds, one at Kawaiele and the other at Nohili. By filling in many of the low areas and by operating two large drainage pumping stations at Kawaiele and Nohili, Kekaha Sugar Company lowered the ground water table to allow cultivation in areas that were previously marsh-like in nature."

"During wet periods, excess storm water runoff can result in significant flooding of the fields." ... "Operation of the drainage pumping stations is necessary to prevent much of the Kekaha Sugar Company fields from reverting back to its former wetland status." ... "The land would likely be regulated as a wetland by the Army Corps of Engineers if it was abandoned and not used for agriculture for more than 5 years. Classification of the land as wetlands would result in severe restrictions on the use and development of the land. Also, endangered wildlife that may inhabit the newly created wetlands would fall under the scrutiny of the U.S. Fish and Wildlife Service."

"The Kawaiele pumping station is located south of the PMRF. The Nohili pumping station is located further north within PMRF. They each pump discharges into their respective drainage channels

that then conveys the flow to an outlet in the sandy beach area."...  
 "During periods of light to moderate rainfall, the drainage channels collect excessive storm runoff from the cultivated fields and convey the runoff to the two drainage pumping stations. A 'main canal' interconnects the stations. Under heavy rainfall conditions, the flow in the main canal tends to flow towards the Kawaiele pumping station." [Pages D-1 through D-6 of report.]

### Impacts and Mitigation Measures

Figure D-3 of the above-referenced report shows areas typically inundated during flood conditions. The proposed residential subdivision lies outside the designated area, although within 5,000 feet of the eastern border of the inundated area. Also, given that the Kekaha Gardens subdivision, which is not at risk of flooding, is elevated above the areas mauka and to the east, and that Lots C-1 and C-2 are of at least the same elevation as Kekaha Gardens, with parts of C-1 substantially higher than Kekaha Gardens, C-1 and C-2 should not be considered at risk of flooding.

## 2.5 Flora and Fauna

### Flora

A preliminary overview of the vegetation found on Parcel 10 and contained in the June 10, 1993 report, Preliminary Botanical Survey (Parcel 10, Portion of Lot C, Tax Map Key 1-2-02:32), completed by Tim Flynn and Melany Chapin of the National Tropical Botanical Garden, Lawai, Kaua'i, Hawai'i.

The report noted:

"... the vegetation is dominated by the naturalized, alien species *Prosopis pallida* (kiawe), *Leucaena leucocephala* (koa haole), *Cenchrus ciliaris* (buffelgrass), and *Panicum maximum* (Guinea grass) representing a highly degraded, weedy shrubland. The high level of disturbance to this habitat is also typified by the lack of native Hawaiian plants save a few common species which are predominantly confined to areas of lithified sand dunes. These are *Dodonaea viscosa* ('a'ali'i), *Sida fallax* ('ilima), and *Waltheria indica* (hi'aloa). A single, small pocket of *Nama sandwicensis* (hinahina kahakai) as well as scattered individuals of *Ipomoea indica* (koali 'awa) were also seen. None of these species are considered to be threatened or endangered."

The report concluded that it is

"...highly unlikely that additional survey work on the site will uncover any rare or endangered plant species. Rare native plants are very vulnerable to disturbances of soil, aggressive alien weeds, and human activity, all of which appear to have been present on this site for many decades."

### Fauna

According to the University of Hawai'i Natural Heritage Program, as of May 2002, although not included precisely in lots C-1 or C-2, the Hawaiian Duck (*Anas wyvilliana*) was last observed in 1966 and the Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) was last observed in 1990, immediately mauka of the Kekaha Gardens subdivision, between the cane haul roads that run parallel to Kaumuali'i Highway. Also, in 1991, the Hawaiian Hoary Bat was last observed makai of Kaumuali'i Highway, about mid-way between Akialoa Road and Akekeke Road.

### Impacts and Mitigation Measures

No rare, threatened and/or endangered species of flora and fauna are known to inhabit the project area.

## 2.6 Historic, Cultural, and Archaeological Resources

A report for the project site, Archaeological Inventory survey of Kekaha Housing Project (TMK 1-2-02:32) was completed by Cultural Surveys Hawai'i in August 1993.

In May 1993, an archaeological survey was conducted on an 89-acre parcel then being considered for the development of a housing project in Kekaha, Kaua'i (TMK 1-2-12:38, 1-2-02:32, 34 and 38). As part of the survey work, a cultural layer and burials were found in the southeast portion of the study area.

Known historic properties in the vicinity include two heiau listed on the Hawai'i Register of Historic Places (site numbers 30-05-12 and 30-05-16) located *mauka* of the project site on TMK 1-2-02:23.

The State of Hawai'i, Department of Land and Natural Resources, Historic Preservation Division, believes "there are no historic properties present in the area because residential development urbanization has altered the land" and that "no historic properties will be affected" by this project.

In preparing the Draft Environmental Assessment for the Kekaha Residence Lots Project consultants obtained feedback from long-time

residents of the area. Over 200 letters were mailed to landowners surrounding the proposed projects and flyers were posted at public and private facilities to notify residents of the meeting. A presentation of the project was made on June 12, 2002. The community meeting was attended by Emerita Sarmiento, Mahealani Sarmiento, Sandra Makuaole, Lindsay and Margaret Kelley, George Tanigawa, Loreto Pacal and Elmer Sarmiento.

It should be noted that although the residents in attendance are long-time community residents, they did not speak for the entire community.

The consultants described the proposed project and potential impacts outlined in the Draft Environmental Assessment. Residents in attendance then raised questions and concerns about the need for retaining walls, dust impacts during construction, removal of horses and abandoned cars, and plans for the preschool.

#### **Impacts and Mitigation Measures**

As a result of these findings and recommendations, the 31.57 acre parcel, TMK 1-2-02:32, was subdivided into two lots to isolate/protect the cultural area from the proposed housing development area.

- TMK 4-1-2-002:044 (formerly Lot C-1): 20 acres proposed for house lots, communication lot, and preschool lot.
- TMK 4-1-2-002:045 (formerly Lot C-2): 11.57 areas containing the cultural resources will remain undeveloped.

Based on the archaeological inventory survey and discussion with residents, there are no other historic, archaeological, or cultural resources in the project area. Should historic sites, including human burials, be uncovered during construction, all work in the area will terminate and the State of Hawai'i, Office of Hawaiian Affairs, and the Historic Preservation Division will be contacted for further action.

On site archaeological monitoring will take place during the grading and grubbing phase of the subdivision. This will provide additional protection to any inadvertent findings of further undocumented burials. The monitor would also be able to identify non-human remains such as dog, horse, cow, etc., during initial construction work. As recommended by the State Historic Preservation Division (the Division), the following wording will be used on any permit conditions:

1. A qualified archaeologist shall be hired to conduct on-site initially (then on-call as needed) monitoring during the project. Prior to starting the monitoring work, an acceptable monitoring plan (scope of work) shall be submitted to the Division for review and approval. The monitoring plan will spell out a process for documenting sites that are found, for evaluating significance in consultation with the Division and for developing and executing mitigation work with the approval of the Division and for mitigation treatment (as needed) with the approval of the Division. The monitoring plan must be clear that if historic sites, including burials, are uncovered during the monitoring, construction must stop in the immediate vicinity and the archaeologist shall be allowed sufficient time to evaluate the site and carry out mitigation, as needed. The plan must include provisions for an acceptable monitoring report, documenting all the findings, to be approved by the Division.
2. If burials are found, a burial treatment plan shall be prepared for inadvertent burial discoveries encountered during the monitoring of the project. In addition, consultation with appropriate ethnic groups, the procedures outlined in Chapter 6E-43 shall be followed. It is necessary for the treatment plan to be prepared after consultation with native Hawaiians, such as the Kaua'i Island Burial Council and the Office of Hawaiian Affairs.
3. A report documenting the monitoring and burial treatment work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include: 1) Detailed drawings of burials and deposits to scale. 2) All artifacts shall be sketched and photographed. 3) Analyses of all perishable and datable remains shall be conducted. 4) Stratigraphic profiles shall be drawn to scale. 5) All locations of historic sites shall be shown on an overall map of the project area. 6) Initial significance evaluations shall be included for each historic site found. 7) Documentation on the nature and age of the historic sites shall be done.

## 2.7 Site Preparation, Grading and Grubbing, Construction Waste

The property may harbor rodents that will be dispersed to the surrounding areas when the site is cleared.

Temporary fugitive dust emissions could be emitted during site preparation and construction and impact the nearby residences.

There will be grubbed material and construction waste generated by the project.

### **Impacts and Mitigation Measures**

In accordance with title 11, H.A.R. Chapter 11-26, entitled "Vector Control" the applicant will ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.

In accordance with Title 11, H.A.R. Chapter 11-60.1, entitled "Air Pollution Control" effective air pollution control measures will be provided to prevent or minimize any fugitive dust emissions caused by the construction work from impacting the surrounding area. This includes the off-site roadways used to enter and exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc. Best Management Practices will be used to reduce the impact of any polluted runoff to the environment.

The grubbed material and construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that is in compliance with Title 11, H.A.R. Chapter 11-58.1, entitled "Solid Waste Management Control." The open burning of any of these wastes on or off site is prohibited.

Debris generated by this project will be recycled whenever possible. According to the County of Kaua'i, Solid Waste Division, the following methods can be used to dispose of materials produced during the site preparation and infrastructure improvement phase of the project. Green waste can be separated for recycling. The Kaua'i Resource Center can recycle any scrap metals and fibers that may be generated from the construction of the single-family houses. Other construction materials and debris would be placed in the landfill. Private contractors may have programs for recycling additional materials such as sheet rock.

## **2.8 Noise**

There may be temporary noise generated from the equipment and machinery used during the site preparation and construction phases of the project.

The proposed Kekaha Residential Lots Project typifies a tranquil Kaua'i neighborhood that does not generate nor is impacted by large amounts of noise. The addition of residential units, communications facility, and preschool will not adversely affect the noise quality in the surrounding neighborhood.

### **Impacts and Mitigation Measures**

During the site preparation and construction phase of the project, there will be short-term, temporary noise impacts on the surrounding area. Construction machinery will increase noise levels. Contractors will work during reasonable hours of the day and comply with State Department of Health noise regulations during construction. Should the noise levels exceed the permissible sound levels, a noise permit will be obtained from the Department of Health, as stated in title 11, HAR, Chapter 11-46, entitled "Community Noise Control."

Post construction, there will be an increase in traffic noise generated by the proposed project, but the noise levels should not be significantly increased above the familiar residential traffic currently occurring in the vicinity of the project area.

## 2.9 Air and Water Quality, Wastewater, Solid and Hazardous Waste

The Kekaha Residential Lots Project is in close proximity to the ocean and should benefit from land and sea breezes. The addition of residential lots, communications facility, and preschool will not impact air or water quality in the surrounding neighborhood. During the construction phase of the project there may be short-term, temporary impacts from dust.

### Impacts and Mitigation Measures

Roadway construction and lot improvements will increase the amount of fugitive dust in the air. Construction machinery will increase exhaust gases in the area of the proposed project. These temporary construction nuisances cannot be avoided but can be mitigated by frequent water sprinkling of the exposed dirt surfaces. The Contractor will be responsible for keeping adjacent areas free of mud, sediment, and construction debris.

To mitigate dust problems during the site preparation phase, contractors will comply with the County of Kaua'i, Department of Public Works and the State of Hawai'i, Department of Health, Clean Air Branch requirements to provide temporary dust screens and irrigation systems to control dust. Best Management Practices shall be used including, but not limited to:

1. Planning the different phases on construction, focusing on minimizing the amount of dust generating materials and activities, centralizing on-site vehicular traffic routes, and locating potentially dusty equipment in areas on the least impact;
2. Providing an adequate water source at the site prior to start up of construction activities;

3. Landscaping and rapid covering of bare areas, including slopes, starting from the initial grading phase;
4. Controlling of dust from shoulders and access roads;
5. Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
6. Controlling of dust from debris being hauled away from the project site.

The Department of Hawaiian Home Lands does not believe this project will trigger any of the permits required by the Army Corps of Engineers. However, DHHL will contact them to affirm that no Federal permits are required. Before the commencement of construction activities, the Department and its contractor(s) will obtain any necessary permits for each activity if required under the National Pollutant Discharge Elimination System.

The Department will require its contractor(s) to comply with all applicable Federal, State and County permitting requirements such as a Section 401 Water Quality Certification: Hawai'i Administrative Rules, Chapter 11-60.1, "Air Pollution Control," Section 11.60-33, Fugitive Dust. DHHL will also comply with public notice requirements as outlined in Hawai'i Administrative Rules, Chapter 11-55, if applicable.

## 2.10 Traffic and Circulation

The project site is accessed via Kuamualii Highway heading west, *mauka* on Akialoa Street, then into the proposed subdivision on Iwipolena Road. Iwipolena Road the primary access into the new subdivision, although four house lots are accessed through Ulili Road. The interior roadways will be constructed to County standards and dedicated to and maintained by the County of Kaua'i. No curb and gutters will be constructed.

### Impacts and Mitigation Measures

During the construction phase of the project, there will be impacts on Iwipolena and Ulili Roads. These impacts will be temporary, and short-term. Contractors will work during reasonable hours of the day to lessen potential impacts on the surrounding neighborhood.

Traffic impacts post-construction will be generated from two major sources: 42 residential homes and one pre-school. It is estimated that the 42 new homes may generate approximately 168 additional vehicle trips per day, in and out of the subdivision (42 homes x 2 vehicles per home x 2 trips per day).

In addition, vehicular trips will be generated by parents dropping off and picking up students and by preschool staff. While it is estimated that 8-10 staff will work at the preschool and that the school can accommodate up to 80 students, it is not yet known the number of students that will live within walking distance and the number of students that will arrive and depart by car.

To minimize the impact on Iwipolena Road, access to the preschool will be from Ulili Road. The State of Hawai'i, Department of Transportation does not anticipate any significant impacts on Kaunualii Highway.

## 2.11 Utilities

### Electricity, Cable TV

Kaua'i Island Utility Company (KIUC) will provide electric service. Cable television service will be provided by Oceanic Cable.

### Telephone

Telephone service and the necessary infrastructure will be provided by Sandwich Isles Communications, Inc (SIC) under license granted by the Hawaiian Homes Commission. SIC is currently constructing an underground fiber optic network on all islands including Kaua'i. The fiber optic network will be completed on Kaua'i by early 2003 connecting Kekaha with SIC's facility in Anahola.

### Sewer/Wastewater disposal

The development will consist of forty-two (42) single-family residential lots. The use of individual wastewater systems (IWS) will be allowed by the State of Hawai'i, Department of Health, in lieu of a private or public wastewater treatment facility since the total development of the area will not exceed fifty (50) single family residential lots.

### Impacts and Mitigation

Only one IWS will be allowed on each residential lot. Houses will be built through the owner/builder system and each lessee is required to comply with County and State building code and building permit procedures. All wastewater disposal system designs shall be in compliance with requirements of Title 11, Hawai'i Administrative Rules (HAR), Chapter 11-62, entitled "Wastewater Systems."

No negative impacts are anticipated from the installation of electrical, cable TV or telephone services to the project.

## 2.12 Scenic and Visual Resources

The project is set back almost 400 feet from Kaumualii Highway, and as such will not interfere with the *makai* to *mauka* scenic view plane. In addition, the subdivision is buffered by the 11.57-acre parcel (Lot C-2) that is covered by the aforementioned weedy shrubland. The 10,000 – 15,000 square foot lots are larger in size compared to lots in the adjacent Kekaha Gardens subdivision.

### Impacts and Mitigation Measures

The proposed 10,000-15,000 square foot lots are in keeping with the residential character of the Kekaha Gardens neighborhood. The lot to the south of the project (Lot C-2) will remain open. To the west and north, on lands owned by the State Department of Land and Natural Resources, the agricultural lands under cultivation for seed corn will not be adversely impacted by the proposed project.

## 2.13 Economic Activity

The proposed subdivision is estimated to cost between \$3,000,000 and \$4,000,000.

### Impacts and Mitigation Measures

The planning, design, and construction of the proposed project will generate temporary employment opportunities. This will incrementally improve Kaua'i's economy in the short-term. While construction may cause inconveniences to residences in the vicinity of the project site, there will be no long-term adverse economic impacts.

## 2.14 Affordable Housing

The proposed residential lot subdivision will provide needed housing for families of Hawaiian ancestry on DHHL's Kaua'i residential wait list.

### Impacts and Mitigation Measures

As of December 31, 2002, there were 1,478 persons on the DHHL Kaua'i residential wait list. Awardees will be given the opportunity to build a home on land leased at \$1.00 per year for 99 years. Homeowners will provide a stable place to raise children, establish roots, and become active members of the community.

DHHL intends to utilize funding from the Federal Native American Housing Assistance and Self-Determination Act (NAHASDA) for infrastructure and affordable housing financing. Funding through NAHASDA may be available directly from the Department to qualifying families with incomes at or below 80% of the area median income.

### **3.0 Alternatives to the Proposed Action**

#### **3.1 "No-Build" Alternative**

An alternative to the proposed action is not to proceed with the subdivision. This alternative does not accomplish DHHL's mission, nor does it address the need to provide housing alternatives for persons of Hawaiian ancestry.

#### **3.2 Alternative Configurations**

Alternative configurations were considered early in the subdivision process. However, due to site constraints, the location of the County park, and Department of Health regulations, the proposed 42- residential lot subdivision is considered the optimum site design.

In the event that plans to develop the school site and communications lot do not proceed, an additional seven residential lots could be developed. This would increase the number of residential lots from 42 to 49.

#### 4.0 Determination

The impacts of the proposed action have been assessed. The proposed project will not have significant negative impacts to the environment. Therefore, a Finding of No Significant Impact (FONSI) is found. The determination of a FONSI is based on the following:

1. *The proposed action does not involve an irrevocable commitment to loss or destruction of any natural or cultural resources;*

The proposed residential lot subdivision is consistent with land use plans for this area. Based on studies and discussions with the community, no natural or cultural resources will be destroyed by the proposed action.

2. *The proposed Action will not curtail the range of beneficial uses of the environment;*

The rural residential character of the proposed subdivision will blend into the existing community. A separate study is being conducted to explore drainage containment options.

3. *The proposed action does not conflict with the State's long-term goals or guidelines as expressed in Chapter 344, HRS, State Environmental Policy;*

The project is consistent with the State Department of Hawaiian Home Land's long-range plans for the Kekaha area. The project is also consistent with the State of Hawaii's long-term environmental goals.

4. *The proposed action does not substantially affect the economic or social welfare of the community or state;*

The proposed action gives 42-49 additional families of native Hawaiian ancestry the opportunity to live in a single-family home and 80 students the opportunity for a preschool education. The economic and social impacts of this subdivision are positive.

5. *The proposed action does not substantially affect public health;*

The applicant will take all measures during construction to minimize noise, dust, and disruption to homes in the surrounding neighborhood, as described in Section 3 of this report.

6. *The proposed action does not involve substantial secondary effects;*

The addition of single family lots, communications facility, and preschool will have minimal affect on population growth or the use of public facilities.

**7. *The proposed action does not involve substantial degradation of environmental quality;***

The proposed subdivision will have little or no effect on environmental quality. Improvements to environmental quality will occur with the creation of an on-site detention basin to control drainage.

**8. *The proposed action does not cumulatively have a considerable effect on the environment or involve a commitment to larger actions;***

The DHHL has no immediate plans for additional residential and/or commercial development in this area.

**9. *The proposed action does not affect a rare, threatened, or endangered species or its habitat;***

There are no known rare, threatened, or endangered species or habitat on these lands.

**10. *The proposed action does not detrimentally affect air or water quality or ambient noise levels;***

Aside from temporary disruptions during construction of infrastructure improvements and home building, air, water and noise impacts will be minimal.

**11. *The proposed action does not affect an environmentally sensitive area;***

The project site is not considered an environmentally sensitive area.

**12. *The proposed action does not substantially affect scenic vistas and view planes; and***

There are no scenic vistas and view planes that will be impacted by the proposed project.

***13. The proposed action does not require substantial energy consumption.***

The proposed project will not require substantial energy consumption. Residential, preschool, and communication lots will consume energy in accordance with standard rates of usage.

## **5.0 Agencies Consulted**

### **5.1 Agencies Consulted**

Copies of the Draft EA were sent to the organizations and individuals listed below.

#### **State**

Department of Transportation, Highways Division  
Department of Health  
DLNR, State Historic Preservation Division  
DBEDT, Office of State Planning  
Office of Hawaiian Affairs  
UHM, Environmental Center

#### **County**

The Honorable Bryan Baptiste, Mayor  
The Honorable Kaipo Asing, Chair, County Council  
Planning Department  
Department of Public Works  
Department of Water  
Kauai Burial Council

#### **Community and Other Organizations**

Sandwich Isles Communications, Inc.  
Waimea Public Library  
State Council of Hawaiian Homestead Associations  
Kekaha Homestead Community Association  
Hui Kakoo

## 6.0 References

- Armstrong, R. Warwick, editor. *Atlas of Hawai'i*. Honolulu: University of Hawai'i Press, 1983.
- County of Kaua'i, Planning Department. *Kaua'i General Plan*. Kaua'i: Planning Department, November 2000.
- Cultural Surveys Hawai'i. "Archaeological Inventory Survey of Kekaha Housing Project." Report prepared August 1993.
- Federal Emergency Management Agency. "National Flood Insurance Program FIRM Flood Insurance Rate Map." Kaua'i County, Hawai'i, Panel 152, revised September 30, 1995.
- Flynn, Tim and Melany Chapin. "Preliminary Botanical Survey." Conducted June 10, 1993.
- Kekaha Sugar. "Kekaha Sugar Infrastructure Study (Final Report)" April 17, 2002.
- Masa Fujioka & Associates. "Letter Report-Geotechnical and Environmental Investigation, Residential Subdivision." Letter report prepared May 10, 2002.
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- State of Hawai'i. *Hawaii Data Book 2000: A Statistical Abstract*. Online at <http://www.hawaii.gov/dbedt/db00/index.html>. Accessed 4-30-02.
- Tanigawa, Troy, County of Kaua'i, Solid Waste Coordinator, Personal communication 02-28-03.
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Appendix A

Agency Comments and Responses



Water has no substitute..... Conserve it

LEIOLAULU  
GOVERNOR  
STATE OF HAWAII



MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P.O. BOX 1179  
HONOLULU, HAWAII 96813

January 27, 2003

March 20, 2003

Mr. Stewart Matsunaga  
Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, HI 96805

Mr. Gregg Fujikawa, Division Head  
Water Resource and Planning Division  
County of Kauai  
P. O. Box 1706  
Lihue, Hawaii 96766

Dear Mr. Matsunaga:

Subject: Draft Environmental Assessment, Kekaha Residence Lots on TMK: 1-2-02-044,  
Kekaha, Kauai.

This is in regards to your letter dated December 26, 2002. We have no comments to the proposed  
Draft Environmental Assessment for Kekaha Residence Lots on TMK: 1-2-02-044.

If you have any questions, please contact Mr. Edward Doi of my staff at 245-5417.

Sincerely,

Gregg Fujikawa

Water Resource and Planning Division Head

cc: NKN Project Planning  
Edward Doi, DOW

SUBJECT: Draft Environmental Assessment  
Kekaha Residence Lots,  
Kekaha, Waimea, Kauai, TMK: (4) 1-2-002:044

Thank you for your letter dated January 27, 2003, regarding  
the Kekaha Residence Lots Draft Environmental Assessment. We  
appreciate your taking time to reply during the public and  
agency comment period.

Should you have any questions, call Stewart Matsunaga,  
Masterplanned Community Branch, at 587-6454.

Aloha and mahalo,

Micah A. Kane, Chairman  
Hawaiian Homes Commission

c: NKN Project Planning

LINDA LINDOLE  
DIRECTOR



STATE OF HAWAII  
OFFICE OF ENVIRONMENT QUALITY CONTROL  
815 FIVE  
24 SOUTH BENTLEY STREET  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 548-1116  
FACSIMILE (808) 548-1116

GENEVEVE SALMONSON  
DIRECTOR



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
7-A BOX 117  
HONOLULU, HAWAII 96813

MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

March 20, 2003

January 22, 2003

Raymond Soon  
Department of Hawaiian Home Lands  
PO Box 1879  
Honolulu, Hawaii 96805

Attn: Stewart Matsumaga

Dear Mr. Soon:

Subject: Environmental assessment (EA) for Kekaha Residence Lots

We have the following comments to offer:

**Correspondence:** In the final EA be sure to enclose copies of all correspondence with those consulted during the pre-consultation phase as well as the draft EA comment period. This is especially true of the "no effect" documentation from the State Historic Preservation Division of DLNR, given that burials were located nearby.

**Occupancy:** What is the anticipated population at full occupancy? How does this relate to the DHHL waitlist number of 1344 for Kauai? Does 1344 represent just heads of households or all household members?

**Construction waste:** Section 2.7 notes that such waste will be disposed of at a solid waste facility. Do you have any plans to recycle your construction debris?

**Adjacent agricultural lots:** What impacts do you foresee from the surrounding ag lots on project residences? Agricultural activities are known to generate nuisance impacts such as dust, odors, noise from farm machinery and sometimes fires. What mitigation measures do you plan to reduce or forestall such impacts?

**Funding:** Section 2.14, *Affordable Housing*, mentions NAHASDA funds for those with qualifying incomes. Are these funds applied for through DHHL or by the individuals?

If you have any questions call Nancy Heiaich at 586-4183.

Sincerely,

GENEVEVE SALMONSON  
Director

c: Nadine Nakamura

TO: The Honorable Chiyome Fukino, Director  
Department of Health

ATTN: Genevieve Salmonson, Director  
Office of Environmental Quality Control

FROM: Micah A. Kane, Chairman  
Hawaiian Homes Commission *Micah*

SUBJECT: Draft Environmental Assessment  
Kekaha Residence Lots  
Kekaha, Waimea, Kauai, TMK: (4) 1-2-002:044

This is in response to comments provided on January 22, 2003, regarding the Kekaha Residence Lots Draft Environmental Assessment (EA).

In the Final EA we will enclose copies of all correspondence with those consulted during the pre-consultation phase, the Draft EA, and our responses. We will also include the documentation from the Department of Land and Natural Resources Historic Preservation Division, concerning their determination of "no effect."

The anticipated population at project build-out could be 210 individuals. This estimation is based on 42 residential units with an average occupancy of 5 individuals per household. As of December 31, 2002, there were 1,478 applicants on our Kauai residential list. This list represents individuals 18 years or older, having at least 50 percent Hawaiian blood quantum.

Debris generated by this project will be recycled whenever possible. According to the County of Kauai, Solid Waste Division, the following methods can be used to dispose of materials produced during the site preparation and

The Honorable Chiyome Fukino  
March 20, 2003  
Page 2

infrastructure improvement phase of the project. Green waste can be separated for recycling. The Kauai Resource Center can recycle any scrap metals and fibers that may be generated from the construction of the single-family houses. Other debris and construction materials would be placed in the landfill. Private contractors may have programs for recycling materials such as sheet rock.

The adjacent land to the west of the project site is owned by the State of Hawaii and controlled by the Department of Land and Natural Resources. This land is currently idle and while we do not anticipate impacts at this time, the resumption of agricultural activities may require the agricultural enterprise to employ best management farming practices to reduce dust, noise and chemical drift into the Hawaiian home lands subdivision.

The Department intends to utilize funding from the Native American Housing And Self Determination Act (NAHASDA) for infrastructure and affordable housing financing. Funding through NAHASDA may be available directly from the Department to qualifying families with incomes at or below 80% of the area median income.

Should you have any questions, call me at 586-3801, or your staff my contact Stewart Matsunaga, Masterplanned Community Branch, at 587-6454.

✓ c: NKM Project Planning



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
MALDEN BLVD., ROOM 844  
871 LAOULUA BOULEVARD  
HONOLULU, HAWAII 96805

PETER T. YOUNG, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT  
DEPUTY  
ERNEST W. LAU

AQUATIC RESOURCES  
HAWAIIAN COASTAL RESTORATION  
COMMISSION ON WATER RESOURCES  
MANAGEMENT  
CONSERVATION AND RESOURCES  
DIVISION  
COAST GUARDS  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
STATE PLAINS

LOG NO: 31776  
DOC NO: 302NM21

February 27, 2003

Mr. Stewart Matsunaga  
Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, Hawaii 96805

Ms. Nadine K. Nakamura  
NKN Project Planning  
4849 I'iwi Road  
Kapaa, Hawaii 96746

Dear Mr. Matsunaga and Ms. Nakamura:

**SUBJECT:** Chapter 6E-42 Historic Preservation Review -  
Draft EA for Kekaha Residence Lots  
Kekaha, Kauai, TMK: (4) 1-2-002: 044

Thank you for the opportunity to comment on the proposed project. We have reviewed the DEA for the proposed 42 single family house lots. Section 2.6 of the DEA deals with the Historic, Cultural and Archaeological Resources. In 1993, an archaeological inventory survey [CSH, 1993] was conducted and identified a cultural deposit and human burials in the southeast portion of the project area.

As a result of the archaeological survey findings parcel 32 was subdivided into two lots [44 and 45]. Parcel 45 contains the cultural deposit and burials and will be preserved as is and not developed. We recommended mitigation in the form of archaeological monitoring for the areas to be developed. According to the Impact and Mitigation Measures outlined on page 12 of the DEA, archaeological monitoring is to take place during all subsurface construction work, including landscaping.

We concur with the mitigation measures outlined in the DEA and recommend that the following wording be used on any permit conditions:

1) A qualified archaeologist shall be hired to conduct on-site initially (then on-call as needed) monitoring during the project. Prior to starting the monitoring work, an acceptable monitoring plan (scope of work) shall be submitted to the State Historic Preservation Division for review and approval. The monitoring plan will spell out a process for documenting sites that are found, for evaluating significance in consultation with our Division and for developing and executing

mitigation work with the approval of our Division and for mitigation treatment (as needed) with the approval of our Division. It must be clear that if historic sites, including burials, are uncovered during the monitoring, construction must stop in the immediate vicinity and the archaeologist shall be allowed sufficient time to evaluate the site and carry out mitigation, as needed. The plan must include provisions for an acceptable monitoring report, documenting all the findings, to be approved by our Division.

2) If burials are found, a burial treatment plan shall be prepared for inadvertent burial discoveries encountered during the monitoring of the project. In addition, consultation with the appropriate ethnic groups, the procedures outlined in Chapter 6E-43 shall be followed. It is necessary for the treatment plan to be prepared after consultation with native Hawaiians, such as the Kauai Island Burial Council and the Office of Hawaiian Affairs.

3) A report documenting the monitoring and burial treatment work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include: 1) Detail drawings of burials and deposits to scale. 2) All artifacts shall be sketched and photographed. 3) Analyses of all perishable and datable remains shall be conducted. 4) Stratigraphic profiles shall be drawn to scale. 5) All locations of historic sites shall be shown on an overall map of the project area. 6) Initial significance evaluations shall be included for each historic site found. and 7) Documentation on the nature and age of the historic sites shall be done.

If you have any questions, please call Nancy McMahon, our archaeologist for Kauai, at 742-7033.

Aloha,

*P. Holly McElDowney*

P. HOLLY McELDOWNEY, Acting Administrator  
State Historic Preservation Division

NM:ak



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

PO BOX 1079  
HONOLULU, HAWAII 96810

March 20, 2003

TO: The Honorable Peter T. Young, Chairperson  
Board of Land and Natural Resources

ATTN: P. Holly McEldowney, Acting Administrator  
Historic Preservation Division

FROM: Micah A. Kane, Chairman  
Hawaiian Homes Commission *MAK*

SUBJECT: Draft Environmental Assessment  
Kekaha Residence Lots  
Kekaha, Waimea, Kauai, TMK: (4) 1-2-002:044  
Log No: 31776, Doc No: 302NM21

This is in response to comments from Department of Land and Natural Resources (DLNR), Historic Preservation Division dated February 27, 2003, regarding the Draft Environmental Assessment (EA) for Kekaha Residence Lots.

We concur with DLNR's recommendations for Section 2.6, Historic, Cultural, and Archaeological Resources and the suggested language will be incorporated into the Final EA. We have also informed the Office of Hawaiian Affairs, Hawaiian Rights Division that we concur with DLNR's recommendations.

Should you have any questions, call me at 586-3801, or your staff may contact Stewart Matsunaga, Masterplanned Community Branch, at 587-6454.

✓ c: NKN Project Planning



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

CHAROSEL BROWN, M.D.  
DIRECTOR OF HEALTH

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
03-009/epo

January 28, 2003

Ms. Nadine K. Nakamura  
NKN Project Planning  
4849 Iiwi Road  
Kauai, Hawaii 96746

Dear Ms. Nakamura:

Subject: Draft Environmental Assessment (DEA)  
Kekaha Residence Lots  
Kekaha, Kai, Hawaii  
Tax Map Key: 1-2-002:044

Thank you for the opportunity to review and comment on the subject proposal. The DEA was routed to the various branches of the Environmental Health Administration. We have the following comments:

Clean Water Branch (CWB)

1. The Army Corps of Engineers should be contacted to identify whether a Federal permit (including a Department of Army permit) is required for this project. If it is determined that a Federal permit is required for the subject project, then a Section 401 Water Quality Certification would also be required from our office;

2. If the construction project involves any of the following activities, a National Pollutant Discharge Elimination System (NPDES) permit coverage is required for each activity:

- a. Construction activities, including clearing, grading, and excavation that result in the disturbance of equal to or greater than five (5) acres of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities;

Ms. Nadine K. Nakamura  
January 28, 2003  
Page 2

(Note: After March 10, 2003, an NPDES permit will be required for construction activities, including clearing, grading, and excavation that result in the disturbance of one (1) acre or more.)

- b. Discharges of hydrotesting water;
  - c. Discharges of construction dewatering effluent;
  - d. Discharges of treated effluent from well drilling activities.
3. If the operation of the proposed facility contributes to the discharge of process wastewater and/or storm water associated with industrial activity, then NPDES permit coverage is required.

The CWB requires that Notices of Intent (NOI) for DPDES general permits be submitted 30 days before the commencement of the respective activities. Applications for NPDES individual permits must be submitted at least 180 days before the commencement of the respective activities. The amendments to Hawaii Administrative Rules, Chapter 11-55, may also require a copy of the Notice of Intent (NOI) or NPDES permit application to be submitted to the State Department of Land and Natural Resources, State Historic Preservation Division. The NOIC forms and NPDES individual permit applications can be picked up at our office or downloaded from our website at <http://www.state.hi.us/doh/cwb/forms/index.html>.

If you have any questions please contact Kris Poentis, of the CWB, at (808) 586-4309.

Clean Air Branch (CAB)

There is a significant potential for fugitive dust emissions during all phases of construction. Proposed construction activities will occur in proximity to existing residences and major thoroughfares, thereby exacerbating potential dust problems. It is recommended that a dust control management plan be developed which identifies and addresses all activities that have a potential to generate fugitive dust. Implementation of adequate dust control measures during all phases of development and construction activities is warranted.

Construction activities must comply with provisions of Hawaii Administrative Rules, Chapter 11-60.1, "Air Pollution Control," Section 11-60.1-33, Fugitive Dust.

The contractor should provide adequate measures to control dust from the road areas and during the various phases of construction. These measures include, but are not limited to:

- a. Planning the different phases of construction, focusing on minimizing the amount of dust generating materials and activities, centralizing on-site vehicular traffic routes, and locating potentially dusty equipment in areas of the least impact;
- b. Providing an adequate water source at the site prior to start up of construction activities;

Ms. Nadine K. Nakamura  
January 28, 2003  
Page 3

- c. Landscaping and rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d. Controlling of dust from shoulders and access roads;
- e. Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f. Controlling of dust from debris being hauled away from project site.

If you have any questions regarding these issues on fugitive dust, please contact the Clean Air Branch at (808) 586-4200.

Wastewater Branch (WVWB)

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We reserve the right to review the detailed wastewater plans for conformance to applicable rules.

If you have any questions, please contact the Wastewater Branch at (808) 586-4294.

Solid and Hazardous Waste Branch (SHWB)

If the Department of Hawaiian Home Lands is proposing to install an underground storage tank (UST) for the emergency generator at the site, they will be subject to state UST requirements. The state UST rules, Chapter 11-281, entitled "Underground Storage Tanks" became effective January 28, 2000. A permit is now required from the Underground Storage Tank Section, Solid and Hazardous Waste Branch (SHWB), for the installation and operation of new USTs. Also, permits must be obtained from the applicable building and fire safety authorities before installation of any USTs.

If you have any questions, please contact Roxanne Kwan, of the SHWB, at (808) 586-4226.

Sincerely,

*June F. Harrigan - lum*  
JUNE F. HARRIGAN-LUM, MANAGER  
Environmental Planning Office

c: CWB  
CAB  
WVB  
SHWB

LINDA LINDLE  
GOVERNOR  
STATE OF HAWAII



MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P.O. BOX 1779  
HONOLULU, HAWAII 96813

March 20, 2003

TO: The Honorable Chiyome Fukino, Director  
Department of Health

ATTN: June F. Harrigan-Lum, Manager  
Environmental Planning Office

FROM: Micah A. Kane, Chairman  
Hawaiian Homes Commission

SUBJECT: Draft Environmental Assessment  
Kekaha Residence Lots  
Kekaha, Waimea, Kauai, TMK: (4) 1-2-002:044

This is in response to comments provided by the Environmental Planning Office on January 28, 2003, regarding the Kekaha Residence Lots Draft Environmental Assessment (EA).

Response to Clean Water Branch:

The Department does not believe this project will trigger any of the permits required by the Army Corps of Engineers. Nevertheless, we will contact them to affirm that no federal permits are required. Before the commencement of construction activities, the Department and its contractor(s) will obtain the necessary permits for each activity required under the National Pollutant Discharge Elimination System. We will also comply with public notice requirements as outlined in Hawaii Administrative Rules, Chapter 11-55, if applicable.

Response to Clean Air Branch:

The Department will require its contractor(s) to comply with Department of Health Administrative Rules pertaining to fugitive dust and dust control methods, as outlined in your letter.

The Honorable Chiyome Fukino  
March 20, 2003  
Page 2

Response to Wastewater Branch:

Individual wastewater systems will be installed in conformance with Department of Health Administrative Rules. Houses will be built through the owner/builder system and each lessee is required to comply with County and State building code and building permit procedures.

Response to Solid and Hazardous Waste Branch:

The emergency generator housed in the communications facility does not have an underground storage fuel tank. Fuel storage is self-contained within the generator unit, all of which is above ground. The Final EA will be revised to disclose this information.

Should you have any questions, call me at 586-3801, or your staff my contact Stewart Matsunaga, Masterplanned Community Branch, at 587-6454.

/ c: NKN Project Planning

LINDA LUNCLE  
GOVERNOR



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

RODNEY K. HARAGA  
DIRECTOR  
Acting Deputy Director  
GLENN M. OKAMOTO

IN REPLY REFER TO:  
HWY-PS  
2.9549

LINDA LUNCLE  
GOVERNOR  
STATE OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
70 BOLTEN  
HONOLULU, HAWAII 96819

MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

March 19 2003

March 21, 2003

Mr. Steward Matsunaga  
Department of Hawaiian Home Lands  
P. O. Box 1879  
Honolulu, Hawaii 96805

Dear Mr. Matsunaga:

Subject: Draft Environmental Assessment, Kekaha Residence Lots, TMK 1-2-02: 44

The proposed residential subdivision is not anticipated to have a significant impact on Kaunualii Highway, our State facility.

If you have any questions, please contact Ronald Tsuzuki, Head Planning Engineer, Highways Division, at 587-1830 or by email at [ronald.tsuzuki@hawaii.gov](mailto:ronald.tsuzuki@hawaii.gov). Please reference file review number: 03-006 when responding to comments.

Very truly yours,

*Rodney K. Haraga*

RODNEY K. HARAGA  
Director of Transportation

c: Nadine K. Nakamura, NKN Project Planning

TO: The Honorable Rodney K. Haraga, Director  
Department of Transportation

FROM: Micah A. Kane, Chairman  
Hawaiian Homes Commission *MAC*

SUBJECT: Draft Environmental Assessment  
Kekaha Residence Lots  
Kekaha, Waimea, Kauai, TMK: (4) 1-2-002:044  
File Review No. 03-006 (HWY-PS 2.9549)

This is to acknowledge receipt of comments provided by the Department of Transportation on March 19, 2003, regarding the Kekaha Residence Lots Draft Environmental Assessment.

Should you have any questions, call me at 586-3801, or your staff may contact Stewart Matsunaga, Masterplanned Community Branch, at 587-6454.

c: NKN Project Planning

DEPT. OF HAWAIIAN HOME LANDS



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPIOLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

LANDS IN CHARGE  
GOVERNOR  
STATE OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P.O. BOX 1179  
HONOLULU, HAWAII 96813

MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

December 31, 2002

Mr. Stewart Matsumura  
Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, HI 96805

HRD402-876

March 20, 2003

Mr. Clyde Namuo, Administrator  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawaii 96813

SUBJECT: DEPARTMENT OF HAWAIIAN HOME LANDS - CONSTRUCTION  
OF SINGLE FAMILY HOUSE LOTS AND RELATED FACILITIES  
DRAFT ENVIRONMENTAL ASSESSMENT

Dear Mr. Matsumura:

Thank you for the opportunity to review the above referenced project for the development of single family house lots and related facilities in Kekaha, Waimea, Kauai.

The Office of Hawaiian Affairs (OHA) requests that you amend the Impacts and Mitigation Measures section found on page 12 to read that in the case of the discovery of historic sites, including human burials, all work will terminate and the State Historic Preservation Division and the Kauai Island Burial Council will be contacted.

If you have any questions, please contact Jerry B. Norris at 594-1847 or email him at [jerryb@oha.org](mailto:jerryb@oha.org).

Sincerely,

Ernest Kimoto  
Acting Director  
Hawaiian Rights Division

cc: Ms. Nadine K. Nakamura  
NHCN Project Planning  
4843 Iiwi Road  
Kapa'ae, HI 96746

Dear Mr. Namuo:

SUBJECT: Draft Environmental Assessment, Kekaha Residence Lots  
Kekaha, Waimea, Kauai, TMK: (4) 1-2-002:044  
Ref: HRD#02-876

This is in response to comments from the Office of Hawaiian Affairs, Hawaiian Rights Division, dated December 31, 2002, regarding the Kekaha Residence Lots Draft Environmental Assessment. We agree with the recommendation that the Office of Hawaiian Affairs be contacted upon the discovery of historic sites or human burials during construction. However, we believe it would not be prudent to require all construction work within the project site to cease.

Should historic sites, including human burials, be uncovered during construction, the Department of Hawaiian Home Lands will comply with the recommendations of the Department of Land and Natural Resources (DLNR), Historic Preservation Division. We have enclosed a copy of DLNR's letter.

Should you have any questions, please call me at 586-3801, or your staff may contact Stewart Matsunaga, Masterplanned Community Branch, at 587-6454.

Aloha and mahalo,

Micah A. Kane, Chairman  
Hawaiian Homes Commission

✓ c: MKN Project Planning