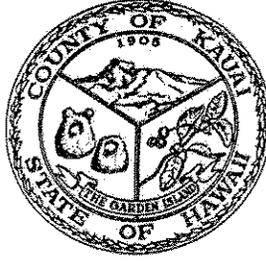


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TELEPHONE: (808) 241-6677 FAX: (808) 241-6699

June 3, 2005

Ms. Genevive Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

RECEIVED
05 JUN -8 12:55
OFC. OF ENVIRONMENTAL
QUALITY CONTROL

Dear Ms. Salmonson

Subject : Finding of No Significant Impact (FONSI)
General Plan Amendment and Zoning Amendment
Nishida Family, Tax Map Key 4-2-22:15
Wailua, Kauai

The County of Kauai Planning Department has reviewed the comments received during the 30-day public comment period which began on April 23, 2005. The department has determined that this project will not have significant environmental effects and hereby issues a FONSI. Please publish this notice in the next available Environmental Notice.

We have enclosed a completed OEQC Publication Form and four (4) copies of the final Environmental Assessment. Please contact Bryan Mamaclay of our staff at 241-6677 if you have any questions.

IAN K. COSTA
Planning Director

Enclosures

c: Nadine Nakamura

Final Environmental Assessment

Submitted Pursuant to Hawai'i Revised Statutes,
Chapter 343

Nishida Family General Plan & Zoning Amendment
Wailua, Kaua'i, Hawai'i

Tax Map Key: (4) 4-2-22: 15

DEPT. OF ENVIRONMENTAL
QUALITY CONTROL

05 JUN -8 P12:56

RECEIVED

Applicants:

James E. Nishida, Jr. Individually and as Trustee for
Lowell M. Nishida
Naomi J. Nishida

NKN Project Planning
May 2005

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INTRODUCTION

Applicants James E. Nishida, Jr., individually and as a trustee for Lowell M. Nishida, and Naomi J. Nishida (Nishida Family) are seeking a General Plan Amendment, Zoning Amendment, and State Land Use Boundary Amendment.

1.0 PROJECT DESCRIPTION

1.1 Location

The Nishida Family project is located at Wailua, District of Puna, Island and County of Kaua'i. The lots are located on Pu'upilo Road and are part of the Wailua Homesteads, 1st Series, at Wailua (Puna), Island and County of Kaua'i, State of Hawai'i. The property is bounded to the west and north by condominiumized agricultural lands, to the east by a residential subdivision, and Opaeka'a Stream on the south.

The parcel, Tax Map Key (4) 4-2-22-15 is approximately 8.67 acres in size. A location map is found in **Figure 1**.

1.2 Proposed Action

The Nishida Family is proposing three land use changes:

- General Plan Amendment from *Agriculture* to *Residential Community*;
- Zoning Amendment from *Agriculture (A)* and *Open (O)* to *Residential (R-2)* and *Open*; and
- State Land Use Boundary Amendment from *Agricultural* to *Rural*.

General Plan, Zoning, and State Land Use District maps are found in **Figures 2, 3, and 4**, respectively.

The zoning amendment may include a refinement of the *Open District* boundary.

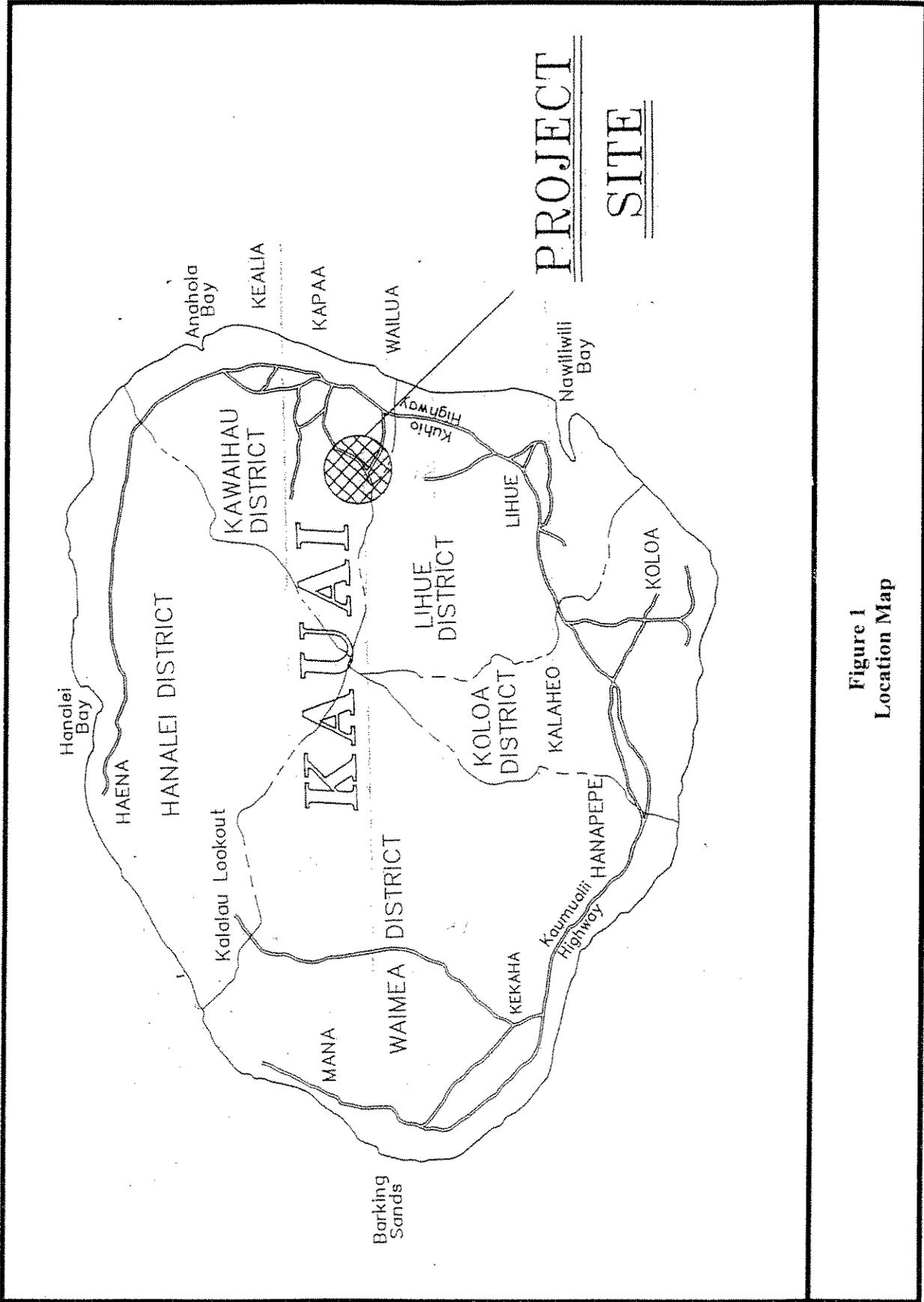


Figure 1
Location Map

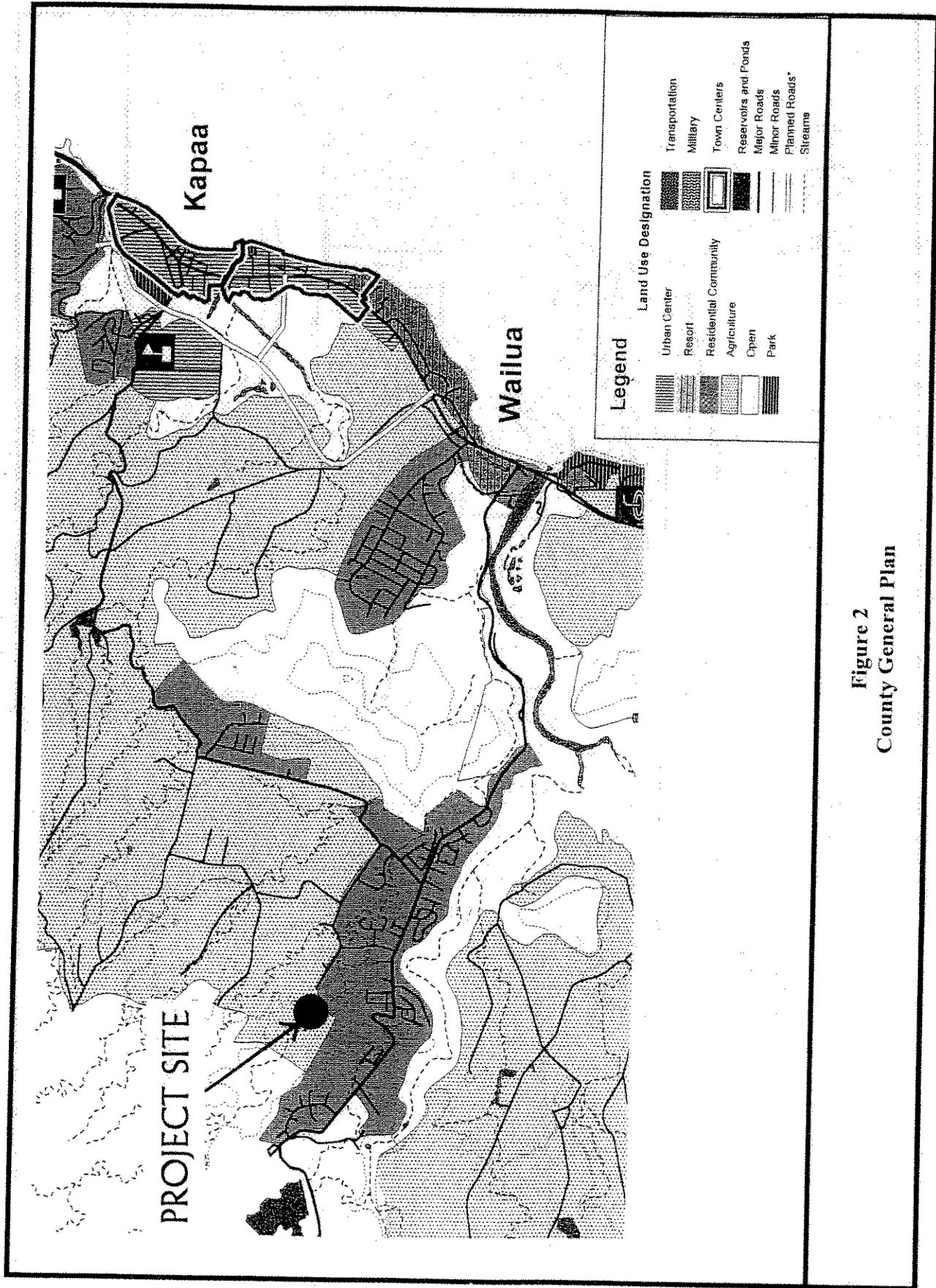


Figure 2
County General Plan

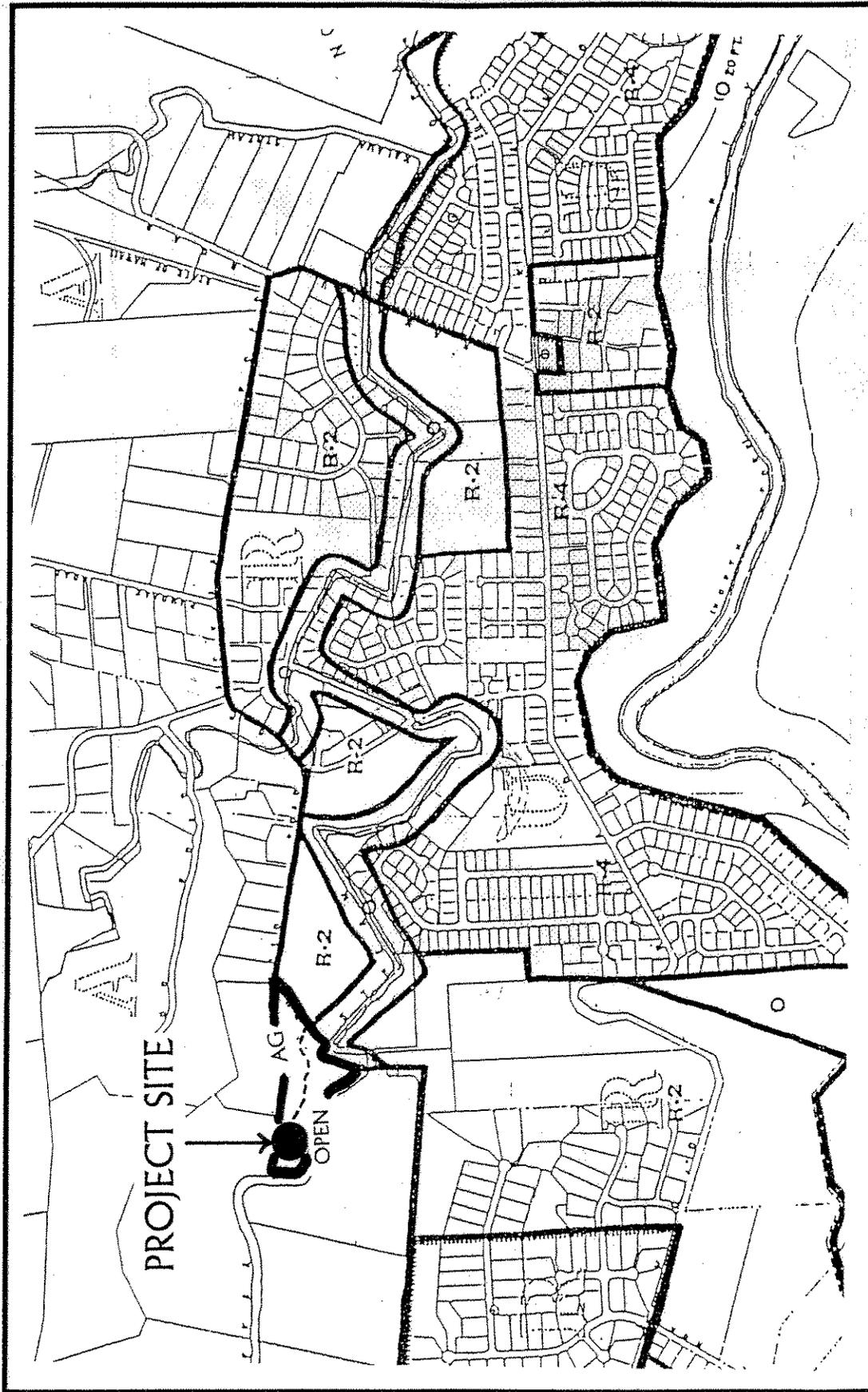


Figure 3
County Zoning

The Applicants are in the process of subdividing the subject parcel (Subdivision Application No. S-2001-40), which will create a four-lot subdivision (Lots 10-A-1, 10-A-2, 10-A-3 and 10-A-4) as shown in **Figure 5**.

Following the successful approval of the General Plan, Zoning, and State Land Use Boundary Amendments, Applicants propose to consolidate Lots 10-A-1 through 10-A-4 and resubdivide the parcel into five lots (**Figure 6**). Three of those four lots would be sold at market prices prevailing at the time the lots are offered for sale. The Applicants would keep the house on one of the four re-subdivided lots (portion of Lot 10-A-1) on which applicant Naomi Nishida resides.

The largest of the four lots (Lot 10-A-2) will be retained by the Applicants for the purpose of developing seven rental units. The Nishida family is concerned about the lack of rental housing for working families on Kaua'i, many of whom would like to reside in Wailua Homesteads but cannot afford to purchase a home. The applicant intends to sell house lots along the front of the property to finance construction of rental units in the rear of the property.

Using late 2004 values, and depending on the implementation of the estimated project timetable, the Applicants anticipate market prices for the .5-acre lots would be in the range of \$350,000 to \$400,000. If the lots are further subdivided into condominium units of one-quarter lots, the market price would range from about \$250,000 to \$300,000 per condo unit. Rents for the rental units will range in cost from \$950 to \$1350 per month.

1.3 Project Scope

Amendments to the County's General Plan trigger the environmental review process as defined by Chapter 343, Hawai'i Revised Statutes (HRS).

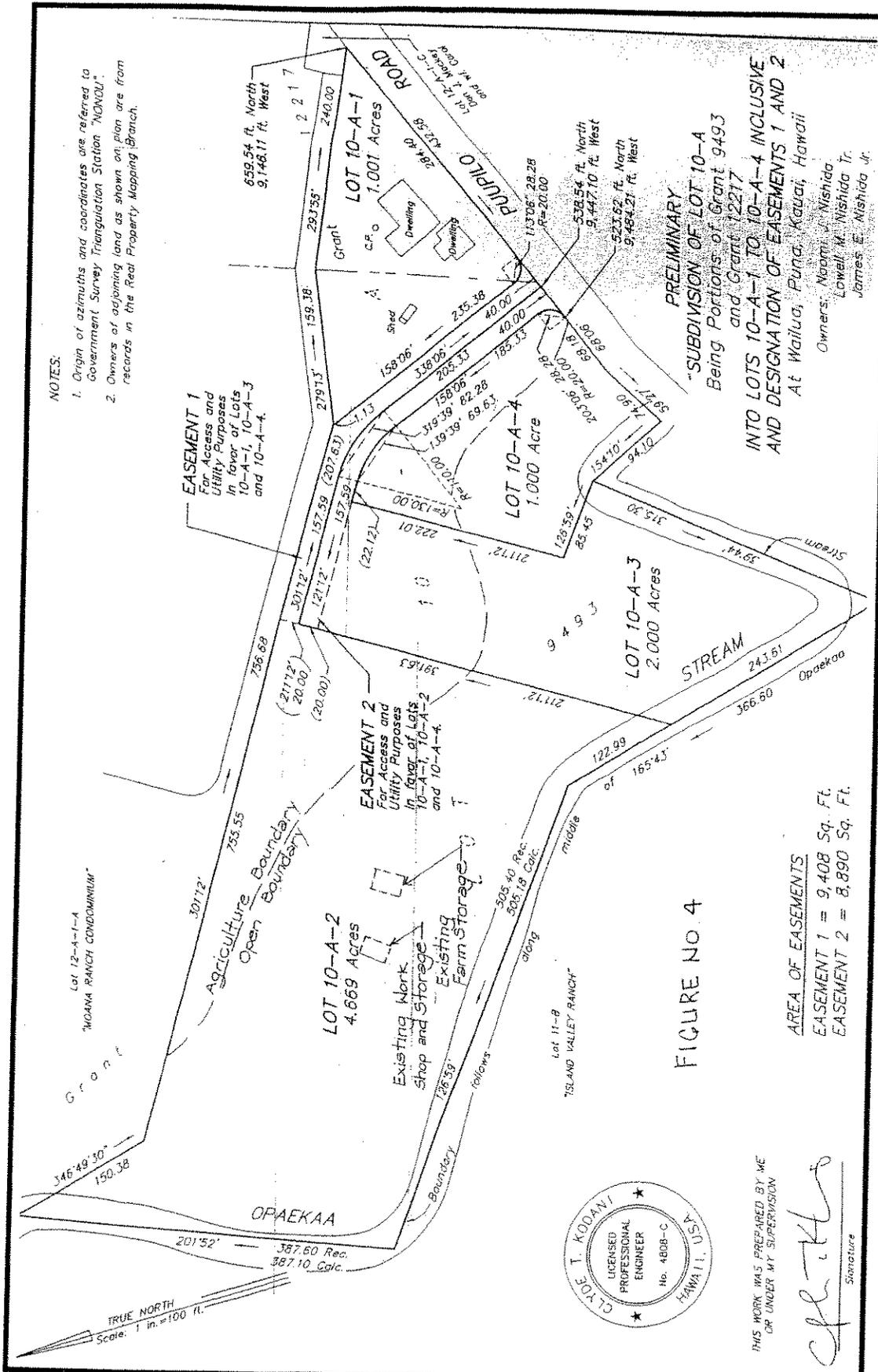
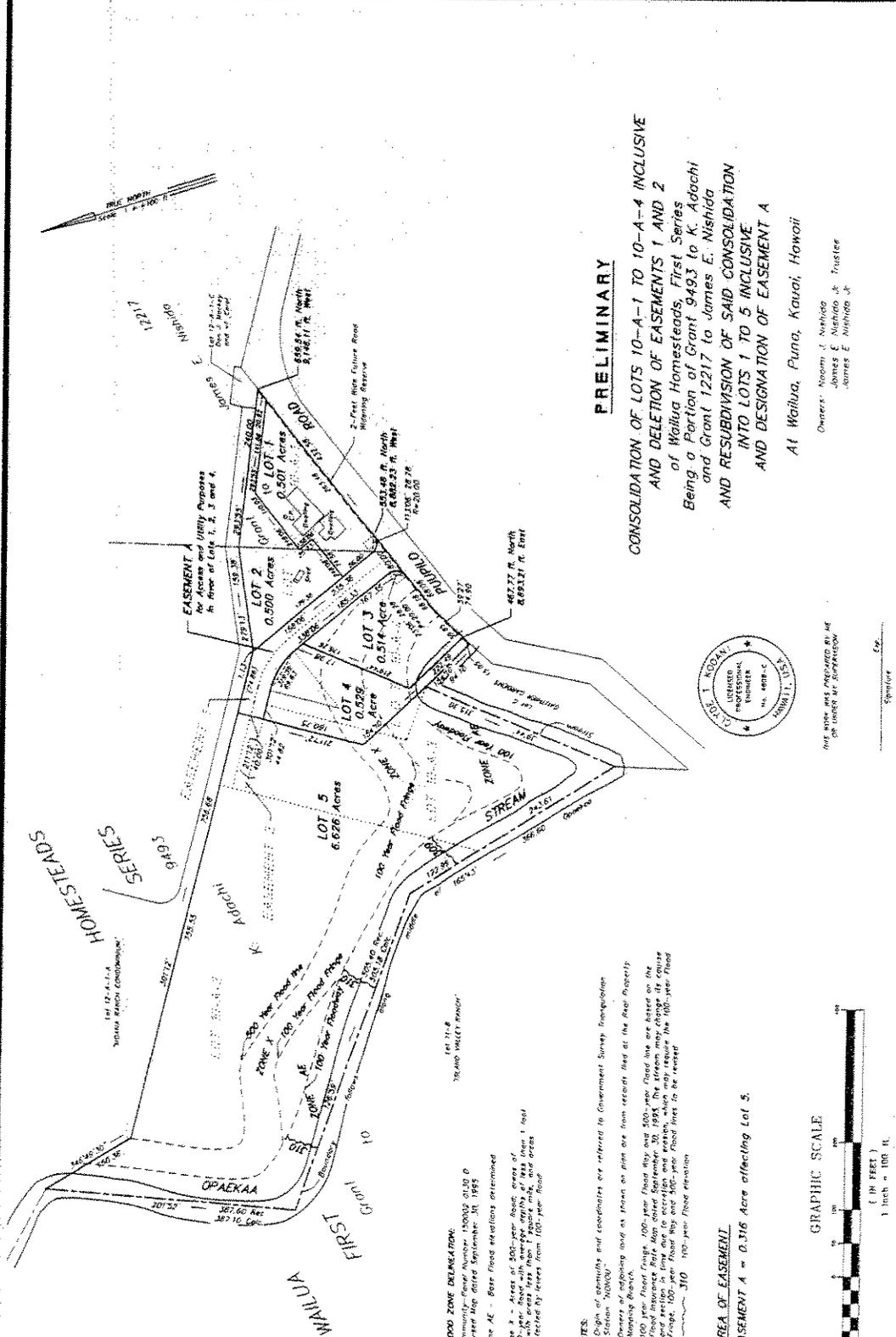


Figure 5
Current Subdivision Plan



PRELIMINARY

**CONSOLIDATION OF LOTS 10-A-1 TO 10-A-4 INCLUSIVE
AND DELETION OF EASEMENTS 1 AND 2**
of Wailua Homesteads, First Series
Being a Portion of Grant 9493 to K. Adachi
and Grant 12217 to James E. Nishida
**AND RESUBDIVISION OF SAID CONSOLIDATION
INTO LOTS 1 TO 5 INCLUSIVE
AND DESIGNATION OF EASEMENT A**
At Wailua, Funa, Kawai, Hawaii

Owner: Norman J. Nishida
James E. Nishida & Trustee
James E. Nishida Jr.



This work was prepared by me
in accordance with the provisions of
Chapter 100, Hawaii Revised Statutes.

Signature: _____
Date: _____

FLOOD ZONE DELINEATION:
Community Flood Number: 130002 0130 D
Revised Map Dated September, 31, 1985
Zone AE - Base Flood Elevations determined
Zone A - Areas of 500-year flood areas of
100-year flood with average depths of water 1 foot
or with areas less than 1 square mile, and areas
predominately rivers from 100-year flood

- NOTES:**
1. Origin of corners and coordinates are referred to Government Survey triangulation station 100000.
 2. Existing road as shown on plan are from records filed at the Real Property Division.
 3. 100-year flood stage, 100-year flood flow and 500-year flood flow are based on the Flood Insurance Risk Map dated September 30, 1985. This stream may change its location in time due to accretion and erosion, which may require the 100-year flood flow and 500-year flood flow lines to be re-set.
 4. 100-year flood elevation: 310

AREA OF EASEMENT
EASEMENT A = 0.316 Acre affecting Lot 5.



Figure 6
Proposed Subdivision Plan

1.4 Project Schedule & Approximate Costs

Subject to change, the following is an estimated schedule for the project.

Complete Environmental Assessment	2 nd Quarter 2005
Rezone, General Plan Amendment & State Land Use	2 nd Quarter 2005 – 4 th Quarter 2005
Consolidate and Re-subdivide	1 st Quarter 2006 – 4 th Quarter 2006
Establish condominium units	1 st Quarter 2007
Construction of improvements	1 st Quarter 2007
Sell lots	2 nd Quarter 2007
Construct rental units	3 rd Quarter 2007

The estimated costs for the project include:

Engineering, environmental assessment & legal fees	\$40,000
Construction costs (extension of water transmission line)	\$50,000
Construction of seven rental units	<u>\$750,000</u>
TOTAL ESTIMATED COSTS	\$840,000

1.5 Technical Characteristics and Public Services

Applicants plan to resubdivide the 8.67-acre parcel into five lots ranging in size from one-half acre to 6.6 acres. **Figure 7** illustrates the current and proposed future details of zoning, lot sizes and number of permitted dwelling units.

Roads

Access to the property is from Kuhio Highway, turning *mauka* onto Kuamo'o Road (Route 580), turning right on Opaeka'a Road, then left onto Pu'upilo Road to the subject property located at 6510 Pu'upilo Road, Kapa'a, Kaua'i, 96746.

Water

The property is provided with potable water from the County of Kaua'i's existing domestic water system, and currently, the Department of Water has determined that there is sufficient source and storage to sustain the proposed project. However, the Applicants have been advised that the transmission line will have to be extended to provide the domestic service connections and fire service connections that will be triggered by the subdivision.

Figure 7: Nishida Family Project

Current and Future Densities

April 7, 2005

Lot Numbers	Current Zoning	Current Lot Size(s)	Density per current subdivision plan (4 lots)	Proposed Future Zoning	Proposed Future Lots Size(s)*	Density per future resubdivision plan (5 lots)
Lot 10-A-1	Ag	1 acre	1 house 1 ADU	R-2	.5 acres	1 house 1 ADU
Lot 10-A-4	Ag	.5 acres	1 house 1 ADU	R-2	.514 acres (R-2 & Open combined)	1 house 1 ADU
			No dwellings permitted			
Lot 10-A-3	Ag	1 acre	1 house 1 ADU	R-2	.529 acres (R-2 & Open combined)	1 house 1 ADU
			No dwellings permitted			
Lot 10-A-2	Ag	3 acres	1 house 1 ADU	R-2	6.626 acres (R-2 & Open combined)	8 houses no ADU's
			No dwellings permitted			
Totals		4 lots on about 8.6 acres	8 dwelling units		5 lots on about 8.6 acres	16 dwelling units

* In the resubdivision, some lot sizes have been reconfigured, and now have split zoning (e.g., R-2/Open)

Sewage Treatment and Disposal

Wastewater generated by the number of dwellings which would result from the changes sought, will be treated in individual wastewater systems (septic tanks and leach fields), as the Wailua Homesteads area is not serviced by the public sewage treatment system operated by the County of Kaua'i.

Individual wastewater systems will be installed in conformance with the State of Hawai'i, Department of Health Administrative Rules, Chapter 11-62 "Wastewater Systems." All dwellings constructed on the property are required to comply with County and State building code and building permit procedures.

Solid Waste

Solid waste disposal for the future homes will be provided by the County of Kaua'i, Department of Public Works.

Police & Fire Protection

The Kapa'a Fire Station at Waipouli serves the subject property. A Kaua'i Police Department substation is located in Kapa'a, with the main KPD headquarters located in Lihue.

Schools & Libraries

Public schools that service the subject properties are King Kaumualii Elementary School in Hanamaulu, Kapa'a Middle School, and Kapa'a High. The Kapa'a Public Library services the Wailua-Kapa'a communities.

Parks & Recreation

Located about two miles away, the nearest regional park for the area is the Wailua Homesteads Park on Kamalu Road (used for playground-type activities, soccer practices and games, and baseball practices). Northwest of the Wailua Homesteads is the State's Wailua Game Management Area where lands are available for public hiking, hunting and other outdoor recreation.

Utilities & Communications

The Applicants will provide service up to the proposed project's lot boundaries. Utilities available for this project include electric (Kaua'i Island Utility Cooperative), telephone (Verizon), cable television (Oceanic Time Warner), and broadband service (Verizon and Oceanic Time Warner).

Medical Services

Regional medical services are available in Lihue at G.N. Wilcox Memorial Hospital and Kaua'i Medical Clinic (KMC). KMC's Kapa'a Clinic has a facility in Kapa'a town. There are also a number of other traditional and non-traditional medical practitioners in the Kapa'a-Wailua area. Nearby

Samuel Mahelona Memorial Hospital in Kapa'a provides additional medical services to the community.

1.6 Socio-Economic Characteristics

Demographic Data

The 2000 U.S. Census reported that the Wailua Homesteads had a population of 4567 people in about 1655 households. The primary ethnic groups are White, Asian, and Native Hawaiian and Other Pacific Islander. The median household income is \$48,047 per annum.

Census data results for "The Profile of General Demographic Characteristics: 2000" for Kaua'i County indicate the average household size of owner-occupied units to be 3.01 persons per unit, and the average household size of renter-occupied units to be 2.63 persons per unit, slightly higher than that of the data profile for Wailua Homesteads (2.84 and 2.52 respectively).

Housing

The Applicants propose to offer for sale, home sites for six (6) new dwelling units, and to construct seven (7) new rental units. The eventual seven single-family rental units will range from 1-3 bedrooms, range in size from 576 s.f. to 864 s.f., and range in cost from \$950 to \$1300 per month in 2005 dollars. These additions to the median-priced single-family lot and rental-housing inventory will benefit Kaua'i's housing needs.

Economic

There will be short-term economic benefits to the island such as employment of contractors and construction workers who will build the infrastructure and future homes. No new long-term employment is expected to result from this project.

The Applicants will incur costs and receive economic benefits from the proposed project. Costs will be incurred with the development of the required infrastructure (e.g., road, water, electrical, etc). Applicants will benefit from the future sale of lots and income from long-term rental housing.

1.7 Environmental Characteristics

Natural Resources

Hau trees line the stream bank along Opaeka'a Stream, delineating the west and south boundaries of the subject property. The stream flows along the Nishida parcel, through the Residential R-2 communities' *makai* of the subject property, eventually drains at Opaeka'a Falls, and finally outlets into the Wailua River.

Climate & Rainfall

According to the *Atlas of Hawai'i* the average annual rainfall in the Wailua Homesteads area in the vicinity of the property ranges from about 45 inches to 90 inches, with annual temperatures ranging from the mid-60's to the mid-80s. Winds generally originate from the northeast.

2.0 AFFECTED ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION MEASURES

2.1 Existing Land Use

The subject property is located in the Wailua Homesteads area. The parcel is further identified as TMK (4) 4-2-22-15.

Access to the property is from Kuhio Highway, turning *mauka* onto Kuamo'o Road (Route 580), turning right on Opaeka'a Road, then left onto Pu'upilo Road to the subject property located at 6510 Pu'upilo Road, Kapa'a, Kaua'i.

To the northwest of the Nishida's property is the Moana Ranch Condominium Project (TMK 4-2-22-23) with four (4) dwellings, and to the northeast, the Pu'upilo Condominium (TMK 4-2-22-24) has three (3) dwellings units. To the south of the property, on Pu'upilo Road, all of the properties are zoned Residential R-2. To the west of the property (at the end of Pu'upilo Road) are two agricultural condominium projects (Wailua Ranch Condominium Project, and Island Valley Ranch Condominium Project). Wailua Ranch Condominium Project (TMK 4-2-22-21) contains three (3) single-family dwellings. Island Valley Ranch Condominium Project (TMK 4-2-22-22) contains six (6) single-family dwellings. The urbanization of the area has largely changed the character of this Wailua Homesteads neighborhood, *mauka* to Pu'upilo Road, and further *mauka* along the Kuamo'o Road corridor.

The subject property is within the State Land Use *Agricultural* District. The property is located within a large area that is classified by the County of Kaua'i as *Agriculture* on the Kawaihau Planning District Land Use Map, as identified in the November 2000 Kaua'i General Plan. The current zoning for the property is *Agriculture District* and *Open District*.

Lot 10-A-1 is zoned *Agriculture*. Lots 10-A-2, 10-A-3 and 10-A-4 are zoned *Agriculture* and *Open*. The *Open* zone boundary on these three lots abuts Opaeka'a Stream.

Applicant Naomi J. Nishida resides on Lot 10-A-1, encompassing an area of approximately 1.001 acres, and containing two single-family dwellings and a shed.

Applicant James E. Nishida, Jr. lives on Lot 10-A-2, where approximately three acres of the land is being used for agricultural purposes. This lot contains a single-family dwelling and two storage structures, and comprises about 4.669 acres.

Lot 10-A-3 is a vacant lot, and contains 2.00 acres. Lot 10-A-4 also a vacant lot, is about 1.000 acres in size. These two lots are mainly undeveloped open space with the exception of the area surrounding the dwelling units and accessory structures. Unimproved, informal “driveway” areas provide vehicular access to the dwellings and structures.

Past uses by the Applicant’s parents included truck crops and a small dairy in the 1950’s, and pineapple until the 1970’s. Current agricultural crops and fruit trees include: cut flowers and ti, dryland taro, citrus (lemon, tangelo, grapefruit, tangerine, oranges), avocado, mulberry, pomegranate, and fig trees. Honeybees and chickens (eggs) are other components of the existing land uses. Some of the farm products are sold at farmers markets and other products are used at home.

Impacts and Mitigation Measures

The proposed General Plan and Zoning Amendments are not anticipated to have significant impacts on land uses in the area. As previously described in Section 1.2 the Applicants propose to re-subdivide Lots 10-A-1 and 10-A-4 into a total of four parcels. Three of those four lots would then be sold at market prices prevailing at the time the lots are offered for sale. This will add three new lots and the potential of six (6) new dwelling units to Kaua’i’s single-family housing inventory. In addition, Applicants intend to develop seven (7) new 1, 2 & 3 bedroom units on Lot 10-A-2 that will contribute to Kaua’i’s rental inventory shortage.

Using the 2000 census data described in Section 1.7, and using Kaua’i County’s higher figure for household size, the potential population increase as a result of this project could be:

Owner-occupied units (3.01 persons X 6 homes) =	18.1 persons
Rental-occupied units (2.63 persons X 7 rentals) =	<u>18.4 persons</u>
Total increase in population at build out =	36.5 persons

Since the project will be developed over time, the increase in population will be gradual and there should be minimal impact on the environment. This project will slightly expand the rural area between the subject parcel and Kuamo’o Road, where future infilling of existing lots will occur.

2.2 Topography, Geology, Soils

Opaeka'a Stream meanders along the southern boundary of the applicant's lands, continues through the *Residential R-2* communities *makai* of the subject property, and eventually drains at Opaeka'a Falls and outlets into the Wailua River. Residential development has been permitted along the Opaeka'a Stream route immediately across Pu'upilo Road from Applicants' lands. The land slopes from its northern boundary towards Opaeka'a Stream. In the *Final 2004 List of Impaired Waters in Hawai'i*, Opaeka'a Stream is identified as a stream requiring future monitoring for a decision on its impairment.

The soil types found at the project site are of the Kapa'a and Hanama'ulu series, with slopes ranging from 3% to 8%. Kapa'a series (KKb) consists of soils with moderately rapid permeability, runoff is slow to medium, and the erosion rate is slight. The Hanama'ulu series (HHsB) consists of well-drained soils on stream terraces and steep terrace breaks.

The lands in the area of the subject property have been given a C productivity rating by the Land Study Bureau.

Impacts and Mitigation Measures

The proposed development may alter the topography of the area. Some grading may occur with infrastructure improvements and construction of the homes. Proper permits will be obtained for any land altering construction. The project will abide by the County of Kaua'i, Department of Public Works' new drainage standards. Best Management Practices for erosion and sediment controls will be implemented during the course of construction to mitigate any negative impacts to Opaeka'a Stream.

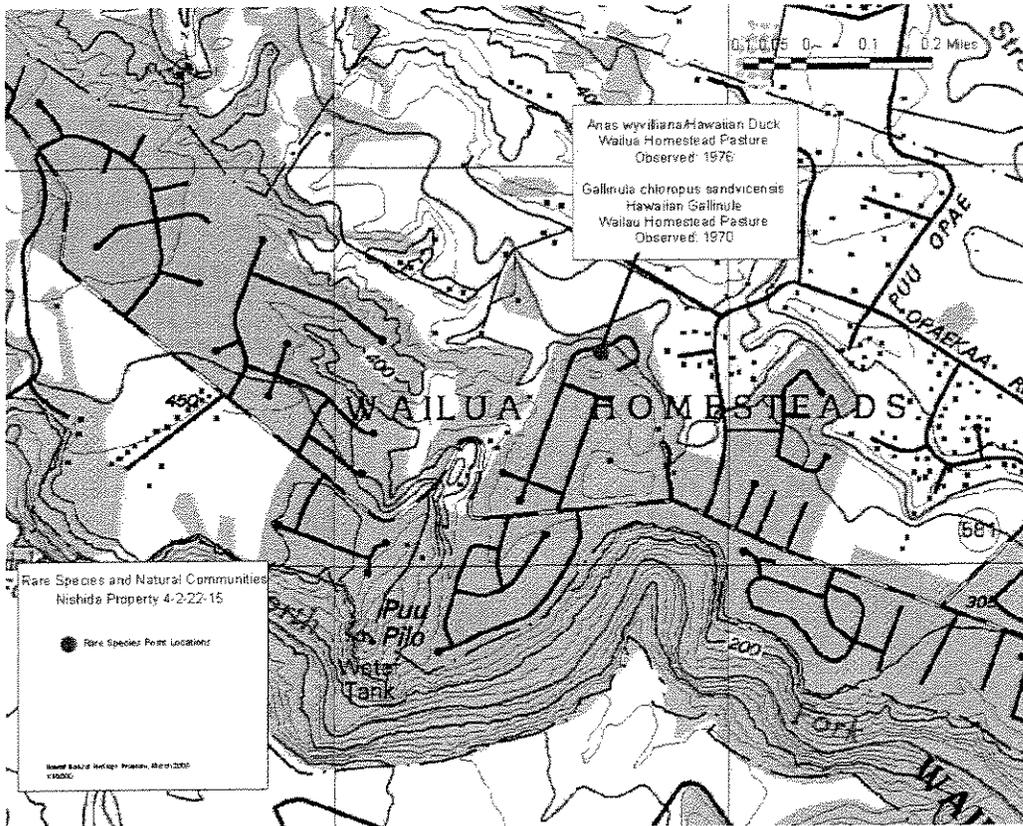
2.3 Flora and Fauna

Plants and trees that grow on Applicants' lands include various fruits, vegetables and tropical flowers as previously mentioned in Section 2.1. *Hau* trees grow naturally along a part of the property abutting Opaeka'a Stream. The ground area is highly disturbed and was under pineapple cultivation until the 1970s. Since then, applicants have introduced native Hawaiian species such as *ti* and *kalo*. Throughout the 30 years of being raised on the property, the Applicant has noticed tilapia, small mouth bass, mosquito fish, o'opu, prawns and crayfish in Opaeka'a Stream. No waterbirds have been observed on the parcel.

According to the Hawai'i Natural Heritage Program, University of Hawai'i, no rare species have been recorded on the property. As shown in **Figure 8** there have been two listed endangered species (Hawaiian Duck, and Hawaiian Gallinule) recorded in the vicinity (Wailua Homestead

Pasture). Both locations were from the 1970's, but most likely these species are still in the area.

Figure 8: Rare & Endangered Species: Nishida Family Project



Source: Hawaii Natural Heritage Program, University of Hawaii,
Center for Conservation Research and Training
3050 Maile Way, Gilmore 406, Honolulu, Hawaii 96822

The *Hawai'i Stream Assessment* does not list or rank any aquatic or riparian resources in the Opaeka'a Stream.

Impacts and Mitigation Measures

No rare, threatened and/or endangered species of flora and fauna are known to inhabit the project area. A grading plan will include measures for temporary and permanent erosion barriers to prevent any negative impacts to species in the vicinity of Opaeka'a Stream.

2.4 Historic, Archaeological and Cultural Resources

The project site does not contain any historic or archaeological sites listed on the National and State Registers of Historic Places. The Wailua Complex of Heiau (Site number 30-08-502) is the closest historic site, which is over two miles from the property.

Interviews with long-time Wailua residents indicate that the Nishida family property was used to grow pineapple from the mid-1950s to the early 1970's. There were 21 farmers who were part of the Olohena Cooperative who shared labor and equipment during harvesting season.

Riparian rights in and to the stream, and the free flowage of the stream, are already cited as encumbrances on the subject property. Since the Nishida family acquired the property in 1944, there has been no access exercised by Native Hawaiians to the Opaeka'a Stream for any purpose (including, without limitation, water rights, fishing rights, gathering rights, or religious rights). During the past 60 years of ownership of the property, no traditional or customary rights of Native Hawaiians have been practiced on the property.

The *Hawai'i Stream Assessment* does not list or rank any cultural or recreational resources on the property.

Impacts and Mitigation Measures

The State of Hawai'i, Department of Land and Natural Resources, Historic Preservation Division (DLNR), does not believe there are any historic properties present on the subject parcel as residential development/urbanization has altered the land. The DLNR has concluded that no historic properties will be affected by the proposed undertaking, and no archaeological monitoring is recommended for this project. If, during the construction phase of infrastructure and of the homes, sites are inadvertently discovered on the property. In that case, all work will immediately cease, and the (DLNR) will be contacted.

The proposed development will not modify or diminish such rights, as riparian rights in and to Opaeka'a Stream, and the free flow of the stream, are cited as encumbrances on the subject property.

2.5 Scenic & Visual Resources

Neither the County nor State identified this property as a "scenic" resource. However, the Wailua Homesteads area is rural in character due to larger lot sizes, older trees, and greenery and vegetation as seen from the public areas. With development and land use changes, however, the scenic quality of the entire area has changed. While still green and rural, there is less open space, and are more residences in the area.

Impacts and Mitigation Measures

This proposal will not significantly affect the scenic and visual resources of the area. If these requests are approved, the proposed lot sizes and number of homes will not overly intrude on the rural character of the surrounding neighborhoods. About one-fourth of the property will remain in the *Open* zone. The lot sizes are consistent with preserving the rural setting of the surrounding properties.

2.6 Air Quality & Noise

The General Plan and Zoning Amendments, and the addition of residential lots and rental units should not significantly impact air or noise quality in the surrounding neighborhood.

Impacts and Mitigation Measures

During the construction phase of the project there may be short-term, temporary impacts from dust and equipment noise. There may be some impacts associated with construction of the future homes, but those impacts will be short-term. 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. Applicants will require contractors constructing rental housing to contractor(s) to comply with all applicable Federal, State and County permitting requirements. Should 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.

2.7 Drainage & Flood Hazards

A drainage study for the subject parcel was conducted as a requirement of the tentative subdivision approval. The study evaluated any potential impacts of increased stormwater runoff resulting from this project.

Opaeka'a Stream is one of the streams studied in the Federal Emergency Management Agency (FEMA), Flood Insurance Study, County of Kaua'i, Hawaii, Volume 1 and 2, March 2, 1987. The parcel is identified on the Federal Emergency Management Flood Insurance Rate Map, Panel 150002-130D, and shows a portion of the parcel located in Zone AE. Zone AE are areas where base flood elevations have been determined. Opaeka'a Stream has a base flood elevation of 309 feet msl (mean sea level) and 310 feet msl. Other portions of the property are located in Zone X (shaded). Zone X (shaded) means areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

Impacts and Mitigation Measures

The Nishida property drains directly into Opaeka'a Stream. Stormwater runoff quantities can be expected to increase when new areas of impermeable surfaces such as roads and buildings are constructed. In general, the subject parcel slopes at about 4% to 8% from its northern boundary towards Opaeka'a Stream.

The drainage standards contained in the County of Kaua'i's Stormwater Runoff System Manual, dated July 2001, were used in evaluating the impacts from the proposed subdivision. One of the exemptions from the requirement to provide drainage detention facilities is when the development is of an area that drains into a drainageway, which is capable of conveying the storm runoff based on the ultimate development of the drainage basin.

The study determined the difference in elevation between the water surface elevations in Opaeka'a Stream between the existing and developed conditions was 0.01 feet or less. An increase of 0.01 feet is not significant and would not be noticeable. The drainage study concluded that the drainageway has sufficient capacity to convey the additional runoff that may be generated by the development of the subject property into a four-lot subdivision.

A new drainage study will be completed to address the increased densities proposed by this project. The study will also clarify any discrepancies between the current flood boundaries and *Open* zone, further identify any flood zone areas, and make corrections to the flood maps as necessary.

Mitigation measures to keep flow rates and drainage patterns to pre-development conditions will be met as required by the County of Kaua'i, Department of Public Works.

2.8 Public Services & Transportation

As previously described and estimated in Section 2.1, the total new population at full build out could be about 37 new persons residing in the area.

If the rezoning, general plan, and state land use changes are made, the owner plans to consolidate and re-subdivide the property into five lots. The maximum number of homes permitted under this scenario is 22-24 dwelling units. However, the applicant is planning for a total density of 16 dwelling units. Since there are currently three dwelling units on the property, 13 owner-occupied and rental homes would be added. Assuming each dwelling unit will own two vehicles, a total of 26 vehicles would be added to roadways to and from the property.

Impact and Mitigation Measures

To the extent that purchasers of the market lots and occupants in the rental units are already local residents of the island, the population influx into the schools serving the Kawaihau area will not substantially impact the abilities of these schools to accommodate the students. Park use should be minimally impacted by the addition of new residents. There should not be any significant impacts on the Fire and Police services by the addition of 13 new residences. Public services and facilities should benefit from having new development contiguous to already urbanized areas as it reduces the higher operational costs of providing services to the area (e.g., water, solid waste pickup, etc.).

Traffic patterns along Pu'upilo Road are similar to other neighborhoods with working class residents. Most people are leaving their homes between the hours of 6:30 a.m. to 8:00 a.m. to get to work and school. In the afternoons, residents begin returning at about 4:00 p.m. until about 5:00 p.m. Due to the rural character of this area, there is little traffic congestion along Pu'upilo Road during these hours.

Adding 26 additional vehicles will impact the following areas:

- Intersection of Kuamo'o Road and Kuhio Highway
- Kuhio Highway

The State Department of Transportation has recognized the need to improve traffic flow through Kapa`a town for many years. The long-term solution is to create the Kapa`a Relief Route, from Wailua to the northern

edge of Kapa`a town. A Draft Environmental Impact Statement will be completed in the summer of 2005. A preferred alignment will be selected and Final Environmental Impact Statement will be completed in 2006. Design work will take approximately two years, from 2007 to 2008. It is likely that improvements will be done in phases and will be completed in three to five years, from 2011-2015. All of these dates are subject to change.

Due to the time it will take to develop the Kapa`a Relief Route, the State Department of Transportation recognizes the need for short-term transportation improvements. Three priority short-term solutions proposed by the Kapa`a Business Association include:

1. Widen Kuhio Highway from the southern temporary bypass intersection with Kuhio Highway to Kuamo`o Road;
2. Widen the Wailua Bridge to four lanes; and
3. Expedite the Pouli Road extension to the temporary bypass road.

2.9 Economic Activity

The proposed General Plan and Zoning Amendments and subsequent subdivision are estimated to cost about \$840,000.

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.

2.10 Affordable Housing

The proposal will provide needed housing for families who wish to own their own home, and for families in need of rental housing. It was previously noted that a short-range goal of the project is to build and sell lots that will attract local residents who are not able to purchase larger agricultural lots or "ag-condo" parcels that command much higher prices.

Impacts and Mitigation Measures

This project will add to the housing inventory for both single-family lots and rental housing. According to the *Hawai`i Housing Policy Study, 2003*, there is a demand for 2,824 owner-occupied and rental housing on Kaua`i. Over time, this project will add up to thirteen owner- and renter-occupied units to Kaua`i's tight housing inventory.

3.0 ALTERNATIVES TO THE PROPOSED ACTION

3.1 “No Action” Alternative

An alternative to the General Plan Amendment and Rezoning Amendment is not to proceed with the proposal. This alternative would result in fewer market priced single-family residential lots available for purchase, and fewer single family homes in Kaua'i's rental inventory. The Nishida Family will have financial difficulties in maintaining their property tax liability. They would not be able to meet their goal of contributing to the housing inventory for working families on Kaua'i.

3.2 Alternative Considerations

Alternative 1: Subdivide into Four Lots

The Nishida family considered the alternative configuration of a subdivision of the property into four lots, with a total of eight dwelling units. This alternative is currently in progress, and the tentative subdivision approval has been granted.

Applicants rejected this alternative, as it would mean that Lot 10-A-3 and Lot 10-A-4 would be offered for sale at prices ranging from \$800,000 to \$850,000 per acre. In discussions with realtors, Applicants were advised that on the island, lots of a similar size were being offered for sale in the \$500,000 range. Realtors also said there was a market for lots smaller than one acre in the Wailua Houselots area, particularly since there was R-2 zoning adjacent to the subject parcel. In addition, this alternative did not provide the zoning necessary to construct the rental income properties on Lot 10-A-2.

Alternative 2: Subdivide into 5 Lots

Alternative 2 is the preferred alternative. The current proposal to seek a General Plan Amendment and Zoning Amendment will result in a resubdivision of the parcel into five lots, with a total of 16 dwelling units permitted. This alternative was selected because the R-2 zoning meets the needs of the Applicants to provide each applicant with their own parcel, and to construct rental housing units to provide the necessary income to meet Applicants' property tax liabilities and income needs. This alternative is consistent with the R-2 zoning contiguous to the subject parcel, which is consistent with planning goals of the County. The preferred alternative is also consistent with the incremental changes from agriculture to rural uses occurring in the area.

4.0 DETERMINATION

The impacts of the proposed action have been assessed. The proposed action will not cause 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;***
No natural or cultural resources have been identified on the property.
2. ***The proposed Action will not curtail the range of beneficial uses of the environment;***
The proposed General Plan and Zoning Amendments will not affect the rural residential character of surrounding community. The changes that Applicants seek are consistent with the General Plan's policy for future growth, in that they propose expansion contiguous to an existing rural residential community (as opposed to establishing a new rural residential community).
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's long-term environmental goals and will not have any significant negative effects on the environment.
4. ***The proposed action does not substantially affect the economic or social welfare of the community or state;***
The economic and social impacts of this project are positive. Eventually, there will be an opportunity for single-family home ownership, and the pool of rental housing will be increased.
5. ***The proposed action does not substantially affect public health;***
The request for a General Plan Amendment and a Zoning Amendment will not affect public health. There may be short-term temporary impacts with noise and dust occurring during the construction phase of the project.
6. ***The proposed action does not involve substantial secondary effects;***
With the exception of minimal increases in traffic, no substantial secondary impacts are anticipated from this action.
7. ***The proposed action does not involve substantial degradation of environmental quality;***
Opaeka'a Stream is the single feature that would be considered as being impacted by the change in uses that are sought. This project will not involve any degradation of environmental quality of the Opaeka'a Stream.

8. ***The proposed action does not cumulatively have a considerable effect on the environment or involve a commitment to larger actions;***
The Applicants have no plans to further subdivide or increase additional density to the property beyond what is proposed.
9. ***The proposed action does not affect a rare, threatened, or endangered species or its habitat;***
No rare, threatened, or endangered species, or habitat, will be impacted by the project as none have been identified on this property.
10. ***The proposed action does not detrimentally affect air or water quality or ambient noise levels;***
Aside from temporary disruptions during the future 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***
The subject parcel has not been identified as a scenic resource, and therefore, no scenic vistas and view planes that will be impacted by the proposed action.
13. ***The proposed action does not require substantial energy consumption.***
The proposed action will not require substantial energy consumption. Future residences will consume energy in accordance with standard rates of usage.

5.0 AGENCIES CONSULTED

Copies of the Draft EA were sent to the agencies, 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

Kapa`a Public Library
Lihu'e Public Library

6.0 REFERENCES

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7.0 APPENDICES

- Appendix A Nishida Family Community Meeting Summary of March 15, 2005
- Appendix B Hawai'i Natural Heritage Program Memo of March 17, 2005
- Appendix C Comment Letters and Responses

APPENDIX A

Nishida Family Community Meeting

March 15, 2005
Kapa`a Middle School Cafeteria
6:30 to 8:15 p.m.

Attendees: Eric Braun, Simeon Nartoomid, Erin Doo, Barbara Ebinger, Don Lee, Tim Bradley and Rick Cooper

Nishida Family: Naomi Nishida, James Nishida and Kimberlin Blackburn

Consultants: Lorna Nishimitsu and Nadine Nakamura

1. Nadine Nakamura welcomed guests and introductions were made. She described the two-fold purpose of the meeting: 1) to describe the Nishida family proposal 2) to receive early community feedback.
2. The project is summarized in Attachment A.
3. Community feedback
 - Concern about noise generated by cars, dogs, and more people. Moved to the neighborhood for solitude and privacy (2).
 - Concern about additional cars on the road.
 - Concern about proposal to develop rental units versus owner-occupied homes.
 - From residents looking down at the property, concern about visual impacts of additional homes.
 - Prefers less dense development than 16 units proposed (3).
 - Prefers underground utilities (2).
 - Please do not install trailer homes.
 - Concern that dwelling units might be converted to transient vacation rentals.

- Prefers not allowing additional dwelling units on front lots (2).
- Consider a high quality development that might be focused around the existing stream.
- Consider having restrictive covenants that include landscaping requirements and restricts the use of chain link fencing.
- Likes the idea of spreading rental units on the property and planting trees around each house site.
- Consider adding a landscaped barrier along the roadway easement.

4. Applicant responses.

Jimmy Nishida explained that the proposed density is driven by economics. There is a strong market demand for half-acre house lots selling for about \$250,000-\$350,000. The market value of lots in this area does not correspondingly increase as size increases. For example, a two-acre lot will not sell for \$1.0 to \$1.4 million. Realtors have advised the family that there is a stronger demand for half-acre house lots that are being proposed. Since the subdivision across the street is zoned R-2 Residential, his family property is also suited for R-2 residential densities.

Mr. Nishida noted that previous landowners of adjacent properties chopped down trees that would have blocked views to the Nishida property. He encouraged new landowners and renters to plant trees on their own property since space is available.

There was general agreement that the R-2 zoning fronting the Nishida property impacts the “feel” and “openness” of the area.

Mr. Nishida noted that he plans to build seven rental units of the back of the property over time. Rental units (1-, 2-, and 3-bedroom units) will range in size from 576 s.f. to 864 s.f. and will range in cost from \$950 to \$1350 per month in 2005 dollars.

The Nishida's family short-range goals, in building rentals and selling lots, is to provide inventory (for sale and for rent) that is not of the "high-end" variety, but that is likely to attract local residents who are not able to purchase the agricultural lots or condominiums that command much higher prices.

Mr. Nishida stated that he is balancing his desire to keep up with increased property taxes, take advantage of development and real estate trends in this

portion of Wailua Homesteads, maintain a rural setting in the rear of the property, and plan for family member's retirement and economic future.

5. Nadine Nakamura described the next steps in the process that includes writing an Environmental Assessment, obtaining rezoning, General Plan, and State Land Use District Boundary approvals, then consolidating and resubdividing the project. This is expected to take about two years.
6. The Nishida family will consider this feedback as they move forward in the process. Jimmy Nishida thanked neighbors for coming to the meeting and sharing their concerns.

Recorded by:

Nadine K. Nakamura
March 16, 2005

Attachment A

**Nishida Family Project
General Plan Amendment & Rezoning Amendment**

March 15, 2005

The applicants James E. Nishida, Jr. Individually and as Trustee for Lowell M. Nishida, and Naomi J. Nishida are requesting a General Plan Amendment and Rezoning Amendment. The property consists of approximately 8.67 acres and is classified Agricultural by the State Land Use Commission, and is zoned Agriculture and Open by the County of Kaua'i.

The project is located in the Wailua Homesteads at 6510 Puupilo Road, Kapa'a, Kaua'i, 96746 (TMK (4) 4-2-22-15).

The Nishida family is in the process of subdividing their property into four lots. Under current zoning and with final subdivision approval, 8 dwelling units would be permitted.

Concurrent with the subdivision process, applicants are seeking:

- General Plan Amendment from *Agriculture* to *Residential Community*
- Zoning Amendments from *Agriculture* and *Open* to *Residential R-2* and *Open*.

If the Nishida family receives the above approvals, the family will consolidate and re-subdivide the property into five lots. Under the R-2 Zoning, permitted maximum density is about 22-24 dwelling units. However, the applicant plans to build about 16 dwelling units.

In summary, the proposal includes the following elements:

- Property to be subdivided into 5 lots
- 3 lots to be sold as fee simple parcels
- 16 dwelling units would be built on the 5 lots
- Lots will range in size from .5 acres to 6.6 acres

APPENDIX BMEMO TO FILE

Subject: Nishida Family Project
Environmental Assessment
Flora and Fauna

From: Hawaii Natural Heritage Program, University of Hawaii,
Center for Conservation Research and Training
3050 Maile Way, Gilmore 406, Honolulu, Hawaii 96822

Date: March 17, 2005
(Transcribed from e-mail message)

Attached is the information you requested for the Nishida property. No rare species have been recorded on the property. But there have been two listed endangered species (Hawaiian Duck, and Hawaiian Gallinule) recorded in the vicinity (Wailua Homestead Pasture). Both locations were from the 1970's, but most likely these species are still in the area. See map.

Notice

The Hawaii Natural Heritage Program database is dependent on the research and observations of many scientists and individuals. In most cases this information is not the result of comprehensive site-specific field surveys, and is not confirmed by the Heritage staff.

Many areas in Hawaii have never been thoroughly surveyed, and new plants and animals are still being discovered. Database information should never be regarded as final statements or substituted for on-site surveys required for environmental assessments. Data provided by the Heritage Program do not represent a position taken by The Center for Conservation Research and Training or The Nature Conservancy of Hawaii. Heritage information is only for the intended use of the individual or organization who requested it. It may not be distributed in any way without the consent of the Hawaii Natural Heritage Program.

Please cite the Heritage Program and primary sources in all documentation and reports.

*Hawaii Natural Heritage Program, University of Hawaii, Center for
Conservation Research and Training
3050 Maile Way, Gilmore 406, Honolulu, Hawaii 96822*

Appendix C

Comments Letters and Responses

1. County of Kaua`i, Department of Public Works
2. State of Hawai`i, Department of Land and Natural Resources
3. State of Hawai`i, Office of Hawaiian Affairs
4. Ms. Shelley Salvi-Souza, Kaua`i resident

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT



AN EQUAL OPPORTUNITY EMPLOYER

COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS
4441 PACE STREET
MOIWEHA BUILDING, SUITE 276
LIHUE, KAUAI, HAWAII 96766-1340

DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-6800

LADYE H. MARTIN
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6900

May 6, 2005

Nishida Family
c/o NKN Project Planning
4849 Jivi Road
Kapa a, HI 96746
ATTENTION: MS. NADINE NAKAMURA

SUBJECT: DRAFT EA FOR NISHIDA FAMILY GENERAL PLAN & ZONING
AMENDMENT TMK [4] 4-2-22-15 PW 4.201

We reviewed the subject draft environmental assessment and offer the following comments:

A. FLOOD:

1. Opaekaa Stream meanders along the southern boundary of the applicant's property. The subject property is susceptible to flooding from Opaekaa Stream. Based on panel no 130 D of the Federal Insurance Rate Maps (FIRM) dated September 30, 1995 the flood zoning for the property is a zone AE with a corresponding base flood elevation of 309 ft MSL (Mean Sea Level) to 310 ft MSL. Other portions of the property are located in zone X (unshaded). Zone X (unshaded) is described as areas of the 500-year flood zone; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile and areas protected by levees from 100-year flood.
2. The subdivision and zoning amendments from Agriculture to Residential Community; Agriculture (A) and Open (O) to Residential R-2 and Open; and State Land Use Boundary Amendment from Agriculture to Rural will increase storm water flowage. A drainage study needs to be made to evaluate the impacts of the increased storm runoff. Measures to keep flow rates and drainage patterns to pre-development conditions are required.
3. The applicant is in the process of subdividing the subject parcel (Subdivision Application No. S-2001-40), which will create a four lot subdivision (Lots 10-A-1, 10-A-2, 10-A-3 and 10-A-4). Final subdivision map approval is pending.

NKN Project Planning
May 3, 2005
Page (3)

upon completion and resolving the storm water runoff's as a result of the proposed subdivision.

Thank you for this opportunity to provide our comments. Should you have any questions, please feel free to contact me at (808) 241-6498.

Very truly yours,

Wallace Kudo, P.E.
Chief, Engineering Division

WK

cc: Ms. Genevieve Salmonson
Mr. Bryan Mammaday

File S-2001-40

CONCUR:

DONALD M. FUJIMOTO, P.E.
County Engineer

NKN PROJECT PLANNING

May 24, 2005

Mr. Donald M. Fujimoto, P.E. and
Mr. Wallace Kudo, Chief Engineering Division
County of Kaua'i
Department of Public Works
4444 Rice Street, Suite 275
Lihu'e, HI 96766

Dear Mr. Fujimoto and Mr. Kudo,

Draft EA for Nishida Family General Plan & Zoning Amendment
TMK (4) 4-11: 15
Wailua, Kaua'i

This is in response to your comments of May 6, 2005, regarding the Draft Environmental Assessment for the Nishida Family General Plan & Zoning Amendment TMK (4) 4-2-22-15.

With respect to Item No.2 of your comments concerning flooding and storm water flowage, a new drainage study will be completed to address the increased densities proposed by this project as described in Section 2.7 of the Draft EA. Measures to keep flow rates and drainage patterns to pre-development conditions will be met as required by your Department. The Final EA will be amended to address this requirement.

We appreciate your comments. If you have any further questions, please contact Nadine K. Nakamura at 822-0388.

Sincerely,



Nadine K. Nakamura
Principal

4849 'Iiwi Road
Kapa'a, Hawai'i 96746
Telephone (808) 822-0388
Cellular (808) 635-1507
Facsimile (808) 821-9427
nknplan@hawaii.rr.com



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

KEVIN T. YOUNG
CHIEF, COUNTY
COMMISSIONER OF WATER RESOURCES MANAGEMENT
DAN DAVIDSON
COUNTY DIRECTOR - LIHU
YVONNE Y. ZU
COUNTY DIRECTOR - WATER
ASSISTANT DIRECTORS
BOATING AND OCEAN RECREATION
COMBINED BUREAU OF CONSERVATION
COTRIER AND COASTAL LANDS
CONSERVATION AND RESTORATION
FORESTRY AND WILDLIFE
MARINE AND ISLAND RESERVE ADMINISTRATION
STATE PARKS

HAWAII HISTORIC PRESERVATION
DIVISION REVIEW

Log #: 2005.0568
Doc #: 0504NM36

Applicant/Agency: Nadine Nakamura
For: Nishida Family

Address: NKN Project Planning
4839 Iiwi Road
Kapaa, HI 96746

SUBJECT: Chapter 6E-42 Historic Preservation Review -- DEA
Nishida General Plan and Zoning Amendment

Atupua a: Waialua
District, Island: Lihue, Kauai
TMK: (4) 4-2-22: 15

- We believe there are no historic properties present, because:
 - a) intensive cultivation has altered the land
 - b) residential development/urbanization has altered the land
 - c) previous grubbing/grading has altered the land
 - d) an acceptable archaeological assessment or inventory survey found no historic properties
 - e) other
- This project has already gone through the historic preservation review process, and mitigation has been completed.

Thus, we believe that "no historic properties will be affected" by this undertaking

Staff: Nancy McMahon Date: 4/25/05

Title: Archaeologist for Kauai
Cc: Ms. Genevieve Salmonson, OEQC, 235 South Beretania St., Rm 702, Honolulu, HI 96813
Bryan Mamaclay, County Of Kauai Planning Dept.

NKN PROJECT PLANNING



May 24, 2004

Ms. Nancy McMahon
State of Hawaii
Department of Land and Natural Resources
Historic Preservation Division
PO Box 621
Honolulu, HI 96809

Dear Ms. McMahon,

This is in response to your comments of May 6, 2005, regarding the Draft Environmental Assessment for the Nishida Family General Plan & Zoning Amendment TMK (4) 4-2-22-15.

Your comments have been incorporated into the Final Environmental Assessment.

We appreciate your comments. If you have any further questions, please contact me at 822-0388.

Sincerely,

Nadine K. Nakamura
Principal



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

HRD05/1825

May 16, 2005

Nishida Family
c/o NKN Project Planning
4849 Iwi Road
Kapa'a, HI 96746

RE: Draft Environmental Assessment for the Nishida Family Plan and Zoning Amendment, Wailua, Puna District, Kaua'i, TMK: (4) 4-2-22: 15.

Dear Nishida Family,

The Office of Hawaiian Affairs (OHA) is in receipt of your April 20, 2005, request for comments on the above project, TMK: (4) 4-2-22: 15. OHA offers the following comments:

OHA commends you for conducting a community meeting and accepting input from neighbors concerning the planned actions for TMK: (4) 4-2-22: 15. Have any formal cultural studies or consultation efforts, i.e. Cultural Impact Assessments, been completed for this project? If not, this may be considered as it would shed light on the pre-contact use of the parcel.

Although the parcels in question do not contain any visible native Hawaiian cultural sites, sub-surface cultural sites and burials may exist within the area of propose modification. Due to this, OHA recommends that an Archaeological Monitoring Plan be drafted prior to any ground altering activities and that all excavations be monitored by a professional archaeologist.

Though the Draft Environmental Assessment reports that the project area is "not an environmentally sensitive area" (p.25), both endangered and endemic species are found in the parcel. The Koloa (*Anas wyvilliana*), 'Alae 'ula (*Gallinula chloropus sandwicensis*) and at least one variety of O'opu are dependent on the local landscape of the Wailua Homesteads area. OHA trust that precautions will be implemented to protect and promote the existence of these native animals. Particular attention should be given to project related erosion and runoff, as all three of the above listed species are dependent on the Opaeka'a Stream.

Nishida Family
May 16, 2005
Page 2

OHA is also interested in learning which flora species exist in the proposed project area. Of particular interest is whether or not native Hawaiian plants exist naturally within the parcel. The only named plant species in the assessment was Hau (*Hibiscus Tiliaceus*). The additional information should be included in the final draft of the assessment.

OHA further requests your assurances that if the project goes forward, should iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck at 594-0239 or jessey@oha.org.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

CC: Ms. Genevieve Salmonson
Office of Environmental Quality Control
235 South Beretania St., Suite 702
Honolulu, HI 96813

La-France Kapaka-Arboleda
Community Affairs Coordinator (OHA)
3-3100 Kuhio Highway, Suite C4
Lihue, HI 96766-1153

Bryan Mamaclay
County of Kaua'i Planning Dept.
4444 Rice St., Suite 473
Lihue, HI 96766



May 24, 2004

Mr. Clyde W. Namu'o, Administrator
State of Hawai'i
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813

Dear Namu'o,

This is in response to your comments of May 6, 2005, regarding the Draft Environmental Assessment for the Nishida Family General Plan & Zoning Amendment TMK (4) 4-2-22:15.

With respect to your questions and comments, we offer the following information. We have spoken with Ms. Nancy McMahon from the Department of Land and Natural Resources, Historic Preservation Division, regarding your concerns. She said that a portion of the project is in the alluvial flood plain, there are no sand deposits, and the area is highly disturbed. As such, DLNR, SHPD is not recommending an Archaeological Monitoring Plan. These Plans are typically recommended in areas where archaeological sites are known and documented. No such sites are known or documented on the Nishida property.

Your Kua'i office was contacted for names of potential persons to interview regarding the history and cultural practices in this general area. As a result, two long-time Waitua residents were contacted and interviewed and their comments were incorporated into the draft Environmental Assessment.

Precautions will be implemented to mitigate any impacts to flora and fauna and a grading plan will include measures for temporary and permanent erosion barriers to prevent any negative impacts to native species in the vicinity of Opaeka'a Stream.

The ground area contained in the subject property was highly disturbed due to pineapple cultivation from the 1950s to the 1970s. Since then, applicants have introduced native Hawaiian species such as *ti* and *kalo* on the parcel.

4849 Tiwai Road
Kapaa, Hawaii 96746
Telephone (808) 822-0388
Cellular (808) 635-1507
Facsimile (808) 821-0477
enquiries@hawaii.nkn.com

In accordance with state law, should any historic sites or burials be inadvertently discovered on the property, all work will immediately cease, and the State of Hawai'i, Department of Land and Natural Resources will be contacted.

Thank you for your review of this document. The Final Environmental Assessment has been amended to reflect your comments. If you have any questions, please contact me at 822-0388.

Sincerely,

Nadine K. Nakamura
Principal

From: BLACKBURN/NIHHI/DA

809 9228304

To:

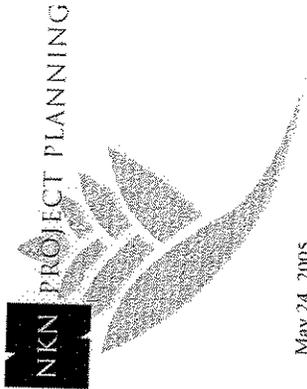
05/19/04 12:36 P. 001

Mr. James Nishida,

4/30/05

I am writing to introduce myself. I read your draft of the environmental impact statement for your properties in Waialua (4) 4-2-22 15. This of course peaked my interest of an opportunity to purchase a home on Kauai. The draft was so complete and well done. I hope to get some information on your realtor or how the homes will be sold. I have lived on Kauai for 18 years, for half of my life. I have two children, Keana 11 years old and John 8 years old; they both attend Wilcox Elementary School. I have worked at Lihue Public Library for 11 years and I also work a few nights a week at Hukilau Lanai in the Kauai Coast resort. My mother lives in Anapolis and my brother is the Executive Chef at Sabelin's in Princeville. I wanted to tell you a little about myself, so you can be assured I would not be interested in your property to turn a profit, but for a home for a family that is grounded and true to Kauai. Thank you for your consideration.

Sincerely, Shelley Salvi-Souza



May 24, 2005

Ms. Shelley Salvi-Souza
P. O. Box 510140
Keala, HI 96751

Dear Ms. Salvi-Souza:

This is in response to your comments of May 6, 2005, regarding the Draft Environmental Assessment for the Nishida Family General Plan & Zoning Amendment TMK (4) 4-2-22:15.

Thank you for your interest in the project and for taking the time to review the Draft Environmental Assessment. If you have any further comments or questions, please contact me at 822-0388.

Sincerely,



Nadine K. Nakamura
Principal



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
 DEPARTMENT OF HEALTH
 LEIOPAPA KAHEHAHIEHA
 286 SOUTH BERETANIA STREET, SUITE 702
 HONOLULU, HAWAII 96819
 TELEPHONE (808) 586-4186

GENEVIEVE S. SALMONSON
 DIRECTOR

In reply, please refer to:
 TMK

May 23, 2005

Nishida Family
 c/o NKN Project Planning
 Ms. Nadine K. Nakamura
 4849 'I'iwi Road
 Kapa'a, Hawaii 96746

Mr. Bryan Mannaclay
 Department of Planning
 County of Kauai
 4444 Rice Street, Suite 473
 Lihue, Hawaii 96813

Dear Nishida Family, Ms. Nakamura, and Mr. Mannaclay:

The Office of Environmental Quality Control has reviewed your draft environmental assessment for the Nishida Family General Plan and Zoning Amendment, Tax Map Key No. 4-2-22-15, situated at Wailua, in the judicial district of Lihue, and offers the following comments for your consideration and response.

1. **Riparian Resources:** Section 1.7 of the draft environmental assessment notes that the "Opaka'a Stream flows along the ... parcel, ... eventually drains at 'Opaka'a Falls, and finally outlets into the Wailua River." Please discuss riparian impacts from the proposed project, such as the effect of silt runoff on the visual aspects of 'Opaka'a falls, and the water quality of the Wailua River for biological receptors (flora and fauna) in general.
2. **Cultural Impact Assessment and Sustainable Building Guidelines:** The proximity of the proposed project to a riparian resource as the 'Opaka'a Stream increases the likelihood that the proposed action may have impacts on cultural activities such as gathering or fishing. Please refer to the guidance contained in our Guidebook on the Internet (*infra*). Also, please refer to the guidance on sustainable building contained in our Guidebook on the Internet at <http://www.state.hi.us/health/oeqc/index.html>.

Thank you for the opportunity to comment. If there are any questions, please call Mr. Leslie Segundo, Environmental Health Specialist, at (808) 586-4185.

Sincerely,

Genevieve Salmonson
 GENEVIEVE SALMONSON
 Director



Ms. Genevieve Salmonson, Director
 State of Hawaii I, Department of Health
 Office of Environmental Quality Control
 236 South Beretania Street, Suite 702
 Honolulu, HI 96813

Dear Ms. Salmonson,

This is in response to your comments of May 6, 2005, regarding the Draft Environmental Assessment for the Nishida Family General Plan & Zoning Amendment TMK (4) 4-2-22:15.

With respect impacts on riparian resources resulting from the proposed project, a new drainage study will be completed as part of this project. Mitigation measures to keep flow rates and drainage patterns to pre-development conditions will be met as required by the County of Kauai, Department of Public Works. We do not expect any visual or water quality impacts to the Opaka'a Falls as a result of this project. In addition grading plans will include temporary and permanent measures to mitigate run-off into Opaka'a Stream. This information has been incorporated into the Final Environmental Assessment.

As part of the research for the draft Environmental Assessment, we contacted the Office of Hawaiian Affairs for names of potential persons to interview regarding the history and cultural practices in this general area. As a result, two long-time Wailua residents were contacted and interviewed and their comments were incorporated into the DEA.

We appreciate your referencing the Sustainable Building Guidelines information. As part of the development phase of the project, we will advise the landowner that this resource is available for them to consider.

Thank you for your review of this document. If you have any questions, please contact me at 822-0388.

Sincerely,

Nadine K. Nakamura
 Nadine K. Nakamura
 Principal

4849 'I'iwi Road
 Kapa'a, Hawaii 96746
 Telephone (808) 822-0388
 Cellulaw (808) 635-1507
 Facsimile (808) 821-9427
 nknplanning@hawaii.net