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STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1379  
HONOLULU, HAWAII 96805

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CHAIRMAN  
HAWAIIAN HOMES COMMISSION

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DEPUTY TO THE CHAIRMAN

M. WAIALEALE SARSONA  
EXECUTIVE ASSISTANT

'12 APR -4 P5:50

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

March 30, 2012

Mr. Gary Hooser, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

Aloha Mr. Hooser,

**Re: Finding of No Significant Impact (FONSI), Final  
Environmental Assessment, Kekaha Community Enterprise  
Center, TMK (4) 1-2-017:051, Waimea, Island of Kauai**

The State of Hawaii, Department of Hawaiian Home Lands, Hawaiian Homes Commission has reviewed the comments received during the 30-day public comment period which ended on February 22, 2012. The Hawaiian Homes Commission has determined that this project will not have significant environmental effects and has issued a FONSI.

Please publish notice of availability for this project in the next available OEQC Environmental Notice. Enclosed and being transmitted herewith are the following items; a completed OEQC Publication Form, one (1) copy of the document in pdf format, one (1) hard copy of the Final EA, and the project summary on disk.

If you have any questions regarding the project, please contact Kaipo Duncan, Land Agent, at 808.620.9458 or via email at [kaipo.duncan@hawaii.gov](mailto:kaipo.duncan@hawaii.gov) or you may contact environmental consultant Mr. David Robichaux of North Shore Consultants at 808.637.8030 or via email at [robichaud001@hawaii.rr.com](mailto:robichaud001@hawaii.rr.com).

Me ke aloha,

*Linda Chinn*  
Linda Chinn, Administrator  
Land Management Division

Enc.

c: Lilia Kapuniaia

**Project Name: Kekaha Community Enterprise Center Kekaha, Waimea District, Kaua'i, Hawai'i**

**Publication Form  
The Environmental Notice  
Office of Environmental Quality Control**

**Applicable Law:** HRS 343  
**Type of Document:** Final Environmental Assessment  
**Island:** Kauai  
**District:** Waimea  
**TMK:** (4) 1-2-017:051  
**Permits Required:** IWS and NPDES Form C

**Applicant** Council for Native Hawaiian Advancement  
Lilia Kapuniai, Vice President and Community Services Manager  
1050 Queen Street, Suite 200  
Honolulu, HI 96814  
[lilia@hawaiiancouncil.org](mailto:lilia@hawaiiancouncil.org) (808) 596-8155

**Approving Agency** **State of Hawaii** Department of Hawaiian Home Lands  
Albert "Alapaki" Nahale-a, Chairman  
Hawaiian Homes Commission  
PO Box 1879  
Honolulu, HI 96805  
[albert.nahale-a@hawaii.gov](mailto:albert.nahale-a@hawaii.gov) (808) 620-9500

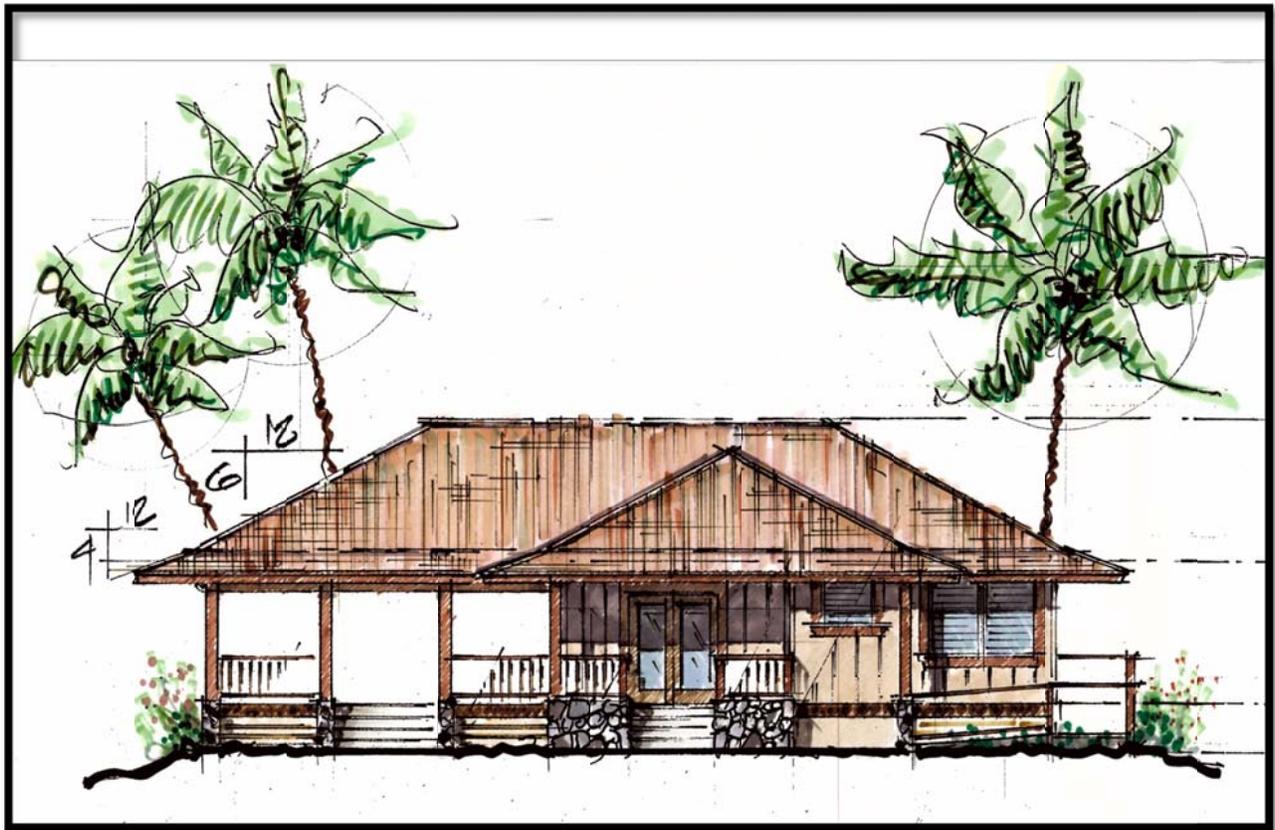
**Consultant:** North Shore Consultants  
David M. Robichaux, Principal  
PO Box 790  
Haleiwa, HI 96712  
[robichaud001@hawaii.rr.com](mailto:robichaud001@hawaii.rr.com) (808) 368-5352

**Project Summary:**

The Kekaha Community Enterprise Center will be a roughly 2000 square foot, single story, wood structure built in the general style of the houses in the same subdivision. It will be used to provide social and community services to the Department of Hawaiian Home Lands beneficiaries, and also be available for community events and gatherings. Direct impacts include minor noise and dust during the construction period. These will be mitigated through best management practices. No negative indirect, secondary or cumulative impacts have been identified. Anticipated positive impacts include increased capacity and opportunities for community members. Based on a review of the Environmental Assessment and comments received from agencies and interested parties, The Department of Hawaiian Home Lands has reached A Finding of No Significant Impacts.

Final Environmental Assessment  
Kekaha Community Enterprise Center  
Kekaha, Kaua`i, Hawai`i  
TMK # (4) 1-2-017:051

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*Prepared for  
State of Hawai`i  
Department of Hawaiian Home Lands*

March 2012

**Final Environmental Assessment (FEA) Kekaha Community Enterprise Center  
Kekaha, Hawai`i**

**Applicant**



State of Hawai`i Department of Hawaiian Home Lands  
Hale Kalaniana`ole PO Box 1875  
Kapolei, Hawai`i 96707  
Mr. Kaipo Duncan, Land Agent

**Proponent**



Kaua`i Community College and the  
Council for Native Hawaiian Advancement  
1050 Queen Street, Suite 200  
Honolulu, Hawai`i 96814  
Lilia Kapuniaia, Vice-President

**Prepared by**



**NORTH SHORE CONSULTANTS, LLC**  
PO Box 790  
Haleiwa, HI 96712  
David M. Robichaux, Principal

## **PROJECT SUMMARY**

**PROJECT NAME:** Kekaha Community Enterprise Center

**APPLICANT/LESSOR:** Council for Native Hawaiian Advancement  
1050 Queen Street, Suite 200  
Honolulu, Hawai`i 96814

**PROJECT LOCATION:** Kekaha, Hawai`i 96752, Waimea District

**TAX MAP KEY:** (4) 1-2-017: 051

**PROPERTY OWNERSHIP:** State of Hawai`i Department of Hawaiian Home Lands

**HUD GRANTEE:** Kaua`i Community College/ Council for Native Hawaiian Advancement

**LOT AREA:** 2.629 acres (117,539 s.f.)

**EXISTING USE:** Vacant.

**PROPOSED USE:** Community Center.

**STATE LAND USE:** Urban

**COUNTY ZONING:** Agriculture District (A), Residential (R-6)

**SPECIAL DISTRICT:** Special Management District

**ACTION REQUESTED:** Use of State Lands

**APPROVING AGENCY:** Department of Hawaiian Home Lands

**ANTICIPATED DETERMINATION:** Finding of No Significant Impact (FONSI)

**PERMITS REQUIRED** IWS and NPDES Form C

**AGENCIES CONSULTED:** Department of Hawaiian Home Lands  
US Fish and Wildlife Service  
Kaua`i Planning Department  
Hawai`i Department of Health EPO

## Table of Contents

1.0 Project Description.....	1
1.1 Project Location .....	1
1.2 Proposed Action .....	1
1.3 Project Objectives .....	5
1.4 Project Schedule.....	6
1.5 Permits and Approvals .....	7
1.6 Need for an Environmental Assessment .....	7
2.0. Environmental Setting, Anticipated Impacts, and Mitigation Measures .....	9
2.1 Existing Land Use .....	9
2.2 Socioeconomic Characteristics .....	9
2.3 Weather and Climate.....	11
2.4 Topography, geology and soils .....	11
2.5 Surface Water and Drainage .....	12
2.6 Biological Resources.....	12
2.7. Archaeological, Cultural and Historic Resources .....	13
2.8 Scenic and Visual Resources.....	16
2.9 Traffic Impacts .....	16
2.10 Noise Environment.....	17
2.11. Air Quality.....	17
2.12. Public Utilities and Infrastructure .....	18
2.13. Public Services .....	19
3.0 Alternatives to the Proposed Action .....	20
3.1 No Action Alternative .....	20
3.2 Alternative Location.....	20
4.0 Relationship to Plans, Codes and Ordinances.....	21
4.1 United States .....	21
4.2 State of Hawai`i.....	21
4.3 County of Kaua`i.....	22

5.0 Growth-Inducing Factors, Secondary and Cumulative Impacts .....	23
5.1. Irreversible and Irretrievable Commitment of Resources .....	23
5.2. Adverse Impacts Which Cannot be Avoided .....	23
6.0 Determination .....	24
6.1 Definition of Significance .....	24
6.2 Finding of No Significant Impact.....	26
7.0 Consulted Parties and Preparers.....	27
7.1 Public Input received during preparation of the Final EA .....	27
7.2 Agencies contacted during preparation of the Final EA .....	27
7.3 Preparers.....	28
8.0 References.....	30

**Figures**

1. Location Map
2. Subdivision Map
3. Conceptual elevation drawing
4. Conceptual Site Plan Drawing
5. Conceptual Floor Plan Drawing
6. Project Schedule
7. Map of Culturally Sensitive Area

**Appendices**

- a. Comments received during preparation of the Draft Environmental Assessment
- b. Archaeological Report
- c. Meeting notes and Attendees Public hearing on November 29, 2011, Comments/responses received following publication of the DEA
- d. HUD Environmental Report
- e. Letter from SHPD, 2003
- f. DHHL Zoning Letter

# Final Environmental Assessment (FEA) Kekaha Community Enterprise Center Kekaha, Hawai`i

## 1.0 Project Description

The following section describes various aspects of the proposed development associated with the Kekaha Community Enterprise Center to be located on Lot 51 of the Kekaha Residence Lots. The land and infrastructure is owned by the State of Hawai`i Department of Hawaiian Home Lands, (DHHL). The property is located near Kekaha, County of Kaua`i, State of Hawai`i, USA.

### 1.1 Project Location

The project is located on the west end of the community of Kekaha on the southwest side of the Island of Kaua`i (Figure 1). It lies within The Kekaha Residence lots; a new residential area which is owned by DHHL and developed in 2005. The site is identified as Tax Map Key: (4) 1-2-017: 051. At this time there is no street address. The parcel covers 2.62 acres and is on the southwest corner of the subdivision (Figure 2). The southwest portion of neighborhood is dedicated to other public uses including a school and Kekaha Gardens Park. This lot was originally designated for use as a detention basin, which was subsequently determined to be not necessary. It is bounded on the north by Ulili Street, on the South and west by vacant undeveloped land, and on the east by residential lots. A large drainage structure surrounds the property on the east, south, and west.

### 1.2 Proposed Action

The Kekaha Community Enterprise Center (KCEC) will be funded by a grant from the U.S. Department of Housing and Urban Development (HUD), through the Alaska Native/Native Hawaiian Institutions Assisting Communities Grant Program. The grant was awarded to the Kaua`i Community College with the Council for Native Hawaiian Advancement as the sub-recipient managing the project. Upon completion the KCEC will serve the Kekaha Hawaiian Homestead beneficiaries, the Kekaha Hawaiian Homestead Association, and community members of Western Kaua`i.

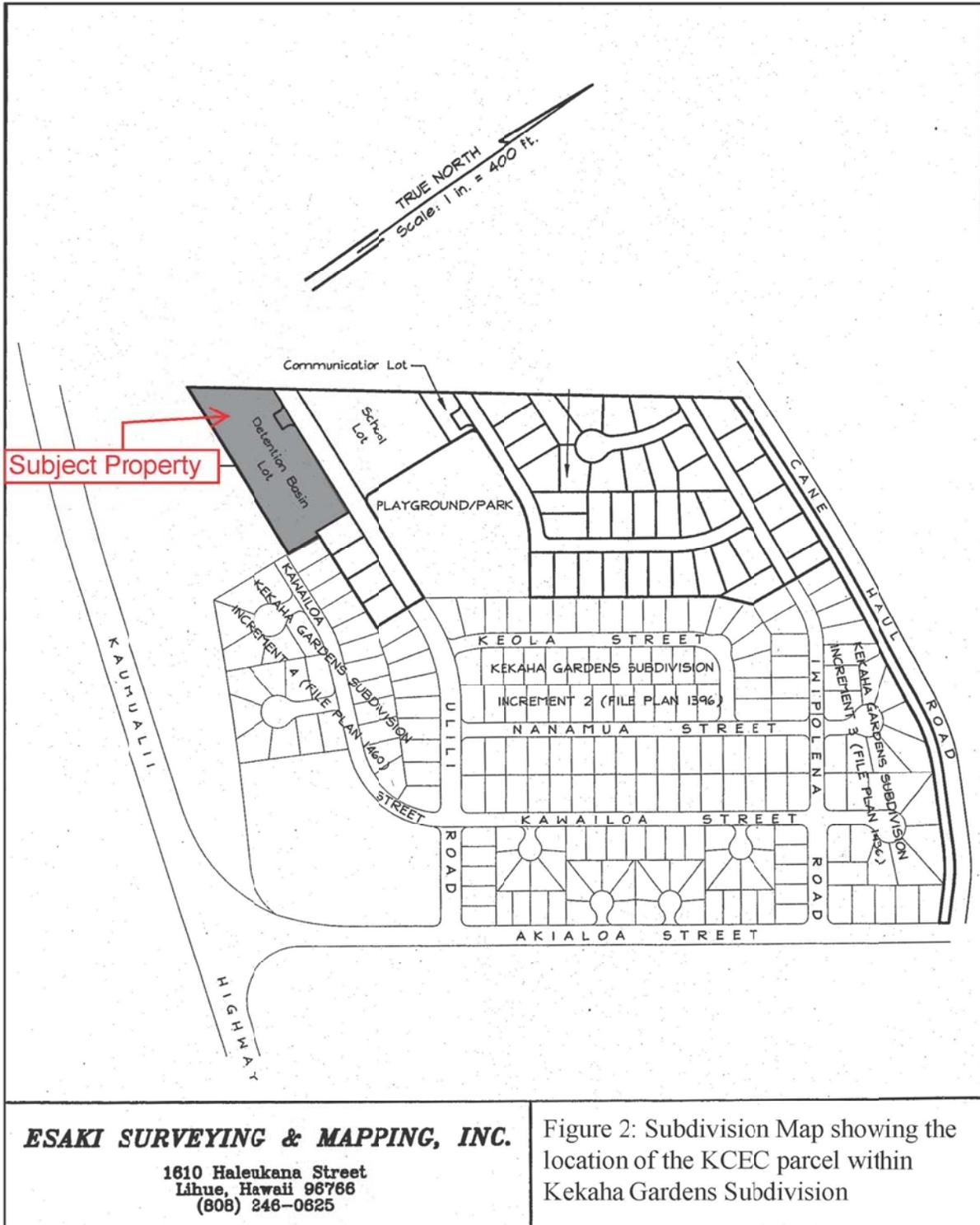
The Center will be a 2600 square foot (sf) single level building designed in a style consistent with other single family homes in the neighborhood (Figure 3). Internal spaces include:

An entrance area	336 sf
A covered lanai	768 sf
An open Learning Center Room	648 sf
A lunch/Conference Room	294 sf
An Office	120 sf
Storage	120 sf

The total covered lanai space will be approximately 1200 sf and the total interior spaces will be approximately 1368 sf. There will be a single bathroom with no shower or bathtub facilities. The building will have an uneven L-shape with a hip roof (Figure 4).



Figure 1: The approximate location of the Kekaha Community Enterprise Center, Kekaha, Kaua'i, Hawai'i



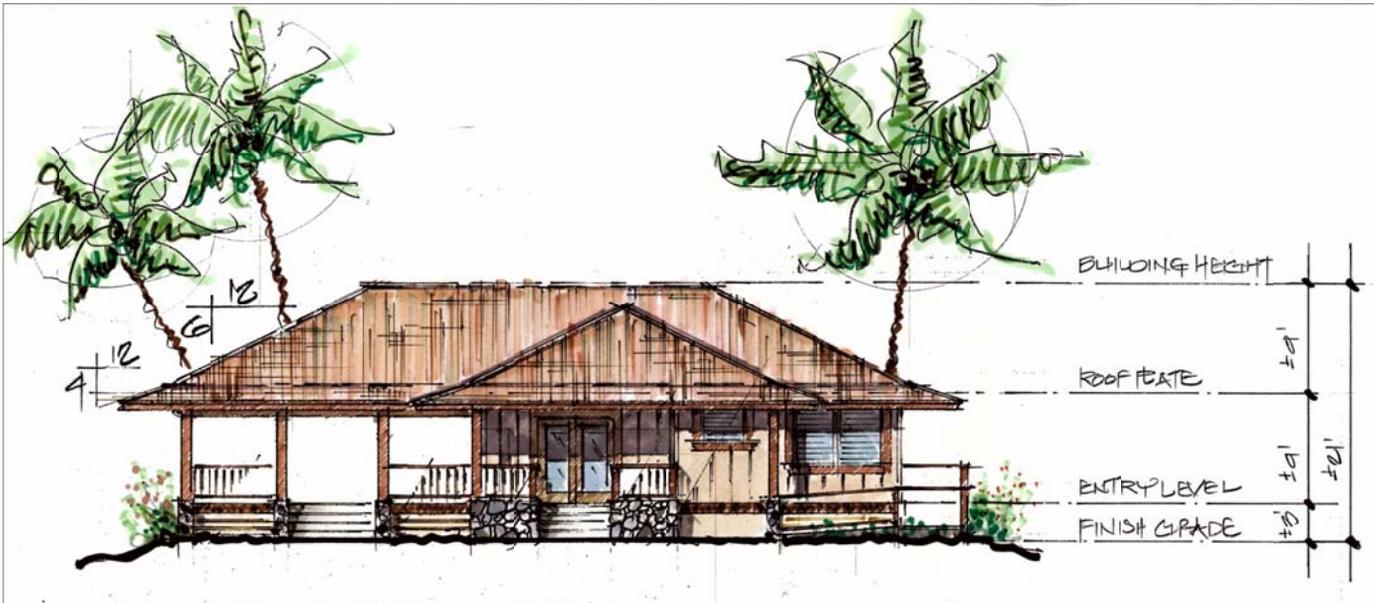


Figure 3: Conceptual elevation of the proposed building

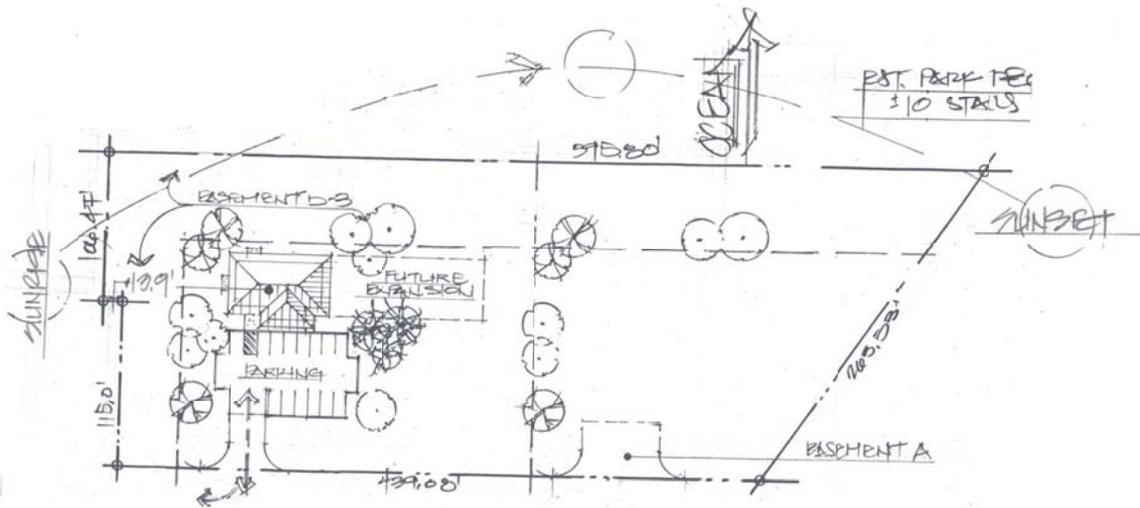


Figure 4: Conceptual site layout

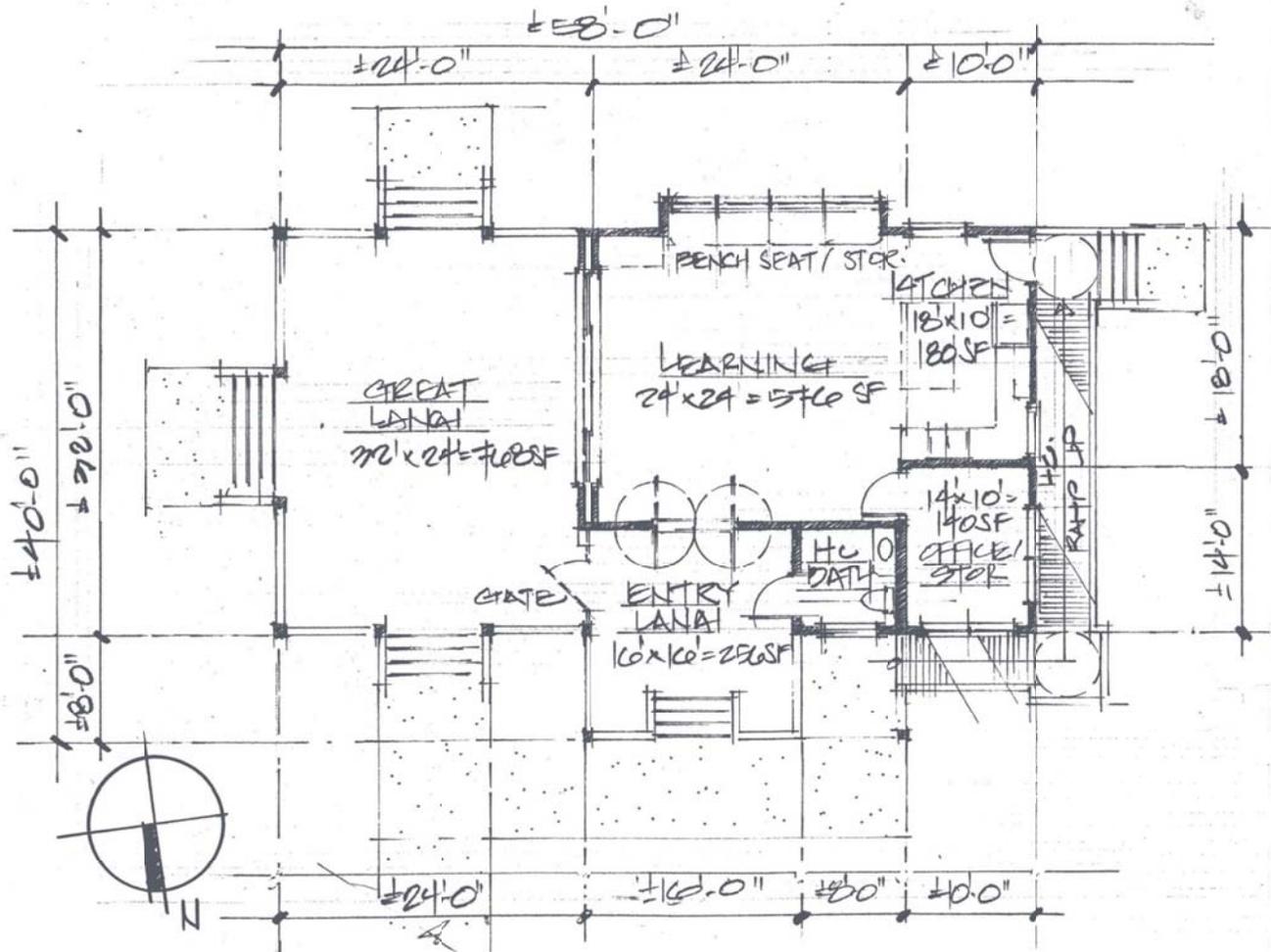


Figure 5: Floor plan of the proposed building.

The Kekaha Community Enterprise Center will be built and operated by Council for Native Hawaiian Advancement. Typical activities onsite include office activities, group meeting and training events and other general community meeting facility uses. The hours of operation for the facility are from 8:30 am to 5:30 pm Monday through Friday.

### 1.3 Project Objectives

The goal of the proposed project is to construct the KCEC on Lot 51 to offer basic skills and capacity building sessions to West Kaua'i Hawaiian Homestead residents. It will serve as a community resource by providing offices and meeting rooms to support community activities and learning.

The objective of the proposed action is to assist Native Hawaiian institutions to expand their role and effectiveness in addressing community development needs. The approach will be to assist Native community-based development organizations in

- neighborhood revitalization,
- economic development,
- energy conservation,
- employment,
- crime prevention,
- child care,
- transportation,
- health care,
- drug abuse, and
- education.

The facility will be used for organization and locating counseling and training programs, small business assistance, community events and family services.

Examples of these services include training in

- financial literacy counseling,
- foreclosure prevention workshops,
- substance abuse counseling, and
- support for microenterprises.

## **1.4 Project Schedule**

Planning for the proposed KCEC has been ongoing since 2007. Funds were secured near the end of 2009 and community interfacing was begun during that period. In October 2011 the final steps for planning, permitting and design were initiated. This Environmental Assessment and required building and grading permits will be completed by April, 2012. Construction will begin shortly thereafter and be completed by the end of August. Initial operations are expected to begin in September 2012. A proposed schedule is included in Figure 6.

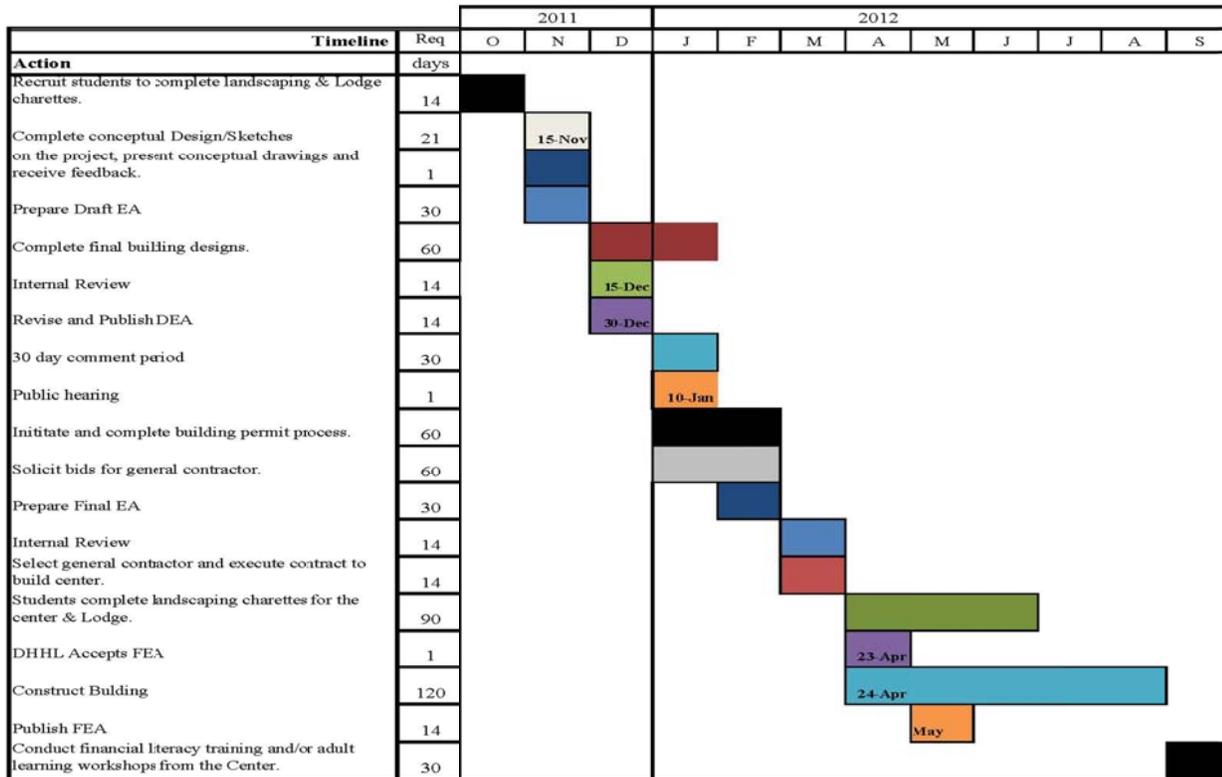


Figure 6: Proposed project schedule

### 1.5 Permits and Approvals

Because the development is located on DHHL land, County of Kaua`i permits and approvals are not required. It has been the policy of DHHL to comply with these permits; however, it is likely that this compliance will be done with informal consultations and that no formal permit applications will be submitted. State and other permits that may be required are listed below:

Permit or Approval	Approving Agencies
Environmental Assessment	Department of Hawaiian Home Lands
Individual Wastewater (Septic)	Department of Health
NPDES Stormwater Form C	Department of Health

### 1.6 Need for an Environmental Assessment

The Kaua`i Community College has requested a grant from the U.S. Department of Housing and Urban Development (HUD) for the development of a community enterprise center in Kekaha, Kaua`i. These funds were provided by HUD and are administered by the Kaua`i Community College along with sub-grantee The Council for Native Hawaiian Advancement. Any project utilizing federal funding is subject to the National Environmental Policy Act (NEPA). The objective of NEPA is to inform the public and other agencies on the actions and initiatives of the federal government. NEPA requirements

for the proposed KCEC were satisfied previously by the Federal HUD Environmental review process. The federal environmental review forms and acceptance letter are included here in Appendix D.

The State of Hawai'i has similar requirements which are defined in Hawai'i Administrative Rules (HAR) Chapter 11-200, and Hawai'i Revised Statutes (HRS) Chapter 343, called HEPA. HEPA encourages cooperation between federal and state agencies in the environmental review process; however, since the federal review was completed in advance of the State's, it was determined that separate environmental review documents should be prepared.

This Environmental Assessment is prepared in conformance with the requirements of HAR Chapter 11-200, which contains 9 distinct triggers. Should any of the triggers be applied to the proposed action an Environmental Assessment (EA) or Environmental Impact Statement (EIS) will be required. Triggers are defined in the regulation as follows:

1. Use of public lands or funding...
2. Use of land in the State Conservation District...
3. Use within the Shoreline setback...
4. Use of any historic site of district...
5. Use within the Waikiki District...
6. Requires amendment to the General Plan...
7. Reclassification of Conservation district Lands...
8. Proposed helicopter facilities
9. Propose any:
  - (a) Wastewater facilities
  - (b) Waste-to Energy Facility
  - (c) Landfill.
  - (d) Oil refinery, or
  - (e) Power generating facility.

The proposed action will utilize public funding from the HUD and public land belonging to DHHL. As stated, the federal requirement has been previously satisfied. This EA is prepared to satisfy the requirements of the Hawaii Environmental Protection Act (HEPA) contained in HAR 11-200 and HRS 343. This document is prepared in response to Trigger Number 1 because it will utilize public land.

## 2.0. Environmental Setting, Anticipated Impacts, and Mitigation Measures

### 2.1 Existing Land Use

The subject property is in an agricultural area that has experienced minor residential development over the past 10 – 20 years. Adjacent uses include single-family residences to the north and east and fallow agricultural lands to the south and west. Kaumuali'i Highway is approximately 500 feet to the south at its closest point. The subject property is accessed by Ulili Road. A District Park is located to the northeast across Ulili Road.

The project site is located on the western end of Kekaha. The general area was in cultivation of sugarcane until the late 1990s, but it is unlikely the cane field extended over the subject property. The Kekaha Gardens subdivision was originally constructed starting in the early 1970's and is still being developed. The property has not contained structures during recent history. It was covered with Kiawe and other brush and trees until it was cleared in late 2005. Since 2005 there has been no additional activity on the property with exception of periodic removal of abandoned vehicles, clearing and mowing.

The subject property is in the State Urban District, and the County zoning is Residential (R-6). It is located within the Special Management Area (SMA).

The proposed project will be located within a residential subdivision. Its use will be as a meeting place and resource to serve the community. The DHHL is exempt from County Zoning restrictions; however, the Department generally stays within the guidelines specified by County regulations. A community Center is an allowable land use within the residential zone. The Special Management Area requirements involve prevention of environmental degradation including management of stormwater and hazardous materials. Compliance with these requirements will be made part of the operations plan for the facility.

#### *Impact and Mitigation*

The area of Kekaha Gardens is dedicated to community uses. The proposed KCEC is compatible with the park. Because the KCEC is intended to primarily serve the Kekaha Gardens DHHL beneficiaries, the normal noise and traffic generated by the facility is expected to be minimal. With exception of special events the Facility will be operated during business hours and primarily serve the immediate residents of the Kekaha Gardens subdivision. The proposed addition will not significantly alter the appearance, population, or usage of the surrounding areas.

### 2.2 Socioeconomic Characteristics

As of the 2000 census, there were 3,175 people, 1,073 households, and 799 families residing in the Census Designated Place (CDP) of Kekaha. The population density was 3,178.2 people per square mile. There were 1,162 housing units at an average density of 1,163.2 per square mile. The racial makeup of the CDP was 15.9% White, 0.2% African American, 0.5% Native American, 43.6% Asian, 12.4% Pacific Islander, 1.0% from other races, and 26.4% from two or more races.

There were 1,073 households out of which 30.4% had children under the age of 18 living with them, 55.9% were married couples living together, 13.1% had a female householder with no husband present, and 25.5% were non-families. 21.4% of all households were made up of individuals and 9.4% had someone living alone who was 65 years of age or older. The average household size was 2.96 and the average family size was 3.44.

In the CDP the population was spread out with 25.1% under the age of 18, 7.5% from 18 to 24, 24.4% from 25 to 44, 27.4% from 45 to 64, and 15.6% who were 65 years of age or older. The median age was 40 years. For every 100 females there were 98.1 males. For every 100 females age 18 and over, there were 96.2 males.

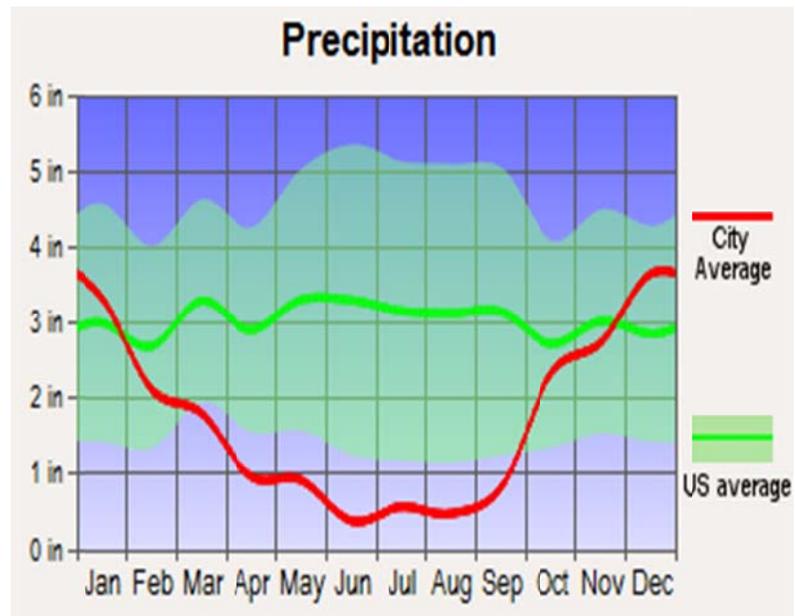
The median income for a household in the CDP was \$41,103, and the median income for a family was \$48,629. Males had a median income of \$32,969 versus \$26,739 for females. The per capita income for the CDP was \$17,117. About 10.9% of families and 11.2% of the population were below the poverty line, including 11.8% of those under age 18 and 11.1% of those ages 65 or over (Wikipedia, 11/2011). The DHHL community immediately surrounding the proposed facility is expected to have socio-economic characteristics that are different from the larger community of Kekaha.

Data that is more applicable to Native Hawaiian living on the Island of Kauai is available from a survey done for DHHL in 2008 (DHHL, 2008). Of the respondents almost all (96%) were applicants waiting on a homestead. About half had income exceeding 80% of the median family income and half were below the 80% income level. 35% of respondents owned a home, nearly 40 % rented, and another 25% shared accommodations or had other no cost living arrangements. Of the applicants responding 43% had never been offered a homestead award, and 55% have been offered and turned down an award at least once.

The provision of training and community management services and training are important functions within the community to cope with substance abuse and provide skill sets designed to improve income potential among the residents. The project will also provide economic benefits that include the creation of construction employment, the addition of four additional staff positions, generation of operational income, additional tax revenue, and secondary spending. The proposed action will have positive social and economic impacts. The project is consistent with the plans and policies for directed growth in the Kekaha area and is a positive contribution to the ultimate development of the region.

### 2.3 Weather and Climate

Kekaha typically has a warm and dry climate. Prevailing tradewinds arrive from the northeast. According to the National Weather Service Honolulu Office, over a period of 30 years, normal monthly high temperatures range from 80 degrees in January to a high of 89 degrees in August for an average of 84 degrees. Normal month low temperatures range from a low of 65 degrees in February and a high of 74 degrees in August for a monthly average of 70 degrees. Precipitation typically ranges from 0.44 inches in August to a high of 3.8 inches in December.



### 2.4 Topography, geology and soils

The project site is relatively flat and has been graded and partially cleared. The project site and surrounding areas are relatively flat and devoid of any significant natural features. The site is naturally drained and storm water is retained onsite.

The project site is located on soils classified Jaucus loamy fine sand, 0 to 8% slopes according to the *Soil Survey of Islands of Kaua`i, Oahu, Maui, Molokai, and Lanai, State of Hawai`i* by the U.S. Department of Agriculture Soil Conservation Service. This series occurs on old beaches and on windblown sand deposits in the western and southern parts of Kaua`i. It has a profile like that of Jaucus sand with a different texture on the surface layer. These soils are used for pasture, sugarcane, truck crops, recreational areas, wildlife habitat and urban development.

There is no known evidence of hazardous materials, solid wastes or industrial land use that may suggest on-site contamination. The site may have been in sugar cane cultivation in years past.

#### *Impact and Mitigation*

The project will require surface grading to prepare for the proposed construction. Impacts related to grading and construction are discussed in Section 2.5. Best Management Practices will be in place during the grading work, in accordance with the rules relating to soil erosion, or standards and guidelines imposed by the County.

## 2.5 Surface Water and Drainage

The southwest corner of the lot is approximately 700 feet from an unprotected coast of the Pacific Ocean. Surface elevation of the site is approximately 12 feet above mean sea level. There are no streams or other natural surface water runoff features in the area. Kekaha is relatively arid, with sandy soils having high permeability and low slope. The combination makes surface water runoff infrequent. The area is subject to occasional winter storms that drop rainfall in quantities that are not absorbed by the ground. The subject property is surrounded on three sides by grassed or paved drainage channels. Originally the subject property was designated as an infiltration basin because of the collection swales. The swales are still in place and functional as dispersion areas during extremely heavy rainfall. These are expected to prevent surface water runoff from impervious surfaces of the subdivision without affecting the proposed KCEC or stormwater characteristics of the subdivision.

According to *The Flood Insurance Rate Maps*, the project site is located in Zone X an area in which flood hazards are undetermined. No flood elevations have been established for FIRM maps in this area. Kaunali'i Highway was flooded and closed during Hurricane Iniki, and there may have been storm surge flooding at the project site during that time. Extraordinary events such as this are an accepted part of living in Kekaha and many areas of the State.

The *Civil Defense Tsunami Inundation Map* Panel 10 indicates that the project site is not located in an area vulnerable to tsunami inundation (Kauai Civil Defense Agency, 2008).



### *Impacts and Mitigation*

The proposed action will add approximately 2,500 square feet of impermeable surface over the 115,000 square foot parcel. Addition of 2% impervious surface is not expected to increase runoff to any measurable extent. In the rare instances when surface water runoff occurs it is very likely to be intercepted in the man-made drainage features surrounding the site. Best management practices and soil erosion controls will be used during construction of the facility, and suitable ground cover will be installed following construction, to minimize erosion.

## 2.6 Biological Resources.

The subject property has been graded as recently as 2006 and is now covered with invasive colonizing species, which are common in similar areas throughout the State. The dominant grasses are

Buffelgrass (*Chenchrus ciliaris*), Sandbur (*Chenchrus echinatus*), and Guinea grass (*Panicum maximum*). Trees and brush include Koa Haole (*Leucaena glauca*), Kiawe (*Prosopis pallida*), and Ironwood (*Casurina sp.*). A brief survey of the subject property by North Shore Consultants and others did not reveal threatened or endangered plants. A few instances of native plants including a`ali`i (*Dodnea viscosa*), and ilima (*sida fallax*) are found in the area, both occur commonly.

A botanical survey completed in 1993 for the subdivision concluded:

Rare native plants are very vulnerable to soil disturbance, invasive seeds and human activity, all of which have been present for many decades at the site. It is highly unlikely that any additional survey work will uncover any rare and endangered Hawaiian plant species (Flynn and Chapin, 1993).

Animal life common to the area is subject to similar pressures as are plants in the area. Threatened and endangered species fare poorly when exposed to repeated grading, invasive animals, and human activity. No Threatened or endangered species are known to inhabit or nest on the subject property. Seabirds including Newell's shearwater (*Puffinus auricularis newelli*), and the Dark rumped petrel (*Pterodroma phaeopygia sandwichensis*) are likely passers-by. The endangered Hawaiian Duck (*Anas wyvilliana*), Nene (*Branta sandvicensis*) Hawaiian Hawk (*Buteo solitaries*) may also be seen on occasions in the vicinity of the subject property.

### *Impacts and Mitigation*

The proposed action will add to the amount of human presence in the area; however, the addition of a community center in the vicinity of a park, and residential areas will not create significant additional impacts on threatened and endangered plants or animals in the vicinity. No mitigation is required to support biological resources.

## **2.7. Archaeological, Cultural and Historic Resources**

The subject property was studied as part of a larger 89 acre Archeological study completed in 1993 for the overall development (Cultural Surveys Hawai`i, Hammatt et al. 1993). During that study, in addition to a comprehensive surface survey, 100 subsurface test trenches were excavated. Figure 7 shows the location in relation to the subject property. The study recorded no archeological artifacts or *iwi* within the area of the current study parcel. The following is a summary of the findings of the 1993 Cultural Surveys Hawai`i study:

Hammatt et al. (1993) identified two distinct geomorphologies within their overall study area, a Pleistocene aged lithified dune area (comprising most of the 89 acre project area), and a previously sand-mined more recent (Holocene) coastal dune area. The current study parcel falls in the previously mined area at the interface of the older and younger deposits. No archaeological deposits or features were found in the lithified dune area. Subsurface archaeological resources including two burials were discovered in the previously sand-mined, coastal dune area. These resources were found to exist to the south and west of the current study parcel (see Figure 7). In that area, burials were encountered in Trench 7 and Trench 18. A widespread but discontinuous cultural deposit was recorded extending along the coast and terminating *makai* of the subject property. Four test trenches were excavated on the subject property, Trenches 3, 4, 83 and 100.

All trenches within or immediately adjacent to the subject property documented negative results with respect to archaeological resources. Profiles of these trenches are included in Appendix A along with an Archeological survey conducted by Rechtman Consulting, Inc.

Dr. Robert B. Rechtman, Ph.D. conducted a 100% surface reconnaissance of the subject parcel to assess the probability of archaeological resources were present at the site. It was evident that the entire 2.6 acre lot had been subject to surface grubbing and grading in the past as well as subsurface disturbance along its margins where the drainage channels were constructed. The channel along the eastern parcel boundary is concrete lined, while the channel along the southern boundary is partially concrete and partially filled with large boulders, and the channel along the western boundary is an earthen swale. Dr. Rechtman concluded that it was unlikely that the study parcel contained archaeological resources. Several areas nearby the proposed site have cultural significance. These include a 12-acre site adjacent to the highway and beach and 1-acre near the existing homestead area are designated Special Districts due to the presence of cultural artifacts and *iwi* (Figure 7).



Figure 7: Showing the subject property in gray along with the area having known or suspected cultural deposits shaded in pink. Dots with numbers are test pits or trenches dug during the 1993 study. From Hammett et al, 1993

Other known historic sites located within 2 miles of the subject property include two heiau that are listed on the Hawai'i Register of Historic Places (sites number 30-05-12 and 30-05-16).

A letter from the State Historic Preservation Division of DLNR was obtained for the benefit of the whole subdivision development in 2003. It states that there are no historic sites in the development area because urbanization and residential development have altered the land, and that no historic properties will be affected by the proposed development of the Kekaha Gardens subdivision. (Appendix E).

The project area had been in sugar cultivation for over 200 years. The heavy disturbance and active use of the land during the sugar cultivation years may have precluded use by native Hawaiian cultural practitioners during plantation years. The 2003 EA prepared for the development of the entire subdivision requested opinions from local *Kupuna* on the existence of unique cultural resources of the area. None was documented during that assessment. Native use of the site and by reference cultural practices probably occurred on the site during pre-history; however, no evidence of such practices has been discovered during this or previous assessments.

Some stories were related by residents that the Sugar Company used the land for a dump site in recent history.

### *Impact and Mitigation*

The known and suspected burials will be protected within special districts from future housing and incompatible uses. The proposed uses within the special districts include a pavilion area, picnic tables, campsites, and restroom facilities. The area would benefit DHHL beneficiaries island-wide who would be able to come to the property for camping and ocean recreation.

To further protect cultural, archeological and historic resources on-site monitoring will be used during significant grading activities. The following conditions will be included in all permits for grading and construction as recommended by the State Historic Preservation Division (Division): documents:

1. A qualified archeologist shall be hired to conduct onsite monitoring as needed during the project. Prior to starting the monitoring work an acceptable monitoring plan 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 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 archeologist 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 Kauaʻi Island Burial Council and the Office of Hawaiian Affairs.

3. A report documenting the monitoring and burial treatment work shall be submitted to the 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) Analysis 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 of the nature and age of each of the historic sites shall be done.

The proposed action is not expected to result in significant negative impacts on historic sites, archaeological artifacts or Native Hawaiian cultural practices. Alternatively, the proposed action is intended to provide valuable services to the community, resulting in positive impacts for Native Hawaiian beneficiaries.

## 2.8 Scenic and Visual Resources

The proposed action will result in the loss of 2.6 acres of open space that will be replaced by a new building. Portions of the subject property are used for a horse paddock, and the rest is unused. Its current condition is unkempt and unsightly. The property would not be considered a visual resource by itself and due to topography and vegetation. The subject property does not offer scenic coastal views.

### *Impact and Mitigation*

The site is not located on or considered part of any significant scenic vista. The proposed project is expected to have a positive impact on the scenic value of the neighborhood by replacing the existing fallow brush with an area that is maintained. No mitigation measures are proposed.

## 2.9 Traffic Impacts

The proposed action is to construct a community center to serve community members. Traffic is expected to be primarily of local origin rather than from outside the community. The KCEC is located near the west end of Ulili Road. Offsite access to the KCEC is from Kaumualiʻi Highway to Akiʻaloha Road, one block then left on Ulili Road. Kaumualiʻi Highway is the major highway serving the region. It is currently operating well below its capacity.

The KCEC is designed to serve a limited number of beneficiaries during business hours. Most of the facility users will be from Kekaha Gardens subdivision or other nearby Hawaiian Home Lands communities. The quantity of new traffic into the subdivision is expected to be limited to specialists who are there to offer support for the beneficiaries and occasional guests from outside the community. Ulili Road is designed to accommodate school and park traffic, which will be far in excess of the KCEC

utilization. The facility is expected to sponsor special events on occasion. These are most likely to be during evenings and weekends when other traffic will be minimal.

### *Impact and Mitigation*

No significant impact on traffic is expected to result from the proposed action.

## **2.10 Noise Environment**

Sources of noise within the project area are typical of urbanized environments. Noise sources include vehicular traffic, park activities, and aircraft operations from Barking Sands.

Operation of the KCEC will not generate significant amounts of noise during business hours. Should the facility be used for parties or special events these activities would be restricted to certain hours, to avoid impacts to neighboring residents.

Short-term noise impacts will occur during the construction period. These impacts result from trucks, construction equipment operation and actual construction activities. These impacts are unavoidable, but will be subject to prevailing construction noise management regulations. Construction will be limited to standard business hours.

### *Impact and Mitigation*

Short-term and temporary noise impacts related to construction are to be expected. These will be mitigated through limiting construction to standard business hours, and best management practices. The successful construction contractor will utilize best management practices to minimize the noise impact during construction operations. Evening events may generate noise on special occasions. The facility operating rules will limit the duration of special functions to 10:00 pm in order to reduce potential disturbance related to evening events at the facility.

## **2.11. Air Quality**

The proposed project is on the leeward side of Kaua'i in an agricultural area. Air quality in Kekaha is generally quite good in terms of the regulated pollutants. Agricultural activities regularly generate dust upwind of the project site. This dust is unavoidable and uncontrolled by current regulations.

The KCEC is not expected to be a source of regulated air pollution during its construction or operation. A community kitchen is one possible future component of the facility. Kitchen odors may be present during its operation, typically during early morning hours. Cooking odors are not normally considered an impact, but may occasionally be unpleasant.

Minor dust and odors may be generated during site construction. As discussed above, dust generated from offsite is usually present. During North easterly wind conditions, dust generated on the subject property would not migrate over developed areas, but be carried across the highway to the ocean. Dust and possible diesel odors would be short term temporary impacts associated with construction.

### *Impact and Mitigation*

Minor short-term air quality impacts may occur during construction from fugitive dust and diesel-powered equipment. These pollutants are expected to be transported away from developed areas by tradewinds. Mitigation measures to control dust include frequent watering of exposed soil, dust screening, and general good housekeeping practices. The County will require all construction contractors to utilize best management practices for reduction of dust and odors as a condition of the permit. No long-term air quality impacts are anticipated from the proposed action.

### **2.12. Public Utilities and Infrastructure**

The subject property is currently served by an existing County water system installed during the original construction of the subdivision. The use of County water is not expected to change significantly because the facility will primarily serve residents who are provided water by the same water main supplying the subdivision. The KCEC will install a new meter and pay the infrastructure fees, but because the users primarily originate within the community, no significant increase in area-wide water use is anticipated. Water conservation measures are likely to be part of the permit requirements.

Electricity was provided to the site boundary by Kaua'i Island Utility Cooperative (KIUC) during the initial construction of the subdivision. Power demands from the facility are likely to be within the normal range for a single family household. The capacity for generation and transmission of power is adequate to meet the additional demand proposed for the KCEC.

Telephone service is supplied by Sandwich Isles Communication, Inc. (SIC) under a license to the Hawaiian Homes Commission. SIC is providing an underground fiber optic system to all Islands. Upon completion the system will deliver high speed internet, telephone and television to the area. Nearby areas are also served by Oceanic Cable company which may also supply high speed internet, telephone and television.

Stormwater generated in the entire community is drained toward the project site and dispersed in large collection swales surrounding Lot 51. Infiltration of stormwater is quite rapid and the design of stormwater interceptors has proven adequate since its construction. Construction of the KCEC will add approximately 3,000 square feet of new impermeable surface to the area. The quantity of impervious surface is less than 2% of the subject property area and will not result in a measurable increase of stormwater runoff. The County requires that storm water runoff from new impermeable surfaces be retained on site. This will not be a problem using the current design.

Wastewater is disposed in individual wastewater systems (IWS) which by law now consist of septic tanks and leach fields. One septic system is allowed per each lot of record. The KCEC will have a septic system designed and permitted within the requirements imposed by the Hawai'i Department of Health. An IWS permit will be obtained from the Department of Health during the development process.

Solid waste will be generated by the facility on a scale that is roughly equivalent to a single family home. During special events, this quantity may increase significantly; however, the quantity of solid waste is not expected to overwhelm the existing infrastructure for collection and disposal. It is expected that private refuse collection service will be used to service the project site, and management may implement recycling programs.

#### *Impact and Mitigation*

The proposed action is not expected to significantly affect the capacity of any public utilities or infrastructure due to the limited size and scope of operations.

### **2.13. Public Services**

The Waimea Fire Station provides fire protection service to the project area as well as first response emergency medical service. The station is located 9835 Kaunualii Highway in Waimea. Response time to the project site is approximately seven minutes. Back up response will be provided by the Hanapepe Fire Station. Ambulance service is provided by American Medical Response (AMR) which will provide emergency services first to Kaua'i Veterans Memorial Hospital and secondly to Wilcox Memorial Hospital. Police service is provided by the Kaua'i Police Department Waimea Substation, which is collocated with the Waimea Fire Station. Response time to the site by the beat patrol is approximately five to ten minutes.

#### *Impact and Mitigation*

The proposed action is a service center for existing residents. Its construction and operation will not significantly affect the demand for police, fire or ambulance services. Other public services including parks, recreational facilities and schools are not expected to be affected by the proposed action for the same reason.

### 3.0 Alternatives to the Proposed Action

The goals and objectives of the proposed project are to offer basic skills and capacity building sessions to West Kauaʻi Hawaiian Homestead residents. The proposed action is intended to serve as a community resource by providing offices and meeting rooms to support community activities and learning in order to assist Native Hawaiian Institutions to expand their role and effectiveness in addressing community development needs.

#### 3.1 No Action Alternative

Under the No-Action Alternative the KCEC would not be constructed, the 2.6 acre parcel would remain undeveloped and the services and functions of the facility would not be provided. The No-Action Alternative is rejected because it does not meet the needs of the beneficiaries or the mission of the Council for Native Hawaiian Advancement and other cooperating institutions.

#### 3.2 Alternative Location

The KCEC could provide the desired services from a different location or different configuration; however, after consultation with agencies providing funding and guidelines the current configuration is deemed appropriate for the scope of services proposed. The location is appropriate because it is located within the Hawaiian Homelands community. Its location is in the portion of that community which is designated for public facilities including a planned school and park. The proposed site has fewer negative characteristics than if it were located elsewhere in the community.

An alternative location was the County Park next to the DHHL subdivisions. Discussions with the County Parks department staff indicated some willingness to consider this possibility but there was never a clear path of action to facilitate its development. The County system was not conducive to changing the designation or planned use of its land to the benefit of Native Hawaiians and the process would not have progressed at a rate that was acceptable to the funding agency. Federal funding for the project is vulnerable to delays, and the County decision-making process would almost certainly have exceeded the period allowed to encumber the funds and build the facility.

Another location suggested was the possibility of it being located in the Hanapepe area designated for commercial or community use. The Hanapepe site is a prime commercial use that is viewed for future revenue generation by the Department so the center would have to be integrated with potential future commercial establishments. This possibility was evaluated and rejected due to potentially high operating costs and difficulty for access by the intended beneficiaries. The Hanapepe sites do not meet the primary objective of providing a resource to the DHHL beneficiaries.

A third site considered was one of the residential lots, Lot 26, within the subdivision, which is also designated TMK# (4)1-2-017:026. Lot 26 is near the northwest side of the residential area on an 11,000 square foot lot. Its proximity to other houses and limited areas created potentially greater impacts to surrounding neighbors. The lot was rejected because of its size, location, and the fact that if it were used for the KCEC, the lot would not be available for a residential use and one more beneficiary would be denied access to the community.

## 4.0 Relationship to Plans, Codes and Ordinances

### 4.1 United States

Title I of the Housing and Community Development Act of 1974 requires the federal government to provide housing and related assistance to disadvantaged persons and communities. The US Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships (OUP) is established to administer this and other programs to meet this need.

OUP initiated the Alaska Native/Native Hawaiian Institutions Assisting Communities program in FY00. This program assists institutions of higher education expand their role and effectiveness in addressing community development needs in their localities—including neighborhood revitalization, housing, and economic development, principally for low and moderate-income persons. Grants are awarded for:

- Special economic development activities described at 24 CFR 570.203 and assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.
- Assistance to community-based development organizations (CBDOs) to carry out neighborhood revitalization, community economic development, or energy conservation projects, in accordance with 24 CFR 570.204. This could include activities in support of a HUD-approved local entitlement grantee, CDBG Neighborhood Revitalization Strategy (NRS) or HUD-approved State Community Development Block Grant (CDBG) Community Revitalization Strategy (CRS); and
- Public service activities such as general support activities that can help to stabilize a neighborhood and contribute to sustainable redevelopment of the area, including but not limited to such activities as those concerned with employment, crime prevention, childcare, healthcare services, drug abuse, education, housing counseling, energy conservation, homebuyer down payment assistance, establishing and maintaining Neighborhood Networks centers in federally assisted or insured housing, job training and placement, and recreational needs.

This project is intended to address the needs established under Title I of the Housing and Community Development Act of 1974.

### 4.2 State of Hawai`i

Prince Jonah Kūhiō Kalanianaʻole spearheaded the passage of the Hawaiian Homes Commission Act in 1921 to address the dwindling native Hawaiian population. With the enactment of the Hawaiian Homes Commission Act, the United States set aside approximately 200,000 acres of land to establish a permanent home land for native Hawaiians, who were, according to the legislation, a landless and “dying” people. The State of Hawai`i established the Department of Hawaiian Home Lands shortly thereafter to implement programs



in support of Native Hawaiians. The proposed action is identified in the DHHL General Plan for West Kaua`i as a priority for implementation (DHHL 2011).

As part of their strategic planning efforts, DHHL realized the need for financial education as a key component of rehabilitating native Hawaiians. The Home Ownership Assistance Program (HOAP) has become a central part of DHHL's commitment to native Hawaiians. It is the most important program we have because beyond building homes, it builds homeowners. Beyond building affordable homes and homeowners, DHHL began building homes that are affordable to live in. DHHL has made tremendous progress as a Department, and it is positioned as a major contributor to the overall wellbeing of the state of Hawai'i and to the native Hawaiian people. It has set a foundation to communicate to the general public because fulfilling these commitments can make life better for all the people of Hawai'i (DHHL Annual Report 2009).

Chapter 205, Hawai'i Revised Statutes establishes the State land use districts that comprise all lands in the State of Hawai'i. These districts are "Urban", "Rural", "Agricultural" and "Conservation". The project site is within the urban boundary on the State Land Use District Boundary Map. The proposed use is consistent with urban land uses.

### **4.3 County of Kaua`i**

The County General Plan was prepared in 1999 based on the comments of community members in identifying priorities. One of the primary priorities of West Kaua`i residents is in maintaining the small-town character and appearance of their area.

State of Hawai'i Department of Hawaiian Home Lands are generally exempt from the specific conditions of the Comprehensive Zoning Ordinance (CZO), but encouraged to follow these standards. The CZO identifies the project site as zoned R-6 Residential, and AG Agriculture. Community service facilities are an ancillary use of residential lands under the CZO (Appendix F).

The project is located outside of the Special Management Area which generally is located near coastal, stream and wetland areas. The project will not require a Special Management Permit.

## 5.0 Growth-Inducing Factors, Secondary and Cumulative Impacts

Growth inducing changes were considered positive impacts many years ago in most areas; however, many residents of our state no longer consider growth a goal to be sought after. Some developments do not have significant impacts in their construction or operation, but because of their demand may they may change the price of real estate, impact privacy, or change the character of a neighborhood. Growth inducing factors such as installation of a mass transit system, or opening of a Wal-Mart may create significant impacts due only to their growth inducing characteristics.

A secondary or indirect impact is an impact that is caused by the proposed action but is removed in time or space from the project.

Cumulative impacts may be defined as impacts on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes the action (Council on Environmental Quality, 1997).

The proposed action is intended to provide services to Native Hawaiian members of the community. This limitation is expected to eliminate traffic impacts and limit the number of people entering the area from outside the community. Under these circumstances the proposed action does not create growth in the area. Positive secondary impacts may include increase employment or income for the beneficiaries, construction workers and social workers employed by the facility. One positive cumulative impact could be considered the general capacity improvement resulting from federal programs such as this, which are designed to elevate the standard of living for Native Hawaiians.

### 5.1. Irreversible and Irretrievable Commitment of Resources

Implementation of the proposed project will result in an irreversible and irretrievable commitment of resources including public funds, energy, and labor. Materials used for new construction may have salvage value; however, it is unlikely that such efforts will be cost-effective. The expenditure of these resources is offset by gains in construction related wages, increased tax base, secondary and tertiary spending.

### 5.2. Adverse Impacts Which Cannot be Avoided

Adverse impacts associated with the proposed action that cannot be avoided are related to short-term construction impacts including noise, dust and construction-related traffic. These impacts can be minimized by sound construction practices, Best Management Practices (BMPs), adherence to applicable construction regulations as prescribed by the Department of Health, and coordination with applicable County agencies. The loss of open space may also be considered an adverse impact; however, the condition of this space and its use as a dumping ground for abandoned vehicles and debris did not contribute to the quality of life in the vicinity of the subject property.

## 6.0 Determination

The Hawai'i Administrative Rules Chapter 11-200(12) defines significance. If a proposed action is expected to have significant impacts, a full Environmental Impact Statement would be necessary. If the proposed action does not result in "significant" impacts the proponent is required to prepare an Environmental Assessment and Finding of No Significant Impacts (FONSI).

### 6.1 Definition of Significance

HAR 11-200 (12): In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

- *Involves an irrevocable commitment to the loss or destruction of any natural or cultural resource.*

The proposed action will occupy a portion of vacant land; however, as discussed the loss of open space is balanced by cleaning up an area that is prone to use for illegal dumping and has historically not been an asset to the community. Cultural resources have been identified in the vicinity of the subject property and these have been designated as special districts that will not be used for housing. No of the culturally significant artifacts have been identified from the subject property.

- *Curtails the range of beneficial uses of the environment.*

The proposed project is an appropriate use that will benefit the community and is consistent with the surrounding land-use. The environment was not well served when the property was vacant, but upon completion of the proposed action it will provide access to needed community management and training services. Some comments received from interested parties preferred the existing condition of open space to the proposed action. The open space was utilized only for illegal dumping and vegetative buffers. The no-action alternative is considered in Section 3.1. The No-Action Alternative is rejected because it does not meet the needs of the beneficiaries or the mission of the Council for Native Hawaiian Advancement and other cooperating institutions.

- *Conflicts with the State's long-term goals or guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.*

The purpose of chapter 344 is to establish a state policy which will encourage productive and enjoyable harmony between people and their environment, promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity, and enrich the understanding of the ecological systems and natural resources important to the people of Hawai'i. The

proposed action supports the objectives of Chapter 344, by providing capacity building services to the residents of the community.

- *Substantially affects the economic or social welfare of the community or State.*

The proposed action will have a positive contribution to the welfare and economy of the community and through increased training and adult education as well as through economic activities provided during construction and operation.

- *Substantially affects public health.*

The proposed action will have a positive impact on public health.

- *Involves substantial or adverse secondary impacts, such as population changes or effects on public facilities.*

The proposed action is designed to serve the existing community. It is not expected to create substantial population changes and secondary impacts are negligible with exception of positive economic and social impacts resulting from the proposed education and training activities.

- *Involves a substantial degradation of environmental quality.*

The proposed action will not degrade environmental quality with exception of short-term temporary impacts associated with noise and dust during construction. These impacts will be mitigated through best management practices imposed upon the construction contractor.

- *Is individually limited but cumulatively has a considerable effect upon the environment or involves a commitment for larger actions.*

The proposed action is not part of a larger action, and its cumulative impacts may be limited to improved economic potential of its beneficiaries.

- *Substantially affects rare, threatened or endangered species, or their habitats.*

According to comments from the US Fish and Wildlife Service, the proposed action will not affect any rare, threatened or endangered species, or critical habitat.

- *Detrimentially affect air or water quality or ambient noise levels.*

Short-term temporary impacts on air quality and noise may occur during construction, but will be mitigated by Best Management Practices imposed on the construction contractor.

- *Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach erosion prone area, geologically hazardous land, estuary, fresh water, or coastal waters.*

The proposed action is not located in any of the high risk areas listed above, and will not have an impact on an environmentally sensitive area.

- *Substantially affects scenic vistas and view planes identified in County or State plans or studies.*

The proposed action will not affect scenic vistas or view planes near the project.

- *Require substantial energy consumption.*

The project will use fossil fueled equipment during construction, and increase electrical energy consumption during operation. These increases are expected to be typical of most urban uses, and are not expected to impact the area power demand for fossil fuels or line power.

## **6.2 Finding of No Significant Impact**

The Department of Hawaiian Home Lands having considered public inputs has reached a Finding of No Significant Impact (FONSI) for the proposed Kekaha Community Enterprise Center.

## 7.0 Consulted Parties and Preparers

### 7.1 Public Input Received During Preparation of the Draft EA

In preparation of the Draft Environmental Assessment CNHA conducted a public hearing on November 29, 2011 at the Waimea Neighborhood Center. The meeting was attended by approximately 40 people who heard a description of the KCEC and other projects. Discussion was held on the design, location and operations of the facility. Questions on the location of potential burials sites were answered by Dr. Robert Rechtman, and questions on the EA process were answered by Mr. David Robichaux. Contact information for both Rechtman and Robichaux were provided to the community along with a request for comments. Meeting notes and attendance are recorded in Appendix C.

The community was generally quite supportive of the project, and provided ideas on optimizing the design and operations. The general consensus was that it will be well utilized, convenient for community business, and useful for building capacity and skills. A full set of meeting notes appears in Appendix B, along with written comments from agencies and interested parties. Some of the principal comments and concerns that arose from the meeting and/or subsequent contacts are listed below:

- Location on the parcel would be better if it were moved to the eastern end of the lot in order to be farther away from existing residences. (implemented as shown in Figure 4).
- Place parking in the rear of the building so that the Center does not appear congested,
- Include solar PV so that it is more sustainable and cheaper to operate,
- Center should be made available for all Hawaiians not just those living in Kekaha,
- Make the Center comfortable for short stay-overs in case trainers or DHHL personnel need a place to stay, but not too comfortable so that nobody can live there permanently

### 7.2 Public Input Received During Preparation of the Final EA

Public input received during the 30-day comment period included two petitions circulated among community members, beneficiaries and other interested parties. Several letters were also submitted for inclusion. All appear in Appendix C in their chronological order.

The first petition was in opposition to the proposed action containing 58 signatures. The petition contained eleven statements of opinion, which were primarily directed to the grant recipients, who the petitioners felt were outsiders who should not have a presence in the community. The criticisms were primarily directed to the various aspects of grant management rather than the proposed action. Opposition petitioners apparently supported the objectives of the proposed action but would prefer that it be managed by others or conducted at a different location. A legitimate concern was raised over the possible presence of native Hawaiian burials (*iwi*) on the site. This concern was based on the fact that their preferred consultant was not involved. The archaeological assessment contained in Appendix B was conducted for the benefit of this Assessment. The consultant again determined that there was no evidence of *iwi* within the project boundaries (Section 2.7).

The opposition petition did not contain new information regarding potential environmental impacts resulting from the proposed action that would affect the findings.

A second petition was circulated within the Kekaha Community Association. It stated:

*We, the undersigned, support the building of the Enterprise Center proposed by the Council for Native Hawaiian Advancement (CNHA) in the Kekaha Gardens Hawaiian Homestead Neighborhood Lot 51 as an effort towards bettering and improving our neighborhood and surrounding area. It was signed by 125 people who supported the project during the period between December 29 and January 10, 2012.*

Responses to these petitions were prepared by the Proponent, Kauai Community College and the Department of Hawaiian Home Lands.

A second letter from the authors of the opposition petition was received on January 12, 2012 by the Kauai Community College. Again the letter alleges mismanagement of the grant, disregard for the grantees as well as continued concern over Native Hawaiian burials. The letter states that “the benefits of the HUD grant would be beneficial for the community in terms of educational opportunities” but urge that the Community Center not be constructed. The letter recommends acquisition of a vacant building in the Kekaha Community. Section 3.2 discusses use of vacant lands in the Kekaha Gardens Subdivision. Alternative uses of a residential lot preclude residential uses and deprives one more potential beneficiary of a homestead. Vacant buildings located in other areas of Kekaha are not as accessible to the targeted DHHL beneficiaries. With exception to the concerns over *iwi* which were addressed in the 1993 and 2011 by professional consultants, the opposition seems to be in favor of the project objectives but opposed to the manner in which it is being developed. These concerns are not typically relevant in considering environmental impacts. We believe that the opponents represent a minority of potential beneficiaries. A response from the proponent is included in Appendix C. The response urges all to put aside personality differences for the benefit of native Hawaiian beneficiaries in the Kekaha Gardens area.

### **7.3 Agencies Contacted During Preparation of the Draft EA**

During preparation of the DEA the following agencies were contacted to solicit input:

- State Historic Preservation Division, DLNR
- US Fish and Wildlife Service Pacific Field Office,
- County of Kaua`i Planning Department
- Department of Hawaiian Home Lands (Proponent)

### **7.4 Preparers**

The Final Environmental Assessment was prepared by North Shore Consultants, LLC, David M. Robichaux, Principal. The work could not have been completed in an accurate or timely manner without substantial assistance from the following persons:

Ms. Lilia Kapuniai, Vice President of the Council for Native Hawaiian Advancement

Mr. Kaipo Duncan, Land Agent for the Department of Hawaiian Homelands  
Mr. Marc Ventura, Principal of Marc Ventura AIA, LLC  
Mr. Robert Rechtman, Principal of Rechtman Consulting  
Mr. Wayne Wada, Principle of Esaki Surveying

Kekaha Community Association members and Community leaders including but not limited to:

- Leah Pereira
- Lorraine Rapozo
- Liberta Albao
- Kaimana Castaneda

## 8.0 References

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**Appendix A**

**COMMENTS RECEIVED DURING PREPARATION OF  
THE DRAFT ENVIRONMENTAL ASSESSMENT**

## David Robichaux

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**From:** liberta@hawaiiink.net  
**Sent:** Monday, December 12, 2011 10:27 PM  
**To:** David Robichaux  
**Cc:** leahkpereira@aim.com  
**Subject:** Re: Kekaha Community Enterprise Center

David: Mahalo for contacting me. The following is my views:

1. I support the project
2. Beneficiaries will have their own community center that will be used for meetings, learning center, after school programs, kupuna program wellness and exercise program, etc.
3. It is necessary that the CNHA grant be utilized for the native hawaiian community. There's no other source of funding.
4. Two beneficiaries had a vision 4 years ago, they wanted a center for the community. (Leah Pereira and Ilei Beneamina - deceased)
5. I like the design of the building. Room for expansion/playground for the keikis and kupuna can socialize.
6. Kauai community college is a good partner for the project.
7. My observation, most of the beneficiaries support the project.
8. Special interests are using Lot 51 for their personal use for many years and DHHL has not enforced nor sent eviction notice.
9. Please include Hanapepe beneficiaries. They can use the center too.
10. Hawaiians often sing of the beauty of the "aina", the land, a very important gift from God. There's NO COST FOR THE LAND FOR THE PROJECT
11. Prince Kuhio Kalaniana'ole had a vision. As beneficiaries we should perpetuate the spirit of "olu'olu" encouraging us to treat each other with kindness and respect, bringing us together as a strong community for the benefit of the future generations.
12. The project is an asset for the community.

My cell # 652.8290

Dear Auntie Liberta:

>  
>  
>  
> I'm preparing the Draft Environmental Assessment for the Kekaha  
> Community Enterprise Center (KCEC). Because you are a community  
> leader, it is very important that I get your thoughts on how its  
> going, whether we got it right and how it will impact the  
> beneficiaries. I'd like to call this afternoon or tomorrow. I really  
> would appreciate a little of your time. If you are busy when I call  
> please tell me so. I'm not shy.  
>  
>

>  
> David M. Robichaux  
>  
> Description: Description: Description: C:\Users\Ronald L.  
> Soroos\AppData\Local\Microsoft\Windows\Temporary Internet  
> Files\Content.IE5\WGCKX92F\MCj03292280000[1].wmfNORTH SHORE  
> CONSULTANTS, LLC  
>  
> PO Box 1018  
>  
> Haleiwa, HI 96712  
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>  
> 637-8030 office  
>  
> 368-5352 cell  
>  
> [robichaud001@hawaii.rr.com](mailto:robichaud001@hawaii.rr.com)  
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## David Robichaux

---

**From:** Keith\_Castaneda/WAIMEAH/HIDOE@notes.k12.hi.us  
**Sent:** Tuesday, December 13, 2011 9:41 AM  
**To:** David Robichaux  
**Cc:** Connie\_Castaneda/KEKAHA/HIDOE@notes.k12.hi.us; castanedaohana@aol.com  
**Subject:** Re: Kekaha Community Enterprise Center

Mr, Robichaux, Thank you very much in assisting with this project and for taking time out to call me and getting my input. I look forward to hearing your update.

KEITH K. CASTANEDA  
Waimea High School JROTC  
Army Instructor  
808-338-6810ext152  
"Deeds Not Words"

**Appendix B**  
**Archaeological Report**  
**Rechtman Consulting**  
**November 2011**

An Archaeological Assessment Survey of  
TMK: 4-1-2-17:051

Waimea Ahupua'a  
Kona District  
Island of Kaua'i

---

Draft Version

PREPARED BY:

Robert B. Rechtman, Ph.D.

PREPARED FOR:

David Robichaux  
North Shore Consultants LLC  
P.O. Box 1018  
Hale'iwa, HI 96712

November 2011

---

**RECHTMAN CONSULTING, LLC**

507-A E. Lanikaula St. Hilo, Hawaii 96720

phone: (808) 969-6066 fax: (808) 443-0065

e-mail: bob@rechtmanconsulting.com

ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL STUDIES

An Archaeological Assessment Survey of  
TMs: 4-1-2-17:051

Waimea Ahupua‘a  
Kona District  
Island of Kaua‘i

## MANAGEMENT SUMMARY

At the request of David Robichaux of North Shore Consultants, LLC., on behalf of his client, the Council for Native Hawaiian Advancement, Rechtman Consulting, LLC conducted an archaeological assessment of a 2.6 acre parcel (TMK:4-1-2-17:051) in the Kekaha portion of Waimea Ahupua'a, Kona District, Island of Kaua'i. The Council for Native Hawaiian Advancement intends to build a community center on the parcel, which is within the Department of Hawaiian Home Lands Kekaha Gardens Subdivision. The current study was undertaken in accordance with Hawai'i Administrative Rules 13§13–284, and was performed in compliance with the Rules Governing Minimal Standards for Archaeological Inventory Surveys and Reports as contained in Hawai'i Administrative Rules 13§13–276. According to 13§13-284-5 when no archaeological resources are discovered during an archaeological survey the production of an Archaeological Assessment report is appropriate. Compliance with the above standards is sufficient for meeting the historic preservation review process requirements of both the Department of Land and Natural Resources–State Historic Preservation Division (DLNR–SHPD) and the County of Hawai'i Planning Department. The current study parcel was part of a larger area that had been the subject of an archaeological inventory survey conducted by Cultural Surveys Hawaii in 1993. During the earlier study both surface survey and an extensive program of subsurface testing was conducted. No archaeological resources were identified within the boundary of the current study parcel, which at the time was designated as a Detention Basin lot and subject to both surface and subsurface alteration. As part of the current study, this parcel was reexamined to verify existing conditions. The boundaries of the parcel were clearly visible as its perimeter on three sides is an excavated drainage channel, and the northern boundary is Ulili Road. No historic properties were identified as a result of the current fieldwork and the evidence for past land alteration was evident. Given the negative findings of both the previous and current studies, it is concluded that the proposed development of a community center will not significantly impact any known historic properties. It was however a recommendation of the earlier study that an archaeological monitor be present during initial grubbing and grading activities in order to provide an immediate response to, and protection for, any unanticipated resources that may be unearthed. It is the conclusion of the current study that this monitoring recommendation is an appropriate precautionary measure.

## CONTENTS

INTRODUCTION.....	1
PROJECT AREA DESCRIPTION .....	1
PRIOR ARCHAEOLOGICAL FIELDWORK.....	6
CURRENT FIELD INSPECTION.....	8
CONCLUSION AND RECOMMENDATIONS .....	17
REFERENCE CITED .....	17

## FIGURES

1. Project area location.....	2
2. 1993 subdivision map.....	3
3. 2006 aerial photograph showing the current study parcel grubbed and graded. ....	4
4. Vegetation in the central portion of the study parcel, view to the southwest.....	5
5. Vegetation in the southern portion of the study parcel, view to the south. ....	5
6. Hammatt et al. (1993) study area showing subsurface testing locations.....	7
7. Trench 7 profile and description.....	11
8. Trench 18 profile and description.....	12
9. Trench 3 profile and description.....	8
10. Trench 4 profile and description.....	9
11. Trench 83 profile and description.....	10
12. Trench 100 profile and description.....	11
13. Study parcel, view to the northwest. ....	14
14. Concrete drainage channel along eastern parcel boundary, view to the southwest.....	15
15. Drainage channel along southern parcel boundary, view to the west.....	15
16. Earthen swale along western parcel boundary, view to the north. ....	16
17. Fenced paddock in western third of the parcel, view to the southwest. ....	16

## INTRODUCTION

At the request of David Robichaux of North Shore Consultants, LLC., on behalf of his client, the Council for Native Hawaiian Advancement, Rechtman Consulting, LLC conducted an archaeological assessment of a 2.6 acre parcel (TMK:4-1-2-17:051) in the Kekaha portion of Waimea Ahupua‘a, Kona District, Island of Kaua‘i (Figures 1). The Council for Native Hawaiian Advancement intends to build a community center on the parcel, which is within the Department of Hawaiian Home Lands Kekaha Gardens Subdivision (Figure 2).

The current study was undertaken in accordance with Hawai‘i Administrative Rules 13§13–284, and was performed in compliance with the Rules Governing Minimal Standards for Archaeological Inventory Surveys and Reports as contained in Hawai‘i Administrative Rules 13§13–276. According to 13§13-284-5 when no archaeological resources are discovered during an archaeological survey the production of an Archaeological Assessment report is appropriate. Compliance with the above standards is sufficient for meeting the historic preservation review process requirements of both the Department of Land and Natural Resources–State Historic Preservation Division (DLNR–SHPD) and the County of Kaua‘i Planning Department.

This report provides a project area description, a presentation of a prior archaeological study (Hammatt et al. 1993) that included the current project area, and the results of the current field inspection of the subject parcel. For a discussion of the cultural historical background of the project area the reader is referred to the earlier Hammatt et al. (1993) study.

## PROJECT AREA DESCRIPTION

The study parcel is 2.6 acres in size and is situated immediately adjacent to Ulili Road within the DHHL Kekaha Gardens Subdivision (see Figure 2). Elevation of the study parcel is roughly 20 feet (roughly 6.1 meters) above sea level (see Figure 1). This general area comprises lithified sand dunes of Pleistocene age (Hammatt et al 1993). The project area soils are characterized as Jaucas Loamy Sand (JfB) (USDA NRCS Soil Survey Website). As can be seen in a 2006 aerial photograph (Figure 3) and based on ground observations, the entire study parcel has been significantly impacted in the past from mechanical grading activity and the creation of a surrounding drainage channel. Currently, vegetation across the study parcel is sparse and consists of *koa-haole* (*Leucaena glauca*), *kiawe* (*Prosopis pallida*) and various weeds (Figures 4 and 5).

TOPO! map printed on 11/04/11 from "Untitled.tpo"  
WGS84 159°43.000' W

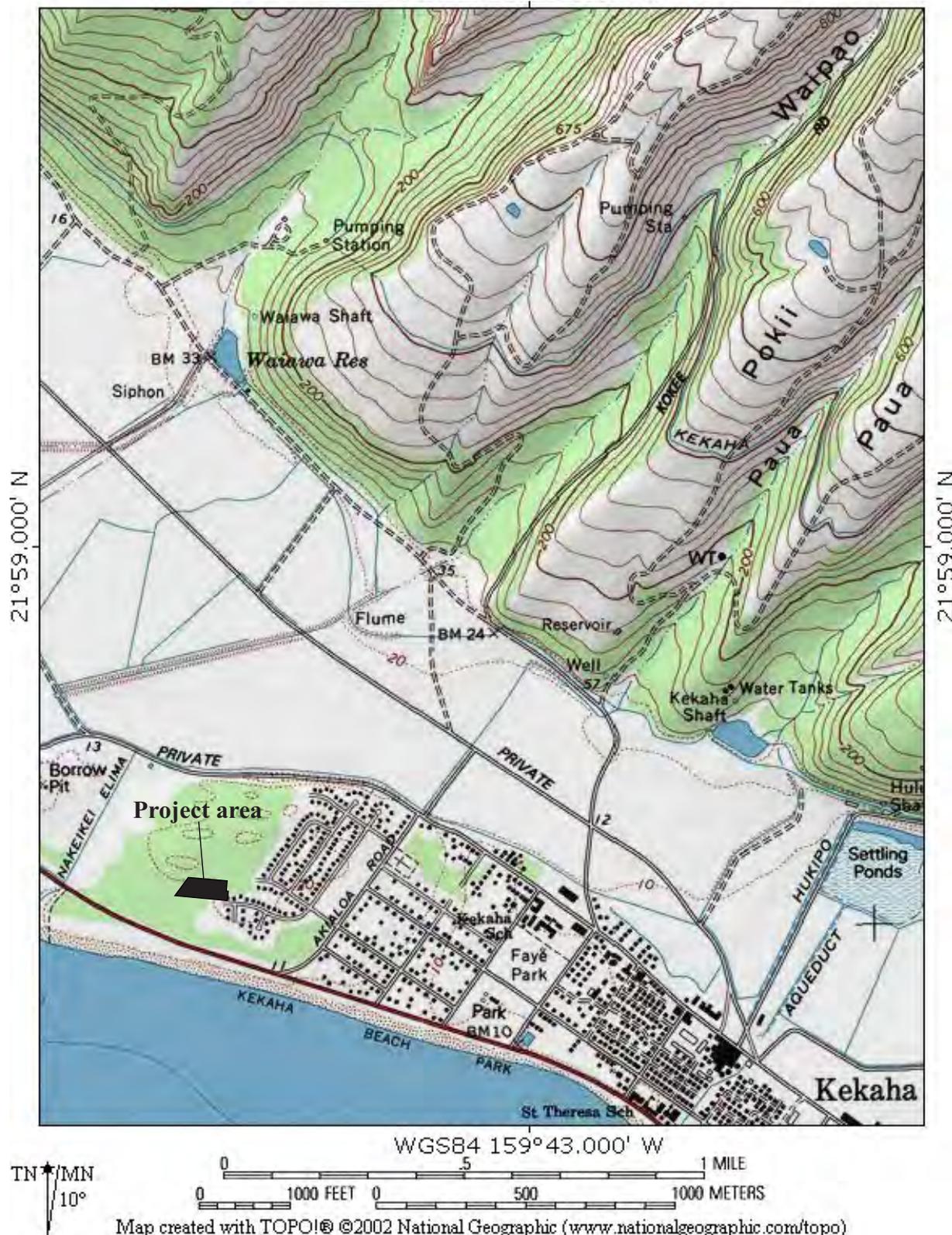


Figure 1. Project area location.

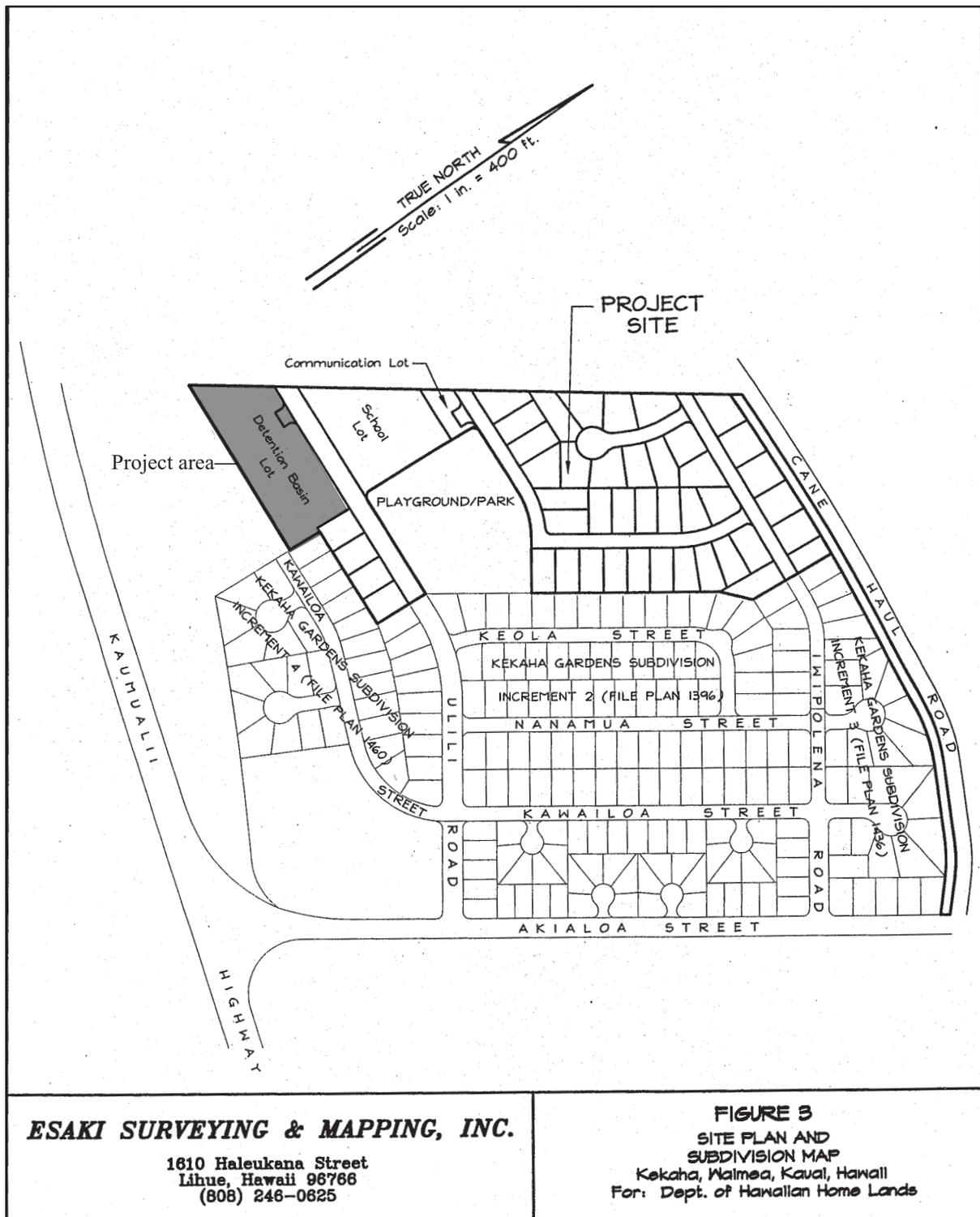


Figure 2. SIHP Site xxxx Feature x TU-x xx wall profile.

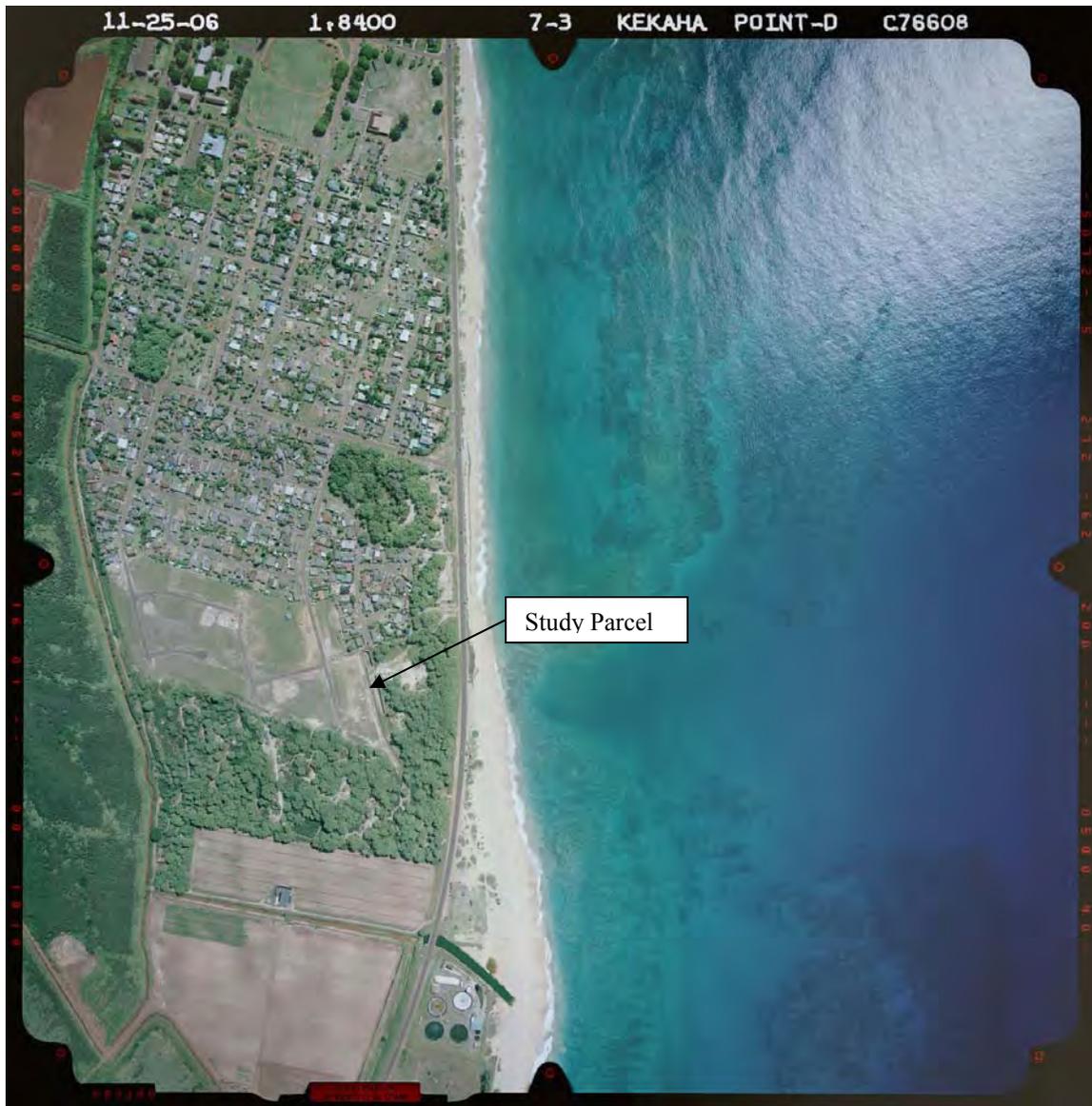


Figure 3. 2006 aerial photograph showing the current study parcel grubbed and graded.



Figure 4. Vegetation in the central portion of the study parcel, view to the southwest.



Figure 5. Vegetation in the southern portion of the study parcel, view to the south.

## PRIOR ARCHAEOLOGICAL FIELDWORK

The current study parcel was part of a larger 89 acre study area that in 1993 was subject to an archaeological inventory survey conducted by Cultural Surveys Hawaii (Hammatt et al. 1993). During that study, in addition to a comprehensive surface survey, 100 subsurface test trenches were excavated (Figure 6). As a result of the Hammatt et al. (1993) investigation there were no archaeological resources recorded within the area of the current study parcel. The following is a summary of the findings of the 1993 Cultural Surveys Hawaii study.

Hammatt et al. (1993) identified two distinct geomorphologies within their overall study area, a Pleistocene aged lithified dune area (comprising most of the 89 acre project area), and a previously sand-mined more recent (Holocene) coastal dune area. The current study parcel falls in the previously mined area at the interface of the older and younger deposits. No archaeological deposits or features were found in the lithified dune area. In the previously sand-mined, coastal dune area subsurface archaeological resources including two burials were discovered. These resources were found to exist to the south and west of the current study parcel (see Figure 6). In that area, burials were encountered in Trench 7 (Figure 7) and Trench 18 (Figure 8), and a widespread but discontinuous cultural deposit was recorded extending along the coast and terminating *makai* of the current study parcel. It appears as though four test trenches were excavated in the vicinity of the current study parcel, Trench 3 (Figure 9), Trench 4 (Figure 10), Trench 83 (Figure 11) and Trench 100 (Figure 12); all documented negative results with respect to archaeological resources.



**Trench 7:** length 6.0 m. (319° TN), width 1.8 m., max. depth 1.8 m.

NOTE: Present dune surface slopes away to the southeast while stratigraphy contains a buried "A" horizon which slopes away slightly to the northwest. This is evidence for the constant changes in the ground surface typical of dunes. Profile measurements taken from the northwest corner of the northeast trench face.

Str.IA - 0 to 5 cm. - 10YR 8/3 very pale brown, fine loamy sand; "A" horizon.

Str.IB - 5 to 65 cm. - 10YR 8/6 yellow, fine coral sand; dune deposit.

Str.II - max. 55 to 85 cm. - 10YR 5/3 brown, fine coral sand with charcoal staining; cultural layer. Sparce midden present; 2 concentrated areas of charcoal were sampled for radio-carbon dating (see C14 #3 and #4, fig. 9).

Str.III 60 to 180 cm. - 10YR 7/6 yellow, fine coral sand; dune deposit. No culture present; burial #1 exposed at east end of trench, 150 cm. b.s.(see Survey Results; Burials). Excavations halted upon unearthing of the burial, maximum depth being 1.2 m. below the surface at the southeast end of the trench.

\* Burial pit occurs at southeast end of trench from 55 to 180 cm.; horizontal bedding of backfilled sediment from Stratum II and Stratum III occurs within the burial pit.

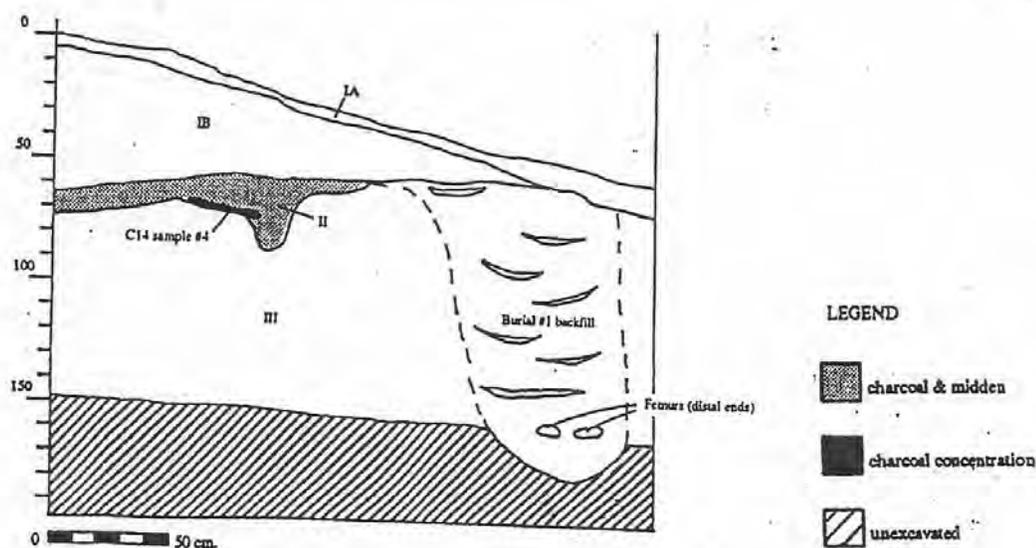


Figure 7. Trench 7 profile and description (from Hammatt et al. 1993:26).

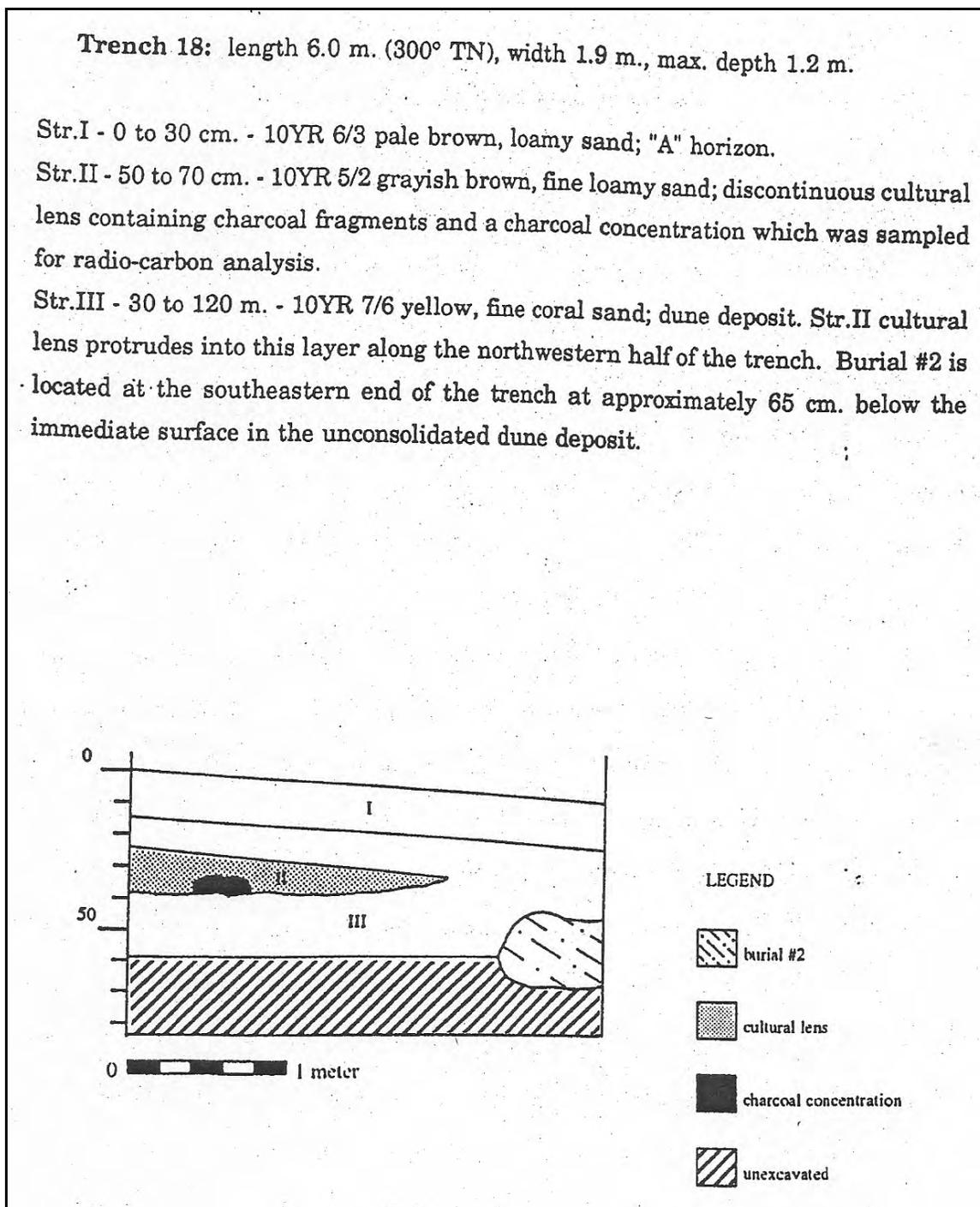


Figure 8. Trench 18 profile and description (from Hammatt et al. 1993:27).

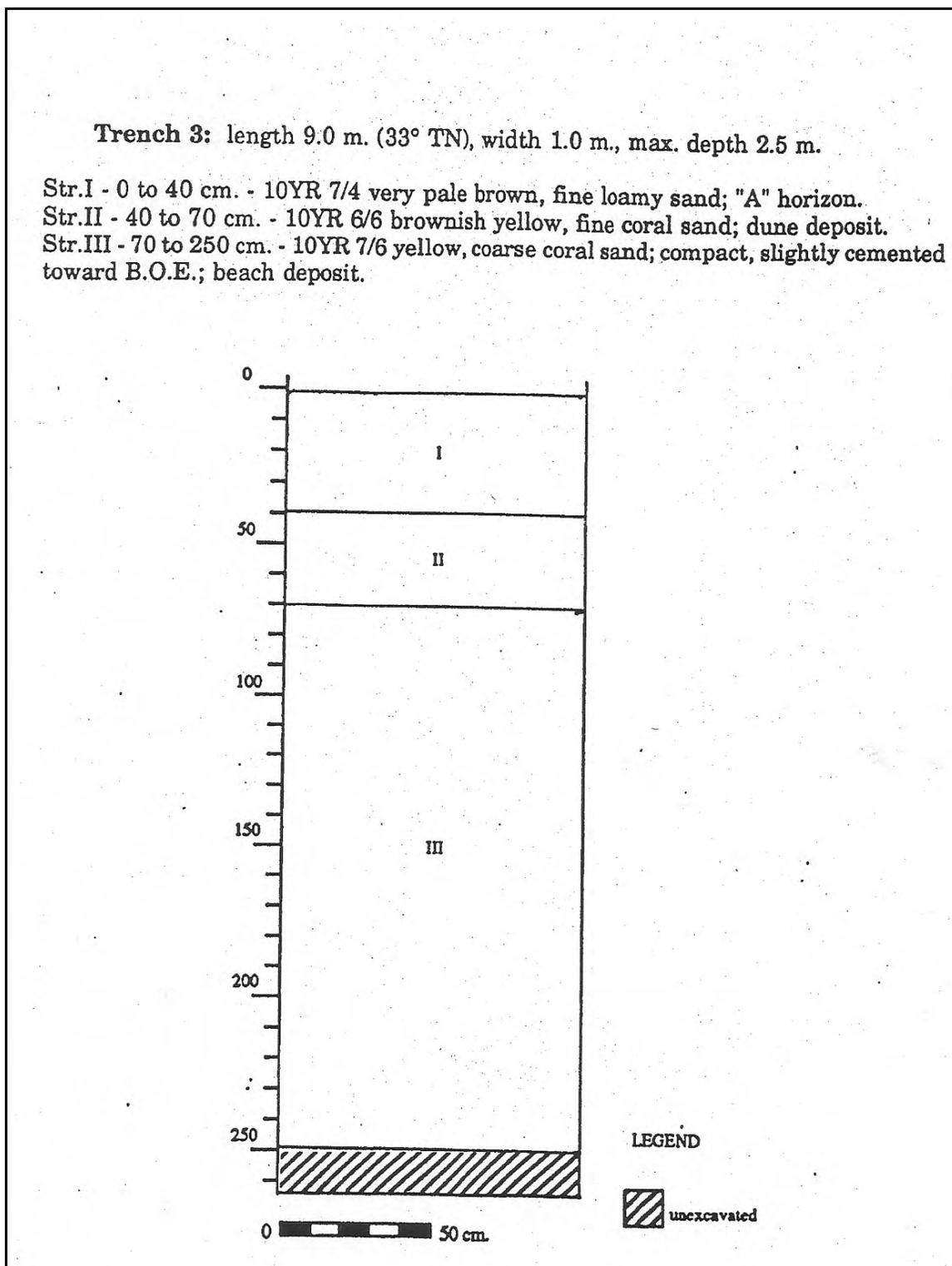


Figure 9. Trench 3 profile and description (from Hammatt et al. 1993: 36).

**Trench 4:** length 14.5 m. (13° TN), width 1.0 m., max. depth 2.1 m.

Str.I - 0 to 40 cm. - 10YR 7/6 yellow, fine coral sand; "A" horizon.

Str.II - 40 to 115 cm. - 10YR 7/3 very pale brown, fine coral sand; slightly cemented.

Str.III - 115 to 205 cm. - 10YR 7/6 yellow, coarse coral sand; beach deposit.

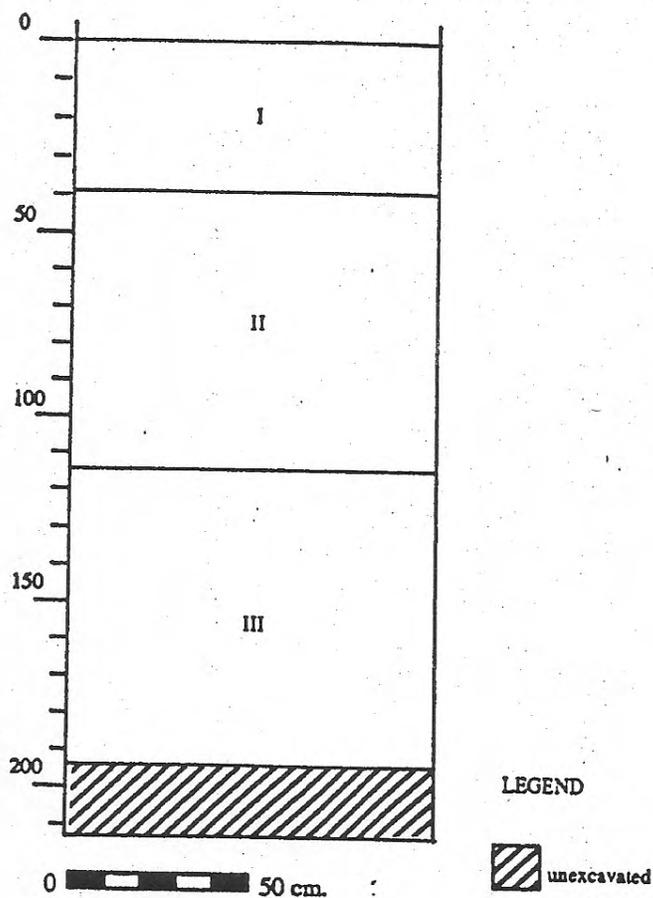


Figure 10. Trench 4 profile and description (from Hammatt et al. 1993:37).

**Trench 83:** length 7.0 m. (110° TN), width 0.8 m., max. depth 0.9 m.

Str. I - 0 to 5 cm. - 10YR 6/4 light brownish gray, fine loamy sand; "A" horizon.

Str. II - 5 to 15 cm. - 10YR 7/6 yellow, fine coral sand; dune deposit.

Str. III - 15 to 85 cm. - 10YR 8/2 white, coarse cemented coral sand; lithified possible beach deposit.

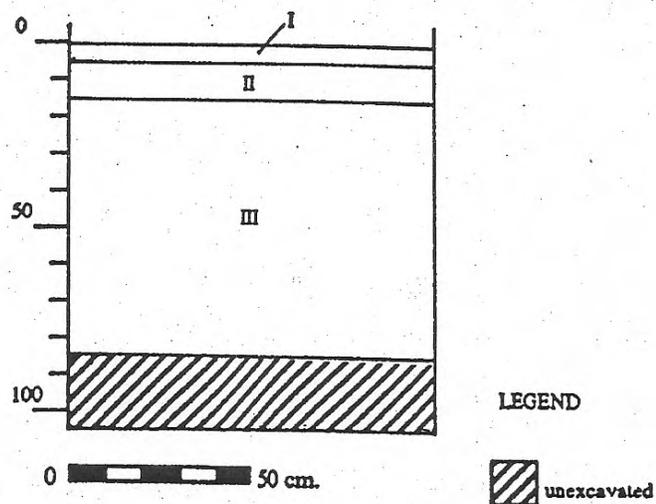


Figure 11. Trench 83 profile and description (from Hammatt et al. 1993:114).

**Trench 100:** length 6.7 m. (95° TN), width 0.66 m., max. depth 1.83 m.

Str. I - 0 to 20 cm. - 10YR 6/2 light brownish gray, fine loamy sand; "A" horizon.

Str. II - 20 to 135 cm. - 10YR 7/6 yellow, fine to medium coral sand; dune deposit.

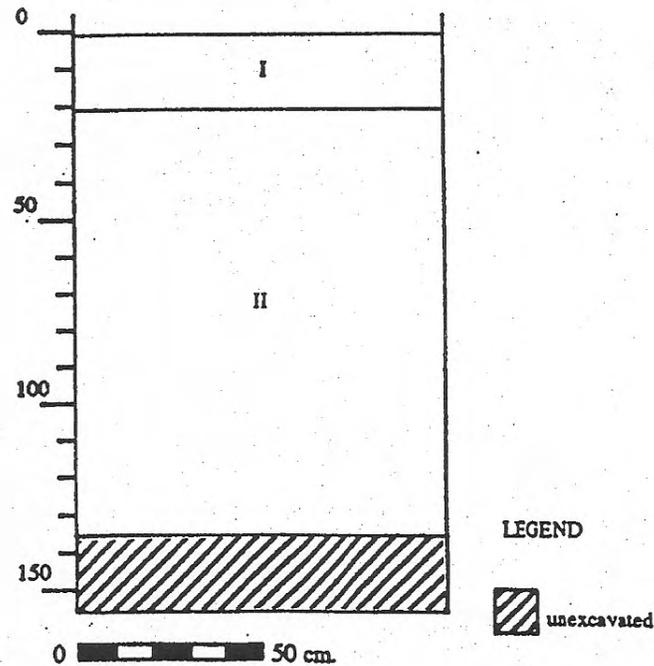


Figure 12. Trench 100 profile and description (from Hammatt et al. 1993:131).

## CURRENT FIELD INSPECTION

On October 14, 2011, Robert B. Rechtman, Ph.D. conducted a 100% surface reconnaissance of the subject parcel, the limits of which were identified in the field based on existing infrastructural development (i.e., roads and engineered drainage channels); ground visibility was excellent. No archaeological resources were observed within the study parcel. It was evident that the entire 2.8 acre lot had been subject to surface grubbing and grading in the past (Figure 13), as well as subsurface disturbance along its margins when the drainage channels were constructed. The channel along the eastern parcel boundary is concrete lined (Figure 14), the channel along the southern boundary is partially concrete and partially filled with large boulder riprap (Figure 15), and the channel along the western boundary is an earthen swale (Figure 16). The western third of the parcel has been fenced (Figure 17) and was formerly used as a horse paddock.



Figure 13. Study parcel, view to the northwest.



Figure 14. Concrete drainage channel along eastern parcel boundary, view to the southwest.



Figure 15. Drainage channel along southern parcel boundary, view to the west.



Figure 16. Earthen swale along western parcel boundary, view to the north.



Figure 17. Fenced paddock in western third of the parcel, view to the southwest.

## **CONCLUSION AND RECOMMENDATIONS**

Given the negative findings of the previous archaeological inventory survey (Hammatt et al. 1993) and of the current study, it is concluded that the proposed development of a community center will not significantly impact any known historic properties. It is however recommended that an archaeological monitor be present during initial grubbing and grading activities in order to provide an immediate response to, and protection for, any unanticipated resources that may be unearthed. Significant subsurface cultural deposits are known to exist to the south of the current study parcel.

## **REFERENCE CITED**

Hammatt, H., W. Folk, I. Masterson, J. Winieski,, and E. Novack  
2003 Archaeological Inventory Survey of Kekaha Housing Project (TMK: 1-2-12: 38 and 1-2-02:32, 34, & 38). Prepared for Kauai Housing Development Corp. County of Kauai.

**APPENDIX C**

**MEETING NOTES AND ATTENDEES PUBLIC HEARING, COMMENTS RECEIVED  
FOLLOWING PUBLICATION OF THE DEA**

**NOVEMBER 29, 2011**



# COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

1050 Queen Street, Suite 200, Honolulu, Hawai'i 96814

Tel: 808.596.8155/800.709.2642 • Fax: 808.596.8156/800.710.2642

[www.hawaiiancouncil.org](http://www.hawaiiancouncil.org)

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## **Kekaha Community Enterprise Center Community Meeting Report**

Meeting Held on Tuesday, November 29, 2011, at the Waimea Neighborhood Center

Report by the Council for Native Hawaiian Advancement (CNHA)

On Tuesday, November 29, 2011, CNHA coordinated and facilitated a community planning meeting to provide the Kauai homestead beneficiaries and West Kauai community members with a status update on the Kekaha Community Enterprise Center (KCEC) Project, share draft conceptual plans, and collect input from participants.

Over 30 individuals attended the meeting representative of the East and West homestead communities, various community-based organizations, and project partners (Kaua'i Community College, Homestead Community Development Corporation, North Shore Consultants, LLC and Marc Ventura AIA, LLC). *For a complete list of attendees, see Attachment A.*

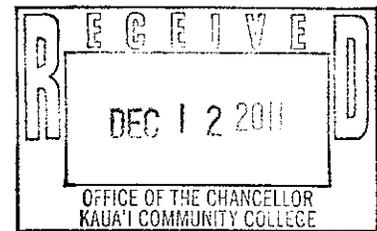
Ms. Robin Danner, CNHA President and CEO, and Ms. Lilia Kapuniai, CNHA VP & Community Services Manager, facilitated the meeting. The meeting started with a prayer and brief introductions. Utilizing a PowerPoint presentation, participants received an overview of CNHA, an overview of the U.S. Department of Housing and Urban Development Alaska Native / Native Hawaiian Assisting Communities Grant Program, an overview and status report on the KCEC Project, a summary of the Lodge Feasibility Study results, a summary of the Draft Archaeological Assessment Survey, and an overview of the draft Building Plans.

Consensus was achieved in support of the development of the Center within the Kekaha residential community as planned. Most of the participants voiced interest in using KCEC for gatherings, training sessions, and educational purposes for youth and adults. Participants raised questions regarding business hours, the project budget, building location options, future building operations and maintenance, the target community to be served, parking capacity, and facility occupancy. Participants also voiced concerns over the location of the building in the Kekaha residential area, placement of the building on Lot 51 as presented, historical remains located near Lot 51, and additional traffic and noise that may be generated. There were three individuals present that voiced opposition to the project based on concerns identified above. Suggestions were made to change the placement of the building on Lot 51, add a playground and deliver additional beneficiary consultation sessions on the topic. All questions and concerns were addressed, and suggestions have been taken into consideration.

The meeting was a success in briefing the community on the KCEC Project, documenting Project support and collecting feedback on the building plans. Over ten applications were received from individuals interested in participating in the CNHA Project Working Group. For more information about the project and/or to receive a copy of the PowerPoint presentation and handouts, please contact Ms. Kapuniai at 808.596.8155 or [info@hawaiiancouncil.org](mailto:info@hawaiiancouncil.org).

December 8, 2011

Kauai Community College  
Susan Cox, Chancellor  
3-1901 Kaunualii Highway  
Lihue, HI 96766



Re: Community Opposition to HUD Funded Construction Project

Dear Ms. Cox,

We are sending the enclosed petitions, submitted by 55 Hawaiian beneficiaries and residents of Kekaha and West Kaua'i to demonstrate community opposition to a HUD-funded construction project in the middle of our Hawaiian housing subdivisions. We will continue to gather petition signatures.

As explained in the petition, signatories are concerned that a native Hawaiian organization from outside our Kekaha community, the Anahola-based Council for Native Hawaiian Advancement, will be sited at a central location within our local Hawaiian community.

While we thank CNHA for its gesture, we note too many areas of concern around this project that demonstrate that this is not the right project for our community. A number of concerns have emerged:

- In 2010 and 2011 this organization and its affiliates supported the longterm leasing of our entire Kekaha home lands, which would have effectively deprived our beneficiary community of its homestead rights under the Hawaiian Homes Act.
- Over the three years of this grant (2008-2011) there has not been adequate notice of the grant project to key Kekaha stakeholders. Even those immediately across the street from the proposed building site have never been informed of the intended construction. Once informed and given the details, a number of residents opposed the project. Because there was no further communication made to those opposed, several felt that the project had been terminated and were quite surprised of the recent push to complete this project in the so-called "no cost" extension.
- In choosing Hawaiian homestead lots years ago, several Hawaiian homesteaders were assured, by then DHHL Chairman, Micah Kane, that that proposed building lot was a dedicated lot and would never be developed. Many chose their lots based on that representation, looking forward to the clear, open lot in front of their homes.
- Community support for this project may have been overstated. A review of the original grant proposal is in order.
- We have learned that significant monies have been spent, yet not much has resulted. Building permits are not in place, control of the lot is currently tenuous, and deadlines have expired.

- The proposed building is small for its intended purpose as a training center, though the floor plan includes office space dedicated to CHNA operations and its leaders. The project architect stated to concerned residents that he was contacted only two weeks ago to provide a design for the building.
- The proposed site is a drainage ditch that was not able to be developed in the past by Department of Hawaiian Homelands due at least in part to inadequate wastewater capacity.
- There are *iwi*, or ancestors' remains, on the building site. The presence of *iwi* makes this site vulnerable to challenge for any proposed development. A video was made by DHHL, again then under the direction of Micah Kane, of a family member regarding such *iwi* on the property. Furthermore, no contact was made to the burial historian for this area, Kunane Aipolani, as a consultant when the archaeological survey was being conducted by a non-Kauai resident. Nor were the results of the study provided to the families or residents.
- Hawaiian home rule principles stress the importance of grassroots leadership by local homestead associations to serve its local beneficiaries. The Kekaha community, including the wider non-Hawaiian beneficiary community, feels strongly that if a Hawaiian-run training center is constructed in Kekaha, that it be run and owned by our own beneficiary organization, not an organization principally run by residents based in Anahola, which is on the other side of our island. It is an aggressive act from a Hawaiian standpoint. Identical projects can be run, owned, and supported through local Kekaha efforts.
- While many venues for meeting and training are readily available in our town, it is the actual training that is of utmost value to our residents. Training does not require the building of a structure in Kekaha, since there is an abundance of meeting and training space in our area.
- Finally, this community has tried to make its voice heard, but have been threatened with "either this or nothing," and made to feel like their voices and opinions were of no significance.

Thank you for your attention to this matter. We would like to recommend that remaining funds for the grant be returned, as is customary for grant projects facing such circumstances. Alternatively, if the principle grantee, Kauai Community College, would like to work directly with the Kekaha community on the establishment of a learning site in our town with the remaining funds, to be run and owned by our local beneficiary association, our residents would gladly welcome the opportunity to discuss this further with the college.

Sincerely,



Ruth Potts



Joseph Nakahiki

**To Our Leaders:**

**I support Home Rule for Kekaha beneficiaries.** It is against the values of Home Rule and local kuleana that an Anahola organization should own and control the central Hawaiian hale, in the middle of our Kekaha Hawaiian homestead subdivisions. *Permits for such a project should not be granted.*

**There is too much discord and bad feeling with this project overall.** Our beneficiaries were not adequately notified or consulted in the important planning stages of this project. Too many deadlines have been missed or have expired. Proposed activities have not been delivered. We do not know exactly where nearly \$500,000 of grant monies have already been spent for this project. This is not an acceptable way to develop beneficiary projects for Kekaha.

**Kekaha beneficiaries, through our own homestead association, KHHA, will launch our own projects to bring programs and a training hale to our community.** Kekaha has many teachers and programmers in many fields. We have many potential educational partners and supporters. And we have the best local knowledge to ensure that programs are designed specifically for our local Hawaiian residents.

**We thank the Anahola organization for its efforts,** however this project is not the right one for our community.

**We will honor the legacy of our kupuna by creating alternative training and educational programs.** If our beneficiaries feel strongly that Kekaha Hawaiian Homestead Association needs a hale separate from our Kekaha Neighborhood Center and other meeting spaces, we will work hard toward making this a reality, and commemorate the hale in honor of our kupuna.

Print name: Joni Keamoai

Signature: Joni D. Keamoai

Fifty-four additional signed petitions identical to the previous page were included with the package dated December 8, 2011.

They are not included here for the sake of brevity.

January 10, 2012

Kauai Community College  
Ramona Kincaid, Director of University Center  
& Academic Support  
3-1901 Kaumualii Highway  
Lihue, HI 96766



Re: Community Opposition to HUD Funded Construction Project

Dear Ms. Kincaid,

As stated in our letter dated December 8, 2011, we have continued collecting petition signatures and are again sending enclosed petitions, submitted by now 108 Hawaiian beneficiaries and residents of Kekaha and West Kaua'i to demonstrate community opposition to a HUD-funded construction project in the middle of our Hawaiian housing subdivisions.

Although we received the attached letter from Kaua'i Community College Chancellor, Helen Cox, dated December 12, 2011 in response to the first submittal of petitions, we were a bit disappointed that instead of having our concerns answered by CNHA or KCC, we were told in yet another presentation on December 20<sup>th</sup> by CNHA (Robin Danner) that our petition was incorrect. In fact, rather than answer some of the concerns in the petition, she focused on informing the petitioners present that CNHA is not an Anahola based organization and that the rounded amount of nearly \$500,000 that we listed as spent in our petition was incorrect.

First of all, our conclusions are based solely on the research that we've done along with the information that has been shared at presentations held by CNHA for the KHHA association. We listed CNHA as an Anahola based organization because as listed in CNHA's presentation documents received on December 20, 2011, on page 5, "CNHA has offices located on **Kauai, Oahu and Washington D.C.** The only office address we found on their website for Kaua'i lists an Anahola address, so we do not believe that this is an incorrect statement. Secondly, although many requests were made at the various presentations on the Enterprise Center regarding the money spent, we have never gotten an itemized written financial statement of the exact amount of money spent. All we were told was that there was just enough money left to build the hale, which was listed as a projected cost of \$398,600. Robin Danner, CEO of CNHA also informed us that she has already spent approximately \$230,000 in addition to complete this project. Again, more than \$300,000 plus \$230,000 is definitely nearly \$500,000 based on the information that was provided.

We understand and empathize with Chancellor Cox, of KCC and too, want a suitable solution to be reached, as she outlined in her letter however, the response from CNHA, specifically, Ms. Danner proved to be less than receiving and more of discrediting and attacking of our concerns. Rather than answer our concerns; Ms. Danner seemed to want

to make sure that attention was directed towards what she deemed as "incorrectness" in our petition and as she stated, so that we would not embarrass ourselves towards those in authority with an incorrect petition. In fact, at the December 20<sup>th</sup> membership meeting of the Kekaha Hawaiian Homestead Association, Ms. Danner presented the project again, but prefaced her opening with the response letter that we received from KCC, which she circulated amongst those in attendance at that meeting. Later we learned that the 55 individual petitions were also forwarded to KHHA's board members as well. Is this how concerns are answered? We are a bit confused as to why individual petitions in opposition to this project would be circulated in the community and want to know if this is a normal response to petitions being received by any organization. Unfortunately, our perception of this response is that it serves no other purpose then to perhaps make public of those who have signed and question or intimidate them as a result.

We as individuals took it upon ourselves to gather as much information as possible regarding this project because of the many unanswered questions and concerns that we had after listening to several contradictory presentations by Ms. Danner and CNHA. For example, on November 29<sup>th</sup> at her presentation in Waimea, she stated that the building was a modest 1300 square foot building; then on December 20<sup>th</sup> at the KHHA membership meeting the building became a modest 2000 square foot building. The plans that were provided in a beautiful 50 page (front and back with dividers) spiral bound book, are "no scale drawings" with no architecture stamp. Again, it is hard to trust that unofficial plans like those provided will not change similarly to the square footage changing depending on the presentation that a person attends.

The possibilities of family remains or "iwi" that may be present on this particular property were also of a concern in our petition. According to the archaeological survey that was presented in the booklet, a study was done in 1993 on 89 acres, which includes the entire subdivision and results were based on that particular study. Family members had asked who did the archaeological study and if in fact someone locally from the burial council was asked to walk the parcel with the surveyors. Again, the data provided on the survey proved insufficient to answer the concerns of the family members of interest.

The discord and bad feeling with this project overall is felt within the association, community and again many community members Hawaiian's and non-Hawaiian's have still not been informed of this project. It is truly difficult to understand how a grant, which specifically outlines activities such as "capacity building" for the Kekaha Hawaiian Homestead Association, has done very little in that department. This is an organization with young, enthusiastic officers and board, who obviously need help in capacity building. By the mere fact that Robin Danner and CNHA's approach to reaching a solution to the concerns is to have members write letters of support or opposition rather than teach the association (as part of the capacity building) to hear individual concerns and discuss them as a membership and board, she is creating fractures in the association and rather than build capacity. This division of the KHHA board is being encouraged through further suggestions by Ms. Danner to rush an approval this project. It is truly disheartening when the completion and money already spent on this grant has become more important then the outlined intended benefits of the project.

Finally, we have always maintained that the benefits of the HUD grant would be very beneficial for the community in terms of the educational opportunities that could be provided and are willing to work with KCC in accomplishing this. We understand that the grant specifically stated that classes would be held by KCC once the building was built, but the grant stipulations also state that a building may be **constructed, renovated** or **acquired**. If, as stated in the grant, a building is needed in order for classes to start then a positive resolution may be to acquire a building in the Kekaha Community that is already vacant. We still feel strongly that the **construction** of a building on Lot 51, Kekaha Hawaiian Homestead should be stopped because of the concerns that have been presented in our petition. Again, we thank you for your attention to this matter and will continue to solicit petitions in opposition to this project.

Sincerely,

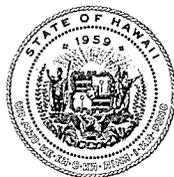


Ruth Potts  
P.O. Box 309  
Kaumakani, HI 96747



Joseph Nakaahiki  
P.O. Box 1073  
Kekaha, HI 96752

NEIL ABERCROMBIE  
GOVERNOR  
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE  
DEPUTY TO THE CHAIRMAN

M. WAIALEALE SARSONA  
EXECUTIVE ASSISTANT

**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
HONOLULU, HAWAII 96805

January 10, 2012

Ms. Ruth Potts  
Mr. Joseph Nakahiki  
Post Office Box 309  
Kaunakakai, HI 96747

Aloha Ms. Potts and Mr. Nakahiki,

Mahalo for your letter dated December 8, 2011 regarding community opposition to the HUD funded construction project at Kekaha, Kauai. We acknowledge receipt of your concerns and the petitions signed in opposition to the project referenced.

The Department of Hawaiian Home Lands (DHHL) fully understands the need for community support around development projects. Although we acknowledge the recent opposition, this particular project was identified as a priority in our regional planning process, where it also received broad community support. The West Kauai Regional Plan was adopted and approved by the Hawaiian Homes Commission on February 2011, after numerous meetings that occurred in 2010, where the community identified and voted on this project as a Priority Project. Moreover, if you review the Regional Plan, there is a listing of over 15 key stakeholder representatives and 50 individuals that participated and supported the project. The plan can be found online at: [http://hawaii.gov/dhhl/publications/regional-plans/kauai-regional-plans/DHHL\\_West\\_Kauai\\_Regional\\_Plan\\_030111\\_small.pdf/](http://hawaii.gov/dhhl/publications/regional-plans/kauai-regional-plans/DHHL_West_Kauai_Regional_Plan_030111_small.pdf/)

Community concerns and/or opposition to the proposed community facility were never brought forward until just recent. As you are aware, the Council for Native Hawaiian Advancement (CNHA) secured the funding for the building in partnership with Kaua'i Community College. CNHA did complete a Draft Environmental Assessment and DHHL has reviewed the draft and anticipates Findings of No Significant Impact (FONSI). Continued progress is being made on the project and DHHL has been supportive as the project remains a priority approved within our Regional Plan.

The DHHL also understands that most community projects have support as well as opposition. However, opposition to a project does not constitute immediate termination. Large amounts of time, energy, and resources have gone into the Kekaha project and opposition at this stage should be raised with CNHA as they have taken the lead to develop.

Thank you for sharing your concerns and allowing us the opportunity to comment on the issue. I am hopeful that CNHA and Kaua'i Community College will continue to work with the community to address the opposition while resolving the concerns with a positive solution.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Ka'uhane". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michelle K. Ka'uhane  
Deputy to the Chairman



# COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

1050 Queen Street, Suite 200, Honolulu, Hawai'i 96814

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January 12, 2012

Ms. Helen Cox, Chancellor  
Kaua'i Community College  
3-1901 Kaunuaui'i Highway  
Lihu'e, Hawai'i 96766

**Subject:** Response to 12/8/11 "Community Opposition to HUD Funded Construction Project"  
Letter from Ruth Potts and Joseph Nakaahiki

Aloha e Ms. Cox:

Thank you for providing the letter of concern and petitions signed by individuals opposing the CNHA Kekaha Community Enterprise Center. We will respond by first laying out the points made by Mrs. Ruth Potts and Mr. Joseph Nakaahiki, followed by our response:

- 1. Petitioners Statement:** *In 2010 and 2011 this organization (meaning CNHA) and its affiliates supported the long-term leasing of our entire Kekaha home lands, which would have effectively deprived our beneficiary community of its homestead rights under the Hawaiian Homes Commission Act.*

**CNHA Response:** This statement is entirely unrelated to this project, the Kekaha Community Enterprise Center, and has no place in the discussion, and especially should not be fodder to silence free speech and engagement with our State government agencies.

It appears that the petitioners are referring to a leasing decision made by the State Department of Hawaiian Home Lands (DHHL) and the governing body, the Hawaiian Homes Commission, wherein this state agency responsible for administering the Hawaiian Home Land Trust put out to bid thousands of acres for agricultural leasing. They approved a lease to Pacific West Energy, a firm working to develop renewable energy.

CNHA's nonprofit community development corporation, of which is governed by homestead associations and homestead leaders, issued a letter to DHHL articulating a minimum of eight recommendations that should be required by DHHL in a "Community Benefits Agreement" if the state agency endeavored to actually issue the agricultural lease.

Contrary to the petitioner's statement, CNHA took a policy position to protect the rights of homesteaders, including the Kekaha Hawaiian Homestead.

- 2. Petitioners Statement:** *Over the three years of the grant (2008-2011) there has not been adequate notice of the grant project to key Kekaha stakeholders. Even those immediately across the street from the proposed building site have never been informed of the intended construction. Once informed and given the details, a number of residents opposed the project. Because there was no further communication made to those opposed, several felt that the project had been*

*terminated and were quite surprised of the recent push to complete this project in the so-called "no cost" extension.*

**CNHA Response:** This narrative statement is simply false in its entirety. Not only has CNHA coordinated and held numerous stakeholder meetings over the last three years covering the KCEC project, but other project stakeholders, in particular, DHHL, the agency that contributed the land to the project, has also held numerous community meetings on this project.

In fact, DHHL over the calendar year of 2010 coordinated its standard regional planning meetings, an extensive exercise to identify priority land uses for the region. Over 50 Kekaha community residents participated in the planning process, including some of the individuals that signed the petition, all of which are listed in the State of Hawaii DHHL West Kauai Regional Plan. A copy of the plan can be found on-line at [http://hawaii.gov/dhhl/publications/regional-plans/kauai-regional-plans/DHHL\\_West\\_Kauai\\_Regional\\_Plan\\_030111\\_small.pdf](http://hawaii.gov/dhhl/publications/regional-plans/kauai-regional-plans/DHHL_West_Kauai_Regional_Plan_030111_small.pdf)

What is extraordinary about the petitioner's statement, is that the outcome of these very meticulous and far reaching community planning sessions that are required to be broadly published, resulted in our KCEC project being identified as a "Priority Project" through a participant vote! This result not only re-affirmed the Kekaha homestead support of this CNHA project, but also DHHL's support for the project since 2008. Moreover, the selection of the KCEC as a Priority Project in the West Kauai Regional Plan, automatically makes the project eligible for direct support funding from DHHL under its regional planning project grant program.

And finally, once the Kekaha homestead community completed its regional planning, the overall plan was placed on the formal agenda of the Hawaiian Homes Commission in February 2011, wherein this nine-member, Governor-appointed Commission, approved and adopted the West Kauai Regional Plan. As a result, the Commission approved without opposition in April 2011, the issuance of a license to pursue an Environment Assessment (EA) on the site for the KCEC.

In relation to the petitioner's statement about a "recent push to complete this project in the so-called no cost extension", the formal No-Cost Extension was received from HUD, on July 8, 2011. Since notification, it's been included in all briefing materials. In July 2011, CNHA was invited to a KHHA Board meeting, to present a project status update. A complete briefing, including the request for a no-cost extension, was presented to all individuals present, including individuals that signed the petition.

**3. Petitioners Statement:** *Community support for this project may have been overstated. A review of the original grant proposal is in order.*

**CNHA Response:** It is well known that this project came from the community as early as 2007, through the leadership of the late Aunty Ilei Beniamina, former Kekaha Hawaiian Homestead Association President, Aunty Leah Perieira, and Robin Danner, President of CNHA, all community leaders from Kauai. The most powerful documentation of community support, aside

from the KCEC project files, is the selection of the KCEC as a "Priority Project" in the DHHL West Kauai Regional Plan, wherein 50 individuals and 19 stakeholder representatives listed on page seven of the plan, makes clear the support for this project. In addition, the reaction of the Kekaha community to the petitioner's opposition reflected in 53 signatures, was to produce a petition in strong support of over 125 signatures in a matter of 7 days (attached).

4. **Petitioners Statement:** *We have learned that significant monies have been spent, yet not much has resulted. Building permits are not in place, control of the lot is currently tenuous, and deadlines have expired.*

**CNHA Response:** The total grant award to KCC as the grant recipient is \$787,728. CNHA is the grant sub-recipient to achieve all of the deliverables approved in the grant by HUD which includes the building of the KCEC, is \$680,000. CNHA has completed all of the deliverables on time and within budget, and has a remaining grant balance of \$444,619 to construct the 2,000 square foot KCEC facility and once completed, to deliver the KCEC project training services laid out in our grant. To date, CNHA has brought \$52,924 to the project, and anticipates a total leverage of at least \$90,000 by the end of the project period, not including the staffing costs to continue to implement the project over the no-cost extension period.

Contrary to the petitioner's statement that "control of the lot is currently tenuous", site control is well in hand. As stated previously, the Hawaiian Homes Commission and DHHL have taken formal action to dedicate the site for the project. During 2011, CNHA initiated and completed an EA and the Archaeological Assessment Survey (AAS), both of which are in draft form awaiting formal approval through their respective processes. DHHL has issued its preliminary approval of the EA, which has now been submitted to the State Office of Environmental Quality Control, to satisfy the 30-day public comment period requirement.

In addition, CNHA delayed the project construction to be responsive to community recommendations that an AAS be completed to ensure that cultural and burial remains are not an issue. The time taken was well spent, and the result of the AAS is that cultural deposits are not located on the project site, but rather to the south of the location.

And finally, building permits are not on the schedule to be obtained until after we complete the planned engagements with students of KCC on the site plan, as well as to finalize the floor plans which is scheduled for the end of January 2012.

In summary, the project has been well managed fiscally, and its timeline adjusted to meet regulatory requirements, as well as cultural priorities.

5. **Petitioners Statement:** *The proposed building is small for its intended purpose as a training center, though the floor plan includes office space dedicated to CNHA operations and its leaders. The project architect stated to concerned residents that he was contacted only two weeks ago to provide a design for the building.*

**CNHA Response:** The KCEC plan is entirely sufficient for the purposes of the project and for the size of the community. In response to the architect schedule, CNHA's relationship with Marc Ventura AIA, LLC began during proposal development stages in 2008. On January 25, 2010, his firm completed the KCEC Site Investigation Report, stating that Lot 51 would be suitable for the proposed building design and construction. Design work was halted due to the discussion of burial remains on Lot 51 during 2010. The results of the Draft AAS triggered the execution of a formal contract with Marc Ventura AIA, LLC. to conduct architectural design and construction management services.

6. **Petitioners Statement:** *The proposed site is a drainage ditch that was not able to be developed in the past by Department of Hawaiian Home Lands due at least in part to inadequate wastewater capacity.*

**CNHA Response:** The proposed site, Lot 51, was originally designated for use as a Detention Basin by DHHL, which was subsequently determined to be unnecessary. The site is bounded on the north by Ulili Street, on the South and west by vacant undeveloped land, and on the east by residential lots. A large drainage structure surrounds the property on the east, south, and west. This is documented by the Draft Environmental Assessment for the Kekaha Community Enterprise Center (dated December 2011) and by the DHHL Environmental Assessment for the Kekaha Residence Lots (dated April 2003).

7. **Petitioners Statement:** *There are iwi, or ancestor's remains, on the building site. The presence of iwi makes this site vulnerable to challenge for any proposed development. A video was made by DHHL, again then under the direction of Micah Kane, of a family member regarding such iwi on the property. Furthermore, no contact was made to the burial historical for this area, Kunane Aipolani, as a consultant when the archaeological survey was being conducted by a non-Kauai resident. Nor were the results of the study provided to the families or the residents.*

**CNHA Response:** Through excellent community engagement throughout the implementation of this project, CNHA received information of the potential of iwi on the site in 2010. To be responsive and to ensure maximum mitigation, CNHA halted the construction planning aspect of the project, to take the time and resource to conduct an AAS, recently completed November 2011.

As soon as the draft AAS was completed in November 2011, CNHA scheduled a community meeting on November 29<sup>th</sup> to share the results, with the consultant on hand at the meeting. The draft report confirms that cultural remains are not located on Lot 51. CNHA also was responsive to the Kekaha Hawaiian Homestead Association (KHHA) Board of Directors, which invited us to present project information at their members meeting on December 20, 2011. We did so, and distributed 75 copies of the AAS to KHHA, including copies hand-delivered to Mrs. Ruth Potts and Mr. Joseph Nakaahiki.

- 8. Petitioners Statement:** *Hawaiian home rule principles stress the importance of grassroots leadership by local homestead associations to serve its local beneficiaries. The Kekaha community, including the wider non-Hawaiian beneficiary community, feels strongly that if a Hawaiian-run training center is constructed in Kekaha, that it be run and owned by our beneficiary organization, not an organization principally run by residents based in Anahola, which is on the other side of our island. It is an aggressive act from a Hawaiian standpoint. Identical projects can be run, owned, and supported through local Kekaha efforts.*

**CNHA Response:** The petitioner's statement about CNHA is incorrect. CNHA is a beneficiary-serving organization incorporated in 2001, dedicated to enhance the cultural, economic and community development of Native Hawaiians. Our headquarters is located in Honolulu, and we have offices located throughout the State of Hawaii. Three of our five offices are located in Hawaiian Home Land homestead communities on Kauai, Maui and Hawaii Island. The Kekaha facility will be the 4<sup>th</sup> office inside a homestead community.

CNHA and its 100% Native Hawaiian Board of Directors, developed the KCEC in partnership with KCC, dedicating CNHA resources, its capacity, its credibility with partners, and financial capacity to successfully accomplish the KCEC. As a result, the Hawaiian Homes Commission and DHHL which governs and administers the Hawaiian Home Lands, approved CNHA to receive land for the project based on its capacity, past performance, fiscal strength, beneficiary status, and expertise in homestead areas.

Although the petitioners may not be aware, it is quite common for Native Hawaiian organizations, like CNHA, including organizations such as Native Hawaiian Charter Schools and social service nonprofits, to receive land awards from DHHL to build and operate community facilities in homestead areas. These decisions are based primarily on the needs of the homestead, and the capacity and expertise of the organization developing and operating the facilities.

Finally, CNHA has 15 full-time, local resident employees across the state. Three of four of our senior managers are homesteaders from three different homestead areas, and 80% of our 15 employees are indigenous peoples from Hawaii and the Pacific region. Similar to our offices on Kauai, Maui and Hawaii Island, we anticipate that we will hire staff or partner with volunteers for the KCEC in Kekaha that will be from the West Kauai community.

- 9. Petitioners Statement:** *While many venues for meeting and training are readily available in our town, it is the actual training that is of utmost value to our residents. Training does not require the building of a structure in Kekaha, since there is an abundance of meeting and training space in our area.*

**CNHA Response:** There are no facilities for community meetings and trainings inside the Kekaha homestead, on Hawaiian Home Lands, operated by and for community. This project is a community facility that will serve Kekaha for generations to come.

**10. Petitioners Statement:** *Finally, this community has tried to make its voice heard, but have been threatened with "either this or nothing," and made to feel like their voices and opinions were of no significance.*

**CNHA Response:** CNHA has conducted itself in a transparent manner and has performed above and beyond to outreach, to include and to welcome community input over the three-year history of the KCEC project. The petitioners have only in recent months decided to avail themselves of that access. CNHA has made sure that in the production of the EA, every concern and input received is documented and included. Furthermore, CNHA has consistently adjusted the project over the three-year period to be responsive to community input.

This opposition petition was dated just nine days following the November 29<sup>th</sup> meeting, and it was mailed to a number of entities including KCC, DHHL and HUD, but not CNHA. We received a full copy of the petition from KCC. In fact, Kekaha community members of the KHHA Board had not received a copy of the petition either, until CNHA distributed it on December 29<sup>th</sup>, even though the President of the KHHA Board of Directors signed it and helped to circulate it. Although this reality created a challenge to address the concerns of the petitioners more directly, we appreciate the opportunity to now address them to KCC with the well-being of our community and project in mind.

**11. Petitioners Statement:** *Recommend that the remaining funds for the grant be returned, as is customary for grant projects facing such circumstances. Alternatively, if the principle grantee, Kauai Community College, would like to work directly with the Kekaha community on the establishment of a learning site in our town with the remaining funds, to be run and owned by our local beneficiary association, our residents would gladly welcome the opportunity to discuss this further with the college.*

**CNHA Response:** CNHA applied for the KCEC project to KCC and was awarded a sub-recipient grant to accomplish the KCEC. CNHA applied and received approval from DHHL and the Hawaiian Homes Commission for the land for the project. Both of these actions are based on the original grant proposal to HUD, and based upon the capacity and fiscal strength of CNHA, as well as its past performance. CNHA, as a sub-recipient grantee, and the licensee of the lands from DHHL, we remain committed to this project, to our community, in particular to the needs of the Kekaha homestead which is well within our service area and mission.

CNHA and its board of directors will continue to work to complete the KCEC, as has been supported by the majority of the community, unless HUD or KCC cancels the project and requires the return of the remaining balance of \$444,619, as well as the return of the required matching resources.

Since the award of HUD Grant No. AHIA-08-HI-05 to build the KCEC in 2008, CNHA and all of its community partners and stakeholders have diligently and successfully implemented the deliverables of the project. Although we are disappointed by the inaccuracies of the petitioners statements, we remain

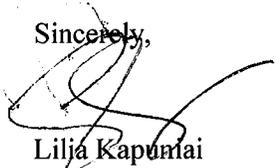
CNHA Letter to KCC re: 12/8/11 Community Opposition Position

January 12, 2012

Page 6 of 7

committed and positively energized to successfully complete the KCEC to benefit KCC, its students, and our local community.

Sincerely,



Lilija Kapunai  
CNHA Vice President and Community Services Manager

Enclosure: KHHA Petition in Support of KCEC

cc: Alapaki Nahale-a, Chairman, Department of Hawaiian Home Lands  
Alvin Parker, Chairman, CNHA Board of Directors  
Robin Puanani Danner, CNHA President/CEO  
Lorraine Rapozo, Mokupuni of Kauai Homestead Associations President & Board of Directors  
Van Kawai Warren, Kekaha Hawaiian Homes Association & Board of Directors  
CNHA KCEC Project Working Group Members

**Kekaha Hawaiian Homes Association**

We, the undersigned, support the building of the Enterprise Center proposed by the Council for Native Hawaiian Advancement (CNHA) in the Kekaha Gardens Hawaiian Homestead Neighborhood Lot 51 as an effort towards bettering and improving our neighborhood and surrounding area:

Name (Print)	Signature	Date
Lei Nakagiese		01/01/2012
DONI KAHALE		01/01/2012
LU Koerte		01/01/2012
Momi Nihou Schmidt	Momi Nihou Schmidt	01/01/2012
LEON Nihou Schmidt	Leon Nihou Schmidt	01/01/2012
MICHAEL E. KOERTE		1/01/2012
i eila Kamakaha		1/02/2012
Maile Mox		1/2/12
BERT KAHALE BERTK.		1/3/12
Rosemary VAIVAO		1/3/12
Johnny VAIVAO		1/3/12
Euntha VAIVAO		1/3/12
Maureen VAIVAO		1/3/12
Thomas VAIVAO		1/3/12
Cheryl Lou Morimoto		1/4/12
Jolly Mahala		1/4/12
Melanie KANEAPUA		1.4.12
Jamie Koerte		1/4/12
Michelle KOERTE		1/4/12
NANI NAEPHO		1/6/12
ANITA APPEGATE		1/11/12
PAUL APPEGATE		1/11/12
Chanin TAVITA		1/11/12
Loida Lazaro		01/11/12
Sharlene Morimoto		1-11-12
Roy Borja		1-11-12
JOANNE Borja		1-11-12
SHARON NOLAKA		1-11-12
Sharon Kai		1-11-12

**Kekaha Hawaiian Homes Association**

We, the undersigned, support the building of the Enterprise Center proposed by the Council for Native Hawaiian Advancement (CNHA) in the Kekaha Gardens Hawaiian Homestead Neighborhood Lot 51 as an effort towards bettering and improving our neighborhood and surrounding area:

Name (Print)	Signature	Date
Lutabelle H. Kelley		01/04/12
Helga Ishida		01/05/12
Quenee HAKAAMIKI		1/5/12
Jacqueline Matsumura		1/5/12
Teke Freitag		1/5/12
Joanne Pangaro		1/5/12
Shirley Lynn		1/5/12
Lisa Davalos		1/5/12
Paul Williams		1/5/12
VANESSA AKANA		01-05-12
Makame Ayan		01-05-12
Jonathan Flores		1-5-12
TENE AKANA		1-6-12
Darlene Muiakua		1-6-12
Karen Dickinson		1-6-12
MaLynn Jardin		1-6-12
Ned Perera		1-6-12
Yosabel Yong		1-6-12
NEVIN HOYT		1-9-12
MARK UHINDY		1-11-12
Tina Legaspi		1-11-12
Jayne Muanapa Perera		1/11/2012
Gerda Higazaki		1/11/2012
Sandi Artano		1/11/2012
Andrea Franco		1/11/12
Angela		1/11/12
Blair		1/11/12
Linda Vachon		1/11/12
Cynthia Kagawa		1/11/12

Kekaha Hawaiian Homes Association

We, the undersigned, support the building of the Enterprise Center proposed by the Council for Native Hawaiian Advancement (CNHA) in the Kekaha Gardens Hawaiian Homestead Neighborhood Lot 51 as an effort towards bettering and improving our neighborhood and surrounding area:

Name (Print)	Signature	Date
CAROLINE KANAHELE	Caroline Kanahale	12/29/11
Vigilant KANAHELE	Vigilant Kanahale	12/29/11
Gladys Kahale	gladys Kahale	12/29/11
Hookipa Kanahale	HOOKIPA KANAHELE	12/29/11
* Sylvia Nakaahiki	Sylvia R. Nakaahiki	12/29/11
* Emalia Kanahale	Emalia Kanahale	12/29/11
Bethyler Kanahale	Bethyler Kanahale	12/29/11
Luchino Bustillos	<del>Luchino Bustillos</del>	
Rebecca Nihar Yong	<del>Rebecca Nihar Yong</del>	12/29/11
Grace Kauhelauii	Grace N. Kale	12/29/11
William K. Nizo	William K. Nizo	12/29/11
Faiah Holoakali - Nizo	Faiah K. Holoakali - Nizo	12/29/11
Lotuvala Bustillos	<del>Lotuvala Bustillos</del>	12/29/11
Donna-May Kanahale	<del>Donna-May Kanahale</del>	12/29/11
Wesley Kanahale	Wesley Kanahale	12/29/11
Amy Kahale	Amy Kahale	12/29/11
Ricky Kahale	Ricky Kahale	12/29/11
Lisa Kanahale	<del>Lisa Kanahale</del>	12/29/11
Conna Shimazu	C. Shimazu	12.29.11
CHARLES KALLOA	Charles Kalloa	12/29/11
Dorothy Kalloa	Dorothy Kalloa	12/29/2011
Sharon Kanahale	Sharon Kanahale	12/29/11
Ledie Kanahale	Ledie Kanahale	12/29/11
24 Ruth Kauhelauii	<del>Ruth Kauhelauii</del>	0110112

**Kekaha Hawaiian Homes Association**

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Name (Print)	Signature	Date
Lalabelle H. Kelley		01/04/12
Helga Ichida		01/05/12
QUEENE HAKAHIKI		1/5/12
Jacqueline Matsumura		1/5/12
Teei Freitag		1/5/12
Joanne Parnigas		1/5/12
Shurley Lynn		1/5/12
LISA DAVALOS		1/5/12
Paul Williams		1/5/12
VANESSA AKANA		01.05.12
Makanae Ayan		01.05.12
Jonathan Flores		1.5.12
TENE AKANA		1-6-12
Dorlene Mulaipai		1-6-12
Karen Dickinson		1-6-12
Mae Lynn Jardin		1-6-12
Mik Perera		1-6-12
YOSABEL YONG		1-6-12
NEVIN HOYT		1-9-12
MIMI UHIDAY		1-10-12
L. KAPUNU		1/10/12
KARE BLAS		1/10/12
Elijah Kane		1-10-12
Hualani Duncan		10 Jan 12
DAVID DUNCAN		1-10-12
Kane Toralde		1-10-12
Chree Rapozo		1.10.12
STEPHEN L. SPEARS		1/10/12
Johnny K. Kanahole Sr		



NORTH SHORE CONSULTANTS, LLC

February 3, 2012

Ms Ruth Potts  
PO Box 307  
Kaunakani, Hawaii 96747

Mr. Joseph Nakaahiki  
PO Box 1078  
Kekaha, Hawaii 96752

Draft Environmental Assessment Kekaha Community Enterprise Center  
Lot 51, Kekaha Gardens Subdivision

Dear Ms. Potts and Mr. Nakaahiki:

North Shore Consultants is preparing an Environmental Assessment for the above referenced project. The Draft EA has been published and is now available for your review. I have enclosed a copy for your use. It can also be found on the internet at:

[http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Kauai/2010s/2012-01-23-DEA-Kekaha-Community-Enterprise-Center.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Kauai/2010s/2012-01-23-DEA-Kekaha-Community-Enterprise-Center.pdf)

Your letters and petition on the subject have found their way to me through the project proponent The Council for Native Hawaiian Advancement (CNHA). I have just now received these because they were not addressed or copied to CNHA. The majority of your concerns seem to be directed at the contract management by CNHA, which are beyond the scope of an Environmental Assessment.

Native Hawaiian Burials or other cultural artifacts are within our scope and are discussed in the Draft EA Section 2.7. The two professional archaeologists conducted surveys in accordance with standard practices for their industry and did not find evidence of *iwi* or other cultural artifacts. Due to the level of concern expressed during this planning period an archaeologist will be present to monitor the site during construction and excavation. Section 2.7 recommends a mitigation procedure if artifacts are discovered.

The comment period for this document is now open and will remain open until February 22, 2012. I value your participation in the Environmental Assessment process. Please mail or email any comments on potential environmental impacts to me prior to the closing date.

Thank You,



**NORTH SHORE CONSULTANTS, LLC**

David M. Robichaux, Principal

P.O. Box 790  
Hale'iwa, Hawai'i 96712  
robichaud001@hawaii.rr.com

Telephone: 808.637.8030  
Telephone: 808.368.5352

**APPENDIX D**

**Environmental Report of the Project**

**Prepared by**

**The U.S. Department of Housing and Urban Development**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-6000

OFFICE OF POLICY DEVELOPMENT  
AND RESEARCH

June 29, 2011

Ms. Helen A. Cox  
Chancellor  
Kauai Community College  
3-1901 Kaumuali'i Highway  
Lihu'e, HI 96766-9591

Dear Ms. Cox:

SUBJECT: Alaska Native/Native Hawaiian Institutions Assisting Communities Program  
Grant Number AHLAC-08-HI-05  
Removal of Environmental Conditions

This letter is to advise you that an Environmental Assessment as been completed for your *Kekaha Commercial Enterprise Center* project to be undertaken with funds from the subject grant. Based on the results of this review, the Department of Housing and Urban Development has made a *Finding of No Significant Impact* for the planned activities pursuant to the regulations at 24 CFR 50.33. Enclosed is a copy of form HUD-4128, Environmental Assessment, documenting compliance with the federal laws and authorities at 24 CFR 50.4 and other applicable program factors.

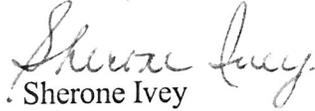
Please note the special conditions listed in section 11 on page 1 of form HUD-4128 and summarized below:

1. Implement best management practices during the construction phase of the project to minimize impacts from increased noise, fugitive dust, and emissions from construction equipment.
2. Project must comply with the County of Kauai Department of Public Works drainage standards.
3. If cultural resources are uncovered during construction, work must stop and an archeologist will be provided sufficient time to evaluate the site and carry out mitigation as needed.
4. Wastewater system must comply with local requirements and State of Hawaii Department of Health Administrative rules.
5. Erect perimeter fence along the adjacent drainage ditches to prevent unsafe access by users of the facility.

You may proceed to obligate and expend grant funds in the amount of \$794,728 on the planned construction activities subject to the terms and conditions of your grant agreement. Should you decide to modify or increase the scope of activities under this grant, please submit a description of the changes prior to incurring any costs. If necessary, the environmental review will be updated to reflect the new scope of work.

We look forward to working with you to achieve the objectives in your grant proposal. If you have any questions, please contact me at (202) 402-4200 or by e-mail at [sherone.e.ivey@hud.gov](mailto:sherone.e.ivey@hud.gov).

Sincerely,

A handwritten signature in cursive script that reads "Sherone Ivey".

Sherone Ivey  
Deputy Assistant Secretary  
Office of University Partnerships

Enclosure

# Environmental Assessment and Compliance Findings for the Related Laws

U.S. Department of Housing and Urban Development

1. Project Number: **AHIAC-08-HI-05**  
 HUD Program: **Alaska Native/Native Hawaiian Institutions Assisting Communities**  
 2. Date Received: **04/14/10**

RMS: HI-00487R

**Findings and Recommendations** are to be prepared **after** the environmental analysis is completed. Complete items 1 through 15 as appropriate for all projects. For projects requiring an environmental assessment, also complete Parts A and B. For projects categorically excluded under 24 CFR 50.20, complete Part A. Attach notes and source documentation that support the findings.

3. Project Name and Location: (Street, City, County, State) <b>Kekaha Commercial Enterprise Center 7680 Ulili Road Kekaha, Kauai, HI 96752</b>		4. Applicant Name and Address (Street, City, State, Zip Code), and Phone <b>University of Hawaii – Kauai Community College 2530 Dole Street, Sakamaki Hall, D-200 Honolulu, HI 96822</b>	
5. <input type="checkbox"/> Multifamily <input type="checkbox"/> Elderly <input checked="" type="checkbox"/> Other <b>Public facility (Community Enterprise Center)</b>	6. Number of: <b>0</b> Dwelling Units <b>1</b> Building <b>1</b> Story <b>1</b> Acre	7. Displacement: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>Site is vacant and has never been developed.</b>	

8. <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Other  <b>Construct a multipurpose community center (1,100 sq. f.) to provide training and counseling programs, primarily to low-income Native Hawaiians.</b>	10. Planning Findings: Is the project in compliance or conformance with the following plans? Local Zoning: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable Coastal Zone: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable Air Quality (SIP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <b>Parcel is zoned "Residential R-6 District." Per letter dated 6/23/11, DHHL agreed to waive the zoning restrictions to allow the facility to be built (letter in Tab B). Project site is outside of Special Management Area boundary (map in Tab C). All of Hawaii is an attainment area for air quality.</b>  Are there any unresolved conflicts concerning the use of the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Has an environmental report (federal, state, or local) been used in completing this form? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <b>Environmental Assessment and corresponding Environmental Review Record dated April 2003 prepared by DHHL to develop Kekaha Residence Lots (resource center will be built on lot 51).</b>	

11. Environmental Finding: (check one)

Categorical exclusion is made in accordance with § 50.20 or

Environmental Assessment and a **Finding of No Significant Impact (FONSI)** is made in accordance with § 50.33 or

Environmental Assessment and a **Finding of Significant Impact** is made, and an Environmental Impact Statement is required in accordance with §§ 50.33(d) and 50.41.

Project is recommended for approval (List any conditions and requirements):  Project is recommended for rejection (State reasons):

1. Implement best management practices during the construction phase of the project to minimize impacts from increased noise, fugitive dust, and emissions from construction equipment.
2. Project must comply with the County of Kauai Department of Public Works drainage standards.
3. If cultural resources are uncovered during construction, work must stop and an archeologist will be provided sufficient time to evaluate the site and carry out mitigation as needed.
4. Wastewater system must comply with local requirements and State of Hawaii Department of Health Administrative rules.
5. Erect perimeter fence along the adjacent drainage ditches to prevent unsafe access by users of the facility.

12. Preparer: (signature) <b>Robert S. Kroll</b> <i>Robert S. Kroll</i>	Date: <b>6/28/11</b>	13. Supervisor: (signature)	Date:
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14. Comments by Environmental Clearance Officer (ECO): (required for projects over 200 lots/units)

15. HUD Approving Official: <b>Sherone Ivey, Deputy Assistant Secretary, Office of University Partnerships</b> <i>Sherone Ivey</i>	<b>6/29/11</b>
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## Part A. Compliance Findings for §50.4 Related Laws and Authorities

§50.4 Laws and Authorities	Project is in Compliance		Source Documentation and Requirements for Approval
	Yes	No	
16. Coastal Barrier Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no Coastal Barrier Zones off the coast of Hawaii. <b>Ref:</b> <a href="http://www.fws.gov/habitatconservation/coastal_barrier.htm">www.fws.gov/habitatconservation/coastal_barrier.htm</a>
17. Floodplain Management (24 CFR Part 55)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The property is designated as Flood Zone X per FIRM Community Panel Number 150002 0152 D dated 9/30/95. No special mitigation is required. <b>(See flood map in Tab C and section 2.5 of Kekaha EA dated April 2003 in Tab G)</b>
18. Historic Preservation (36 CFR Part 800)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Archeological survey report dated August 2003 disclosed no cultural resources in Kekaha subdivision. Letter dated 7/19/02 from State Historic Preservation Division states "no historic properties will be affected [because] residential development/urbanization has altered the land." <b>(See SHPO letter in Tab D and section 2.6 of Kekaha EA dated April 2003 in Tab G)</b>
19. Noise Abatement (24 CFR Part 51 Subpart B)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site is located in a rural area of Kauai and is not within 1,000 feet of a major roadway or 3,000 feet of a railroad. Route 50 is 700 feet from the site, but is a two-lane highway with limited traffic volume. The Pacific Missile Range facility is five miles northwest, but the 65 dBA noise contour for airport operations does not extend to the project site. Missile launches can increase the noise to between 82 dBA and 92 dBA, but they are infrequent (maximum of six per year). <b>(See Pacific Missile Range Facility Master Plan and EIS in Tab E)</b>
20. Hazardous Operations (24 CFR Part 51 Subpart C)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no above-ground storage tanks within line of site of the project. <b>Ref:</b> Field visit by B. Kroll on 6/10/10.
21. Airport Hazards (24 CFR Part 51 Subpart D)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Lihue Airport is located 24 miles from the project site. There is a military airport within the Pacific Missile Range Facility, approximately six miles northwest. The airfield Clear Zones, Accident Potential Zones, and Missile Danger Zone are either over open water or contained within the military base boundary. <b>(See Pacific Missile Range Facility Master Plan and EIS in Tab E)</b>
22. Protection of Wetlands (E.O. 11990)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No wetland areas are identified on the National Wetlands Inventory maps. Two drainage pumping stations, located north and south of the subdivision, are operated by the Kekaha Sugar Company to prevent the area from reverting to its former wetland status. Drainage ditches are on the makai and east sides of the site. Field visit by B. Kroll on 6/10/10 confirmed the lack of wetland areas on or adjacent to the site. <b>(See map in Tab F and section 2.5 of Kekaha EA dated April 2003 in Tab G)</b> <b>Ref:</b> <a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a>
23. Toxic Chemicals & Radioactive Materials (§50.3(i))	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Hazardous materials, contamination, toxic chemicals and gases, radioactive substances:</b> Per Phase I Environmental Site Assessment dated May 2002, no hazardous waste generators were within one mile of the property and no facilities that treat, store, or dispose of hazardous waste are within one-half mile of the property. <i>EnviroMapper</i> reveals one current EPA regulated hazardous waste handler (warehouse) approximately one mile from the site with no health or safety violations. <b>(See Phase I ESA in Tab G)</b> <b>Ref:</b> <a href="http://oaspub.epa.gov/enviro/fii_query_dtl_disp_program_facility">http://oaspub.epa.gov/enviro/fii_query_dtl_disp_program_facility</a> <b>Superfund:</b> EPA website at <a href="http://www.epa.gov">www.epa.gov</a> lists no superfund sites on the island of Kauai. <b>Previous use of site:</b> The site is vacant and was never previously developed. Surrounding area has used for agricultural activities and fugitive dumping in past decades. <b>(Section 2.5 of Phase 1 ESA in Tab G)</b> <b>Underground storage tank:</b> EDR database search found no LUST releases within one-half mile of the project site. <b>(Section 3.1.10 of Phase 1 ESA in Tab G)</b>
24. Other §50.4 authorities (e.g., endangered species, sole source aquifers, farmlands protection, flood, insurance, environmental justice)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Air Quality [Sections 176(c), (d), and 40 CFR 6.51.93]:</b> The entire state of Hawaii is an attainment area for all six federally regulated air pollutants, per Environmental Protection Agency website at <a href="http://www.epa.gov/air/data/repstst.html?st~HI~Hawaii">www.epa.gov/air/data/repstst.html?st~HI~Hawaii</a> . <b>Flood Insurance [§50.4(b)]:</b> Property is not in a floodplain and flood insurance is not required <b>(flood map in Tab C)</b> . <b>Endangered Species [§50.4(c)]:</b> Biological/botanical survey conducted in 1993 found vegetation to be dominated by alien species and site to be highly degraded. No flora or fauna were considered threatened or endangered. Survey concluded that it was <i>highly unlikely that additional survey work would uncover any rare or endangered species</i> . <b>(Section 2.5 of EA dated April 2003 and Botanical Survey dated 6/10/93 in Tab G)</b> <b>Sole Source Aquifers [§50.4(d)]:</b> EPA website indicates there are no Sole Source Aquifers on the island of Kauai. <b>(Map in Tab I)</b> <b>Ref:</b> <a href="http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_req9.pdf">http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_req9.pdf</a> Water service for the project will be provided by the County of Kauai utility authority. Sewer will be connected to a septic system constructed by permit pursuant to county health standards. <b>Wild and Scenic Rivers [§50.4(f)]:</b> The National Park Service website confirms there are no designated Wild and Scenic Rivers in Hawaii. <b>Ref:</b> <a href="http://www.rivers.gov">http://www.rivers.gov</a> <b>Environmental Justice [§50.4(I)]:</b> The project site does not suffer from disproportionately adverse environmental effects on

minority or low-income populations relative to the community-at-large.

**Farmlands Protection [50.4(i)]:**

The project site is not currently used for agricultural activities and has been designated for residential use; therefore, no agricultural lands will be withdrawn from production. In addition, per 10/8/02 conversation with USDA, no lands in the state of Hawaii fall under the Farmland Policy Protection Act. (See DHHL memo dated 10/8/02 in Tab J)

**Ref: Field visit by B. Kroll on 6/10/10.**

**Part B. Environmental/Program Factors**

Factors	Anticipated Impact/ Deficiencies			Source Documentation and Requirements for Approval
	None	Minor	Major	
25. Unique Natural Features and Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is set back 400 feet from Kaunualii Highway and does not interfere with the <i>makai</i> to <i>mauka</i> scenic view plane. Also, the Kakaha subdivision is buffered by native shrub. (Section 2.12 of the EA dated April 2003 found in Tab G)
26. Site Suitability, Access, and Compatibility with Surrounding Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is slightly elevated and surrounded by agricultural and residential properties. Project will duplicate the look and style of area single-family homes. Site and neighborhood have immediate all-weather access to Kaunualii Highway, the primary transportation corridor on the island of Kauai. (Pages 7 and 8 of DHHL EA dated 4/03 found in Tab G) <b>Ref: Field visit by B. Kroll on 6/10/10.</b>
27. Soil Stability, Erosion, and Drainage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The soils type is Jaucas loamy fine sand (JfB) and Dune Land (DL). Permeability is rapid and runoff is slow. Slopes are between 0% and 8%. Geotechnical investigation determined soils are suitable for construction with either on-grade slabs or on-post and beam foundations. Drainage plan must ensure positive runoff due to soils conditions. (Sections 2.2 and 2.3 of DHHL EA dated 4/03 found in Tab G)
28. Nuisances and Hazards (natural and built)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site debris from illegal dumping was noted in the April 2003 EA. Field visit by B. Kroll on 6/10/10 confirmed these hazards had been removed. Perimeter fence should be erected along the drainage ditches to prevent unsafe access by users of the facility. (Photos in Tab A)
29. Water Supply/Sanitary Sewers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project will be served by a municipal water system operated by the County of Kauai. Sewer will be connected to a septic system constructed by permit pursuant to county health standards. <b>Ref: Field visit by B. Kroll on 6/10/10.</b>
30. Solid Waste Disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid waste will be collected at least weekly by the County of Kauai. <b>Ref: Field visit by B. Kroll on 6/10/10.</b>
31. Schools, Parks, Recreation, and Social Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project does not involve housing; however, site is within the Kekaha subdivision and is served by local public schools, parks, and social service providers, all within a five mile radius. (Section 1.6 of DHHL EA dated 4/03 found in Tab G) <b>Ref: Field visit by B. Kroll on 6/10/10.</b>
32. Emergency Health Care, Fire and Police Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Waimea Fire Station, Waimea Police Sub-station, and West Kauai Medical Center are located within 4 miles of the site. (Section 1.6 of DHHL EA dated 4/03 found in Tab G) <b>Ref: Field visit by B. Kroll on 6/10/10.</b>
33. Commercial/Retail and Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is served by a public bus system and is located in the largest urban area on Maui. A wide variety of commercial and retail facilities are located within the vicinity of the project. (Transportation Plan dated May 1997 in Tab K)
34. Coastal Zone Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project site is outside of Special Management Area boundary; therefore, no SMA permit is required. (Map in Tab C).

## PROJECT DESCRIPTION

**Project Name:** Kekaha Community Enterprise Center

**Street Address:** 7680 Ulili Road

**City, State:** Kekaha, Kauai County, Hawaii

**Program Name:** Alaska Native/Native Hawaiian Institutions Assisting Communities

**Grant Amount:** \$794,728

The project is the new construction of a 1,100 sq. ft. community enterprise center to be located in the Hawaiian home lands community of Kekaha on the Island of Kauai. Facility components include a general purpose classroom with built-in storage space and shelving, two offices with built-in cabinets, desks, and bookshelves, two restrooms, and a wrap-around lanai. The center will provide various training and counseling programs, primarily to low-income Native Hawaiians. (Map and site photos in Tab A)

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**APPENDIX E**

**State Historic Preservation Division Letter**

**2003**



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
KAKULIHEWA BUILDING, ROOM 555  
801 KAMOKILA BOULEVARD  
KAPOLEI, HAWAII 96707

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

DEPUTY  
ERNEST Y. W. LAU

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
CONVEYANCES  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND  
STATE PARKS

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

2

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 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) 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 Kaua'i, at 742-7033.

Aloha,

*P. Holly McElDowney*

P. HOLLY McELDOWNEY, Acting Administrator  
State Historic Preservation Division

NM:ak

**APPENDIX F**

**DHHL Letter on Zoning**

**June 23, 2011**

NEIL ABERCROMBIE  
GOVERNOR  
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
  
ROBERT J. HALL  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879  
HONOLULU, HAWAII 96805

June 23, 2011

Ms. Lilia Kapuniaia  
VP & Community Services Manager  
Council for Native Hawaiian Advancement  
Native Hawaiian Economic Alliance  
1050 Queen Street, Suite 200  
Honolulu, HI 96813

Aloha Lilia:

The Department of Hawaiian Home Lands (DHHL) supports the funding request to HUD by The Council for Native Hawaiian Advancement (CNHA), a Native Hawaiian beneficiary serving organization, to construct a modest community facility in the Kekaha homestead on the island of Kauai.

The Hawaiian Homes Commission, at its regular monthly meeting of April 19, 2011, granted a preliminary approval to CNHA to develop the proposed community facility project on Lot 51 in Kekaha (TMK No. (4)1-2-017:051) subject to certain terms and conditions.

DHHL realized that the current zoning classification of Residential will not be appropriate for the proposed community facility project and agreed to waive the Residential zoning for the purpose of completing the Environmental Review.

Should you need additional information, please contact Kaipo Duncan, at 808.620.9458.

Me ke aloha,

A handwritten signature in black ink, appearing to read "Linda Chinn".

Linda Chinn, Administrator  
Land Management Division