

August 2, 2019

Hawai'i State Land Use Commission
P. O. Box 2359
Honolulu, HI 96804-2359

[Email: dbedt.luc.web@hawaii.gov]

RE: Inadequate FEIS for Kealia Mauka Homesites Residential Subdivision & Petition for District Boundary Amendment for 53.4-acres, TMK (4)4-7-004 por. 001

Aloha Commissioners:

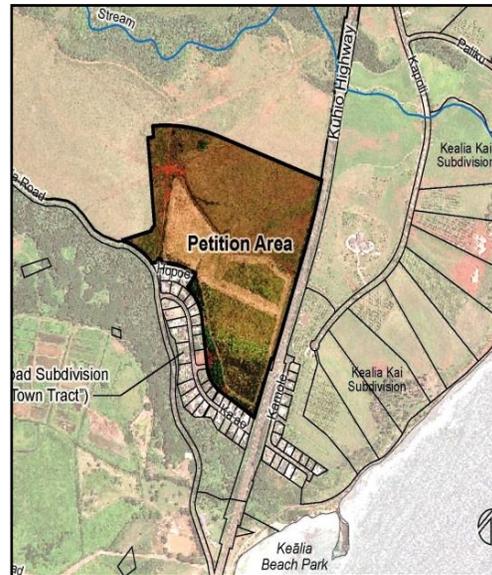
The Wailua-Kapa'a Neighborhood Association (W-KNA) strongly urges that you reject the FEIS. The FEIS contains incomplete information, inaccurate conclusions, and there are significant impacts to Kealia residents and the broader community.

False Representation of Petition Area

First and foremost, the 53.4 acre petition area is far greater in size than the growth boundaries shown for Kealia in the 1982 and the 2018 General Plan Land Use Maps. Details of those maps are presented below -- both show the Kealia area extending eastward towards Kuhio Highway. The distinct boundaries in these General Plans do not encompass land north of Hopoe Road.



Detail from General Plan 2018, Figure 5-1
Kaua'i Land Use Map for East Kaua'i with
Kealia designated as "Residential
Community". [Full map on last page.]

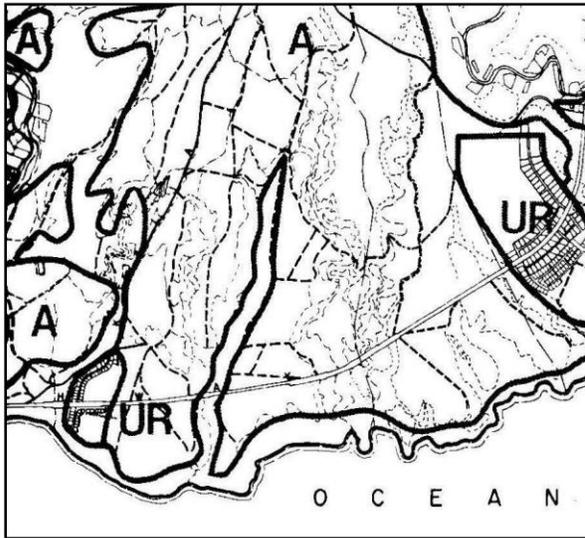


Detail from Project Vicinity Map.

Claims in the FEIS that the 53.4 acres is designated for "Residential Community" use by current and past General Plan is false. The GP land use map boundaries delineate a much smaller portion of "Urban Residential" land -- perhaps only one-third of the 53.4 acre petition area. This significant discrepancy is clearly visible when comparing these illustrations side by side.

Serving Residents of the Kawaihau District
"We treasure our rural community"

340 Aina Uka Street, Kapa'a, Hawai'i 96746 • 821-2837



Detail from 1982 General Plan Kapaa-Wailua Land Use Map. In lower left corner, Kealia is designated Urban Residential (UR). See full map on last page.



1982 area photo detail from Cultural Surveys Hawaii report showing residential homes on Ka'ao & Hōpoe Roads and the proposed petition area which is 3x greater in size than the Urban Residential designation in the 1982 and 2018 Kauai General Plans.

The Project is Inconsistent with Current & Past General Plan Recommendations

The “interpretation” that Kealia was earmarked for greater residential community development in previous General Plans is a misrepresentation as it pertains to this petition area since the 53.4 acres is about 3x the size of the Urban Residential designation in the 1982 and 2018 General Plans.

The 2018 General Plan has no references or narrative about expanding density adjacent to Kealia Town Tract (which is comprised of just 38 homes). The General Plan called for new growth “in and around” the Waipouli-Kapa‘a urban center and DHHL lands in Anahola – not in rural Kealia. The Plan clearly states: “Residential expansion in outlying areas designated Agriculture is specifically discouraged.” (Section 6.2.4.2, pages 6-14.)

In addition, during the past decade there was an 8-year effort to produce an *East Kaua‘i Development Plan 2030* intended to finally replace the *1972 Kapa‘a-Wailua Development Plan*. I served on that Citizen Advisory Committee for eight years and there were no recommendations to upzone these Kealia Ag District lands for urban district housing. Although the final draft plan never reached the Council for adoption, it did contain Growth Policies for East Kauai that “**discouraged the expansion of urban development in agricultural-zoned areas.**”

FEIS Appendix A

The assertion in Appendix A that residential expansion mauka is “spacially” consistent for the past 35-years is misleading because both the 1982 and the 2018 General Plan land use maps clearly show a residential growth boundary 3-times smaller in size than the proposed petition area. The map illustrations provided herein, give Commissioners a visual aid to assess whether the “interpretation” is valid.

The General Plan citations below also help substantiate the inaccurate interpretation of Appendix A as applied to the petition area.

PRELIMINARY TEN-YEAR GROWTH ALLOCATIONS BY COMMUNITY

Community Area	Allocations			
	Based on Current Infrastructure*		Based on Improved Infrastructure	
	Residential Units	Resort Units	Residential Units	Resort Units
Haena-Wainiha	50	0	100	0
Hanalei	50	0	100	0
Princeville	1,000	700	1,000	700
Kilauea	60	0	200	0
Anahola	125	0	225	0
Kapaa	160	0	800	0
Wailua	350	400	675	740
Hanamaulu	10	0	175	0
Lihue	150	0	600	100
Puhi	10	0	800	0
Koloa	150	0	500	0
Poipu	100	0	1,300	150
Kakaiaula	10	0	25	0
Omao	75	0	75	0
Lawai	60	0	100	0
Kalaheo	220	0	500	0
Port Allen	10	0	100	100
Hanapepe- Eleele	75	0	600	0
Waimea	110	0	470	100
Kekaha	20	0	300	0
Total	2,795	1,100	8,645	1,890

* Without infrastructure improvements, these allocations are the preliminary total recommended for the future.

In Chapter 3 (page 26) of the **1982 General Plan** titled “Growth & Resource Management Parameters” there is a “**Ten-Year Growth Allocations by Community**” chart in which Kealia is omitted from the list of 20 communities.

Interestingly, the 1982 GP (page 31) recommended that “long range planning maps be presented annually to the public for review for the county to control the location of future growth.”!

Urban Sprawl

Increasing density in this rural community miles away from the Kapa‘a town core would be considered

sprawl. Since the County has not kept up with needed infrastructure improvements, it is crucial now to regulate the pace of development in the East Kauai corridor. Although the need for affordable housing is very real, the location of development, the timing of development and the amount of development for this project are all inappropriate.

Violation of HRS 343 and HAR 11-200 for Failure to Have Presented Alternatives in the FEIS

HAR §11-200-9(c) provides, "For agency or applicant actions, the proposing agency or the approving agency, as appropriate, shall analyze alternatives, in addition to the proposed action in the environmental assessment."

The FEIS failed to provide and analyze alternative density proposals that would have less impact on Kealia residents and the broader community. The current proposal has been referred to by some residents as “ghetto” lots.

The FEIS indicated the purpose and need for the project was to increase housing, but did not provide alternatives with reduced density to be more consistent with Kealia’s rural ambiance and community character. Lot sizes similar to those in the adjacent Kealia Town Tract (7 to 9,000 sf. instead of 5 to 7,000 sf.) would provide reasonable R-6 alternatives.

Lack of Transparency

From the outset of this project, there was no buy-in from the residents of historic Kealia Town Tract. From 2016 until December 2017 community dialogue was little to none.

Between 2016 and 2018 when the County was negotiating with Kealia Mauka Homesites, the General Plan Update was underway. However, the Kealia project was never mentioned at the G.P. public presentations or during County Council hearings. The fact that Kealia Mauka was omitted from the General Plan, demonstrates an unconscionable lack of transparency.

Lack of Consultation with Kealia Community

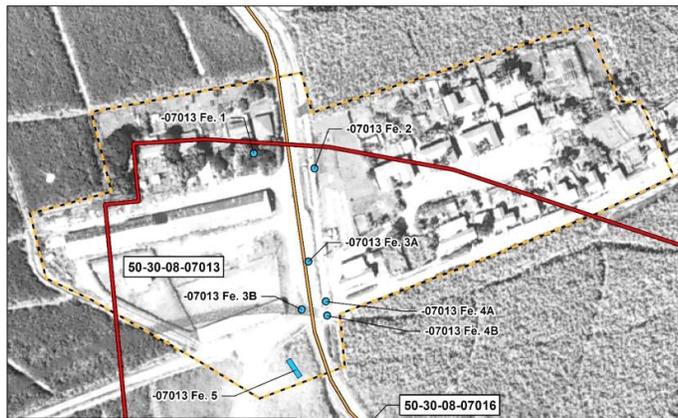
This FEIS failed to fulfil the “intent of the law” which is to inform citizens in a way and at a time and place so that they have access to the facts of the situation necessary to make their opinion of an impending action known to the public agency involved.

From 2016 until December 2017 outreach to the residents of historic Kealia Town Tract was little to none. Since the applicant choose NOT to hold a scoping meeting and an EA was not prepared prior to the EISPN, resident input was severely limited.

When the EISPN deadline for comments was approaching, Kealia residents finally received a preliminary letter (December 6, 2017) providing a link to the Prep Notice. There were no community meetings before or after the EISPN other than the opportunity that our Wailua-Kapa‘a Neighborhood Association provided to fill that void. We hosted a public meeting on April 19, 2018 featuring the project representatives and of the 36 attendees (excluding the realtors), nearly all of the comments about the proposed action were unfavorable.

FEIS Omitted Soil Contamination Testing

Chemical contaminants from sugar plantation operations in the Kumukumu Camp area are expected according to the FEIS. This 1950 aerial photo clearly illustrates the pesticide/herbicide storage buildings in the upper left portion of the petition area.



The FEIS failed to include any soil testing reports and claims instead that testing will be postponed until there is “ground disturbing activity on the site.” The question is: why wait?

We ask Commissioners to require residual soil contamination testing at this time so that results can be included in the FEIS.

Potable Water Issues

After Kealia Water Company Holdings, LLC installed the water system to serve Kealia Town Tract and Kealia Kai (in early 2000) the County declined to acquire it, explaining that it was not built to county specifications. The FEIS says “they are unaware of this.” However, we suspect that little effort was spent to research this fact.

Additionally, the FEIS failed to disclose that residents have had water pressure problems all the while.

Inadequate Public Safety Analysis

The FEIS fails to address the insufficient ingress & egress access which depends solely on Kealia Road. The proposed Kealia Road improvements will not provide sufficient access to the 235-lot Petition Area.

Vehicle accidents, fires or EMT rescues can close down Kealia Road for hours, and residents need alternative routes to access the subdivision.

It is illogical that this high density project has only one access point, when in contrast, the Kealia Kai subdivision has 36 lots and 3 access roads from Kuhio Hwy.

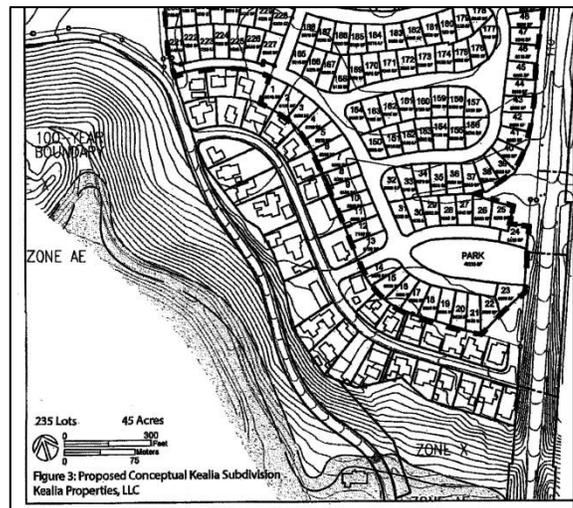
The FEIS failed to provide answers from the State DOT to our specific question as to why DOT would deny direct access to Kuhio Hwy along an existing cane haul road in the petition area, located directly opposite the southern Kealia Kai entrance. (*Interim DOT Director Jade T. Butay letter of 12.14.2017*)

Kealia Road Improvements

Current residents with homes located above Kealia Road worry that the proposed roadway widening and retaining walls may jeopardize their hillside properties.

The applicant's May 31, 2016 conceptual plan illustrates how steep the topography is on BOTH sides of historic Kealia Road. Yet, they plan to widen this 18-ft roadway to a 56-foot span - a ridiculous proposal!

Not pursuing the alternate access road along the existing cane haul road to Kuhio Highway (which has no elevation challenges) may imply that the landowner wants Kealia Road improvements to service the Ag subdivision which will likely follow as the next phase of development.



Violation of HRS 343 and HAR 11-200 Prohibitions Against Segmentation

Improper segmentation occurs where a second action that is part of an initial project and is a 'necessary precedent' for the development has been isolated as a component of the development for environmental assessment.

Specifically, the proposed improvements to Kealia Road are a necessary precedent for the development of the remaining 1,000-2,000 Ag District acres. Therefore, development of the entire area is being approached in piecemeal fashion with Phase 1 being Kealia Mauka Homesites.

Cumulative Impacts

The negative cumulative effects were not sufficiently addressed in the FEIS. The location of development, the timing of development and the amount of development are all inappropriate.

Clearly, the county has not kept up with needed infrastructure improvements. Therefore, it is crucial to regulate the pace of development in the East Kaua'i corridor. The existing infrastructure deficiencies -- most notably the long-standing traffic congestion in Kapa'a, will worsen. There is an urgent need to address congestion before increasing residential density here, which will otherwise place a huge burden on all residents.

Conclusion

The Final EIS (published July 23, 2019 in *The Environmental Notice*) is flawed and does not adequately assess the full extent of the environmental impacts of this project as required by HRS 343 and HAR 11-200. W-KNA urges the Commission to reject the FEIS.

The interpretation that the petition area is located in the county's urban-growth boundary is a false conclusion because the 53.4 acre petition area is approximately 3x the size of the Urban Residential designation in the 1982 General Plan and the 2018 General Plan!

This proposal falls far short in its intent to help satisfy the county's need for "affordable" housing. Although claiming to be aimed at local families, these lots will be sold at market value.

This rural area project exemplifies sprawl and requires commuting to jobs, schools, shopping and other needs through a congested traffic corridor. The General Plan recommends "urban infill" -- placing higher density development near jobs and services as the preferred means to achieve housing solutions.

In the County's drive to produce housing, a lack of transparency and lack of early consultation with Kealia residents occurred. The impacts that this high density proposal will have on existing residents have been minimized. The "sum of effects on the quality of the environment" and "both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action" will be devastating to this small rural neighborhood.

W-KNA believes the FEIS did not consider and satisfactorily respond to all comments received during the review of the DEIS. The FEIS failed to analyze alternate design proposals that might have less impact. The proposed action involves a substantial degradation of environmental quality -- physical, cultural and social impacts for Kealia Tract residents.

Mahalo for the opportunity to provide a greater level of detail that was not possible during the allotted time for public comments at the hearing.

Sincerely,



Rayne Regush
W-KNA Chair

Attachments:

- GENERAL PLAN 2018 - Future Land Use Map East Kaua'i
- GENERAL PLAN 1982 - Land Use Map Kapa'a-Wailua

GENERAL PLAN 2018 - Future Land Use Map East Kaua‘i

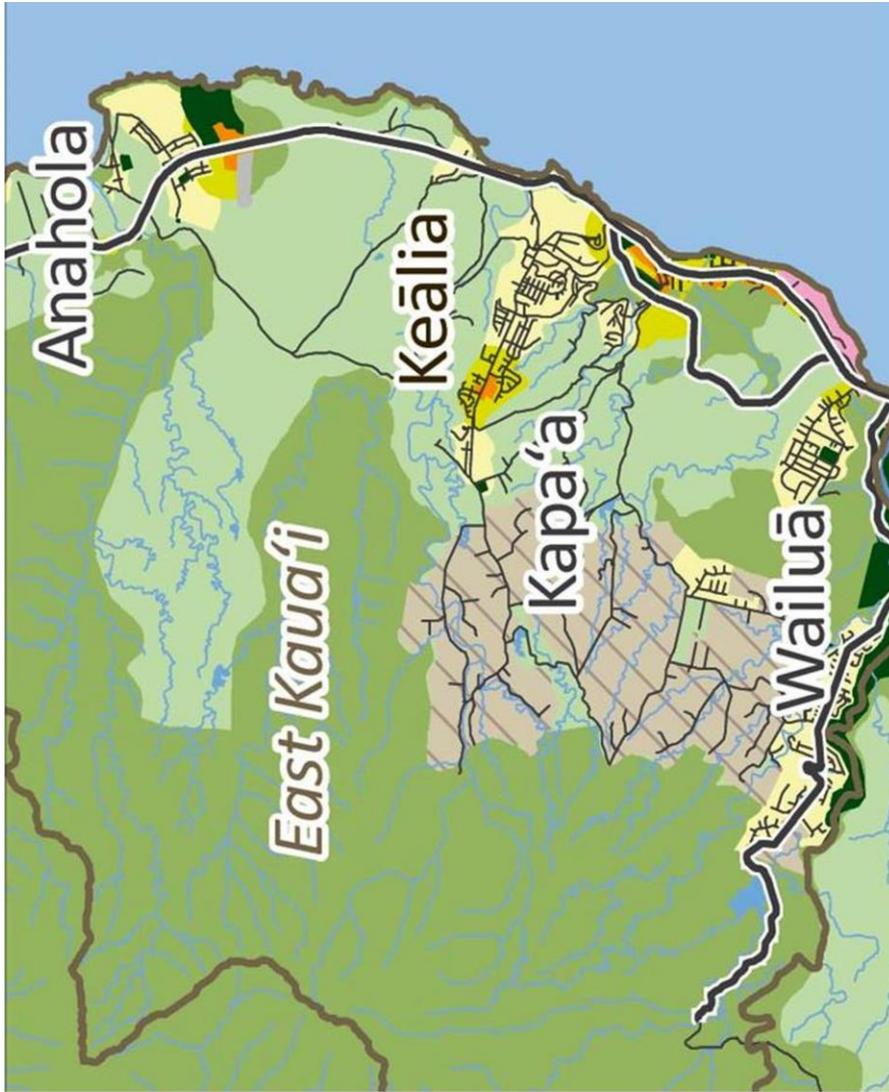
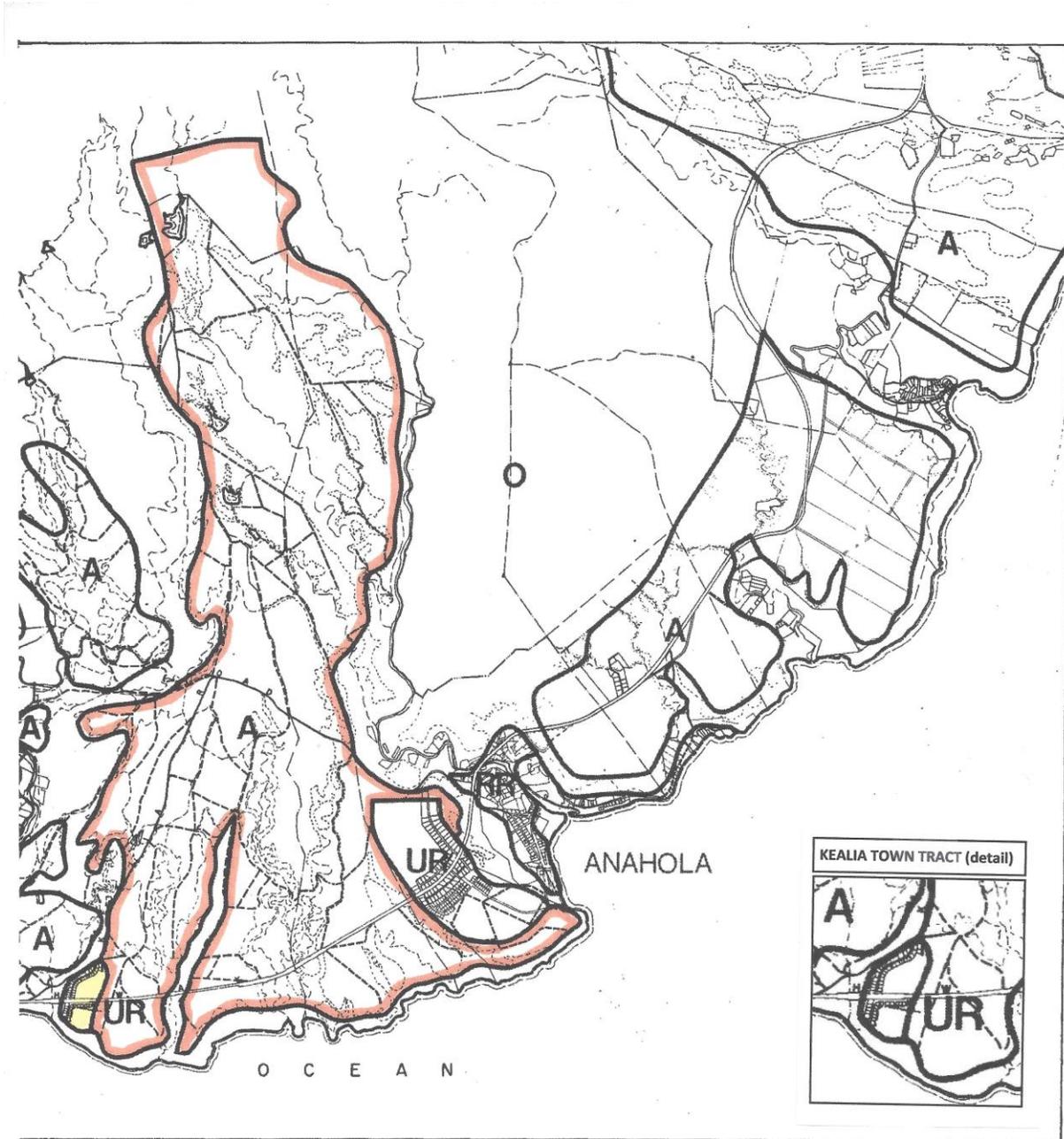


Figure 5-1 Kaua'i Land Use Map

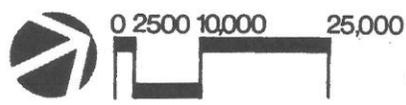
- Planning District Boundary
- Major Roads
- Roads
- Streams
- Reservoirs
- Urban Edge Boundary
- Natural
- Agricultural
- Agricultural (IAL)
- Parks and Recreation
- Golf Course
- Homestead
- Residential Community
- Urban Center
- Neighborhood Center
- Neighborhood General
- Large Town
- Small Town
- Resort
- Provisional Resort (Pending Community Plan)
- University Zone
- Plantation Camp
- Industrial
- Transportation
- Military
- Provisional Agriculture

GENERAL PLAN 1982 - Land Use Map Kapa'a-Wailua



KAUAI GENERAL PLAN	
LEGEND	
O	OPEN
A	AGRICULTURAL
RR	RURAL RESIDENTIAL
UR	URBAN RESIDENTIAL
UMU	URBAN MIXED USE
R	RESORT
PF	PUBLIC FACILITIES

KAPAA-WAILUA



JUNE
1982