

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR

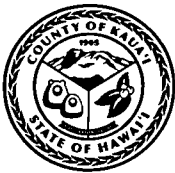


DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

December 9, 2024

Public Testimony and/or Agency comments received by the Planning Department as of December 9, 2024, 9:00 am for the December 10, 2024, Planning Commission meeting regarding the following item:

- G.2.b. **SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-4) & AMENDMENTS TO CLASS IV ZONING PERMIT (Z-IV-2015-12) and USE PERMIT U-2015-11**, to allow construction of two (2) additional storage buildings and two (2) residential units at the existing storage facility in Nawiliwili, located approximately 400 feet south of the Niumalu Road/Nawiliwili Road intersection, further identified as 2670 Niumalu Road, Tax Map Key: (4) 3-2-005:009 containing a total area of 3.454 acres = **ISLAND SELF STORAGE LLC**. [Director's Report Received, 11/20/2024].



KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION

JODI A. HIGUCHI SAYEGUSA, CLERK OF COMMISSION

SUSAN REMOALDO, CHAIR
LEE GATELY, VICE CHAIR
CHUCKY BOY CHOCK, MEMBER
KATHLEEN KIKUCHI-SAMONTE, MEMBER
CAROLYN LARSON, MEMBER
SANDI QUINSAAT, MEMBER

MEMORANDUM

DATE: December 6, 2024
TO: Kaua'i Planning Commission
FROM: Kaua'i Historic Preservation Review Commission
SUBJECT: Kaua'i Historic Preservation Review Commission Action for:
Island Self Storage, LLC.
Proposed construction of two (2) additional storage buildings and
two (2) residential units at the existing storage facility
TMK: (4) 3-2-005:009
Nawiliwili, Kaua'i

This letter memorializes the action taken by the Kaua'i Historic Preservation Review Commission (KHPRC) at its meeting on **December 5, 2024** concerning the review of Special Management Area Use Permit (SMA-(U)-2025-4) and amendments to the existing Class IV Zoning Permit (Z-IV-2015-12) and Use Permit (U-2015-11). The proposed scope of work involves the demolition of the existing scale house building and the construction of two new buildings for storage and residential use on the subject property, formerly known as the Nawiliwili Bulk Sugar Storage Facility.

The KHPRC voted to **accept the project as proposed with the following conditions of approval:**

If the Applicant must demolish the existing scale house, then the Applicant should do the following:

- 1) The Applicant should amend the existing 2015 HABS (Historic American Buildings Survey) report and the 2015 archeological monitoring plan to reflect the proposed scope of work and to document the subject property before construction begins.
- 2) Install an outdoor interpretive display sign on the subject property with photos and information for the public to learn more about the historic significance of the Nawiliwili Bulk Sugar Storage and how it operated.

Should you have any questions, please feel free to contact planner Marisa Valenciano at (808) 241-4060.

Mahalo,

A handwritten signature in black ink, appearing to read 'Jodi Higuchi Sayegusa', with a stylized, flowing script.

Jodi Higuchi Sayegusa
Clerk of the Kaua'i Historic Preservation Review Commission

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

December 9, 2024

Public Testimony and/or Agency comments received by the Planning Department as of December 9, 2024, 9:00 am for the December 10, 2024, Planning Commission meeting regarding the following item:

- G.2.d. CLASS IV ZONING PERMIT (Z-IV-2025-5) & USE PERMIT (U-2025-3)** to allow construction of a farm worker housing unit at the Honua Farms property situated on the mauka side of Kahili Quarry Road in Kilauea, situated approximately ¼-mile east of the Kahili Quarry Road/Kilauea Road intersection, further identified as 4139 Kilauea Road, Tax Map Key: (4) 5-2-012:014, and containing a total area of 25.245 acres = **JESSE PALUMBO**. [Director's Report Received, 11/20/24].

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR

DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

FROM: Ka'āina Hull, Director (D. Cua)

October 15, 2024

SUBJECT: **CLASS IV ZONING PERMIT (Z-IV-2025-5) & USE PERMIT (U-2025-3)** to allow construction of a farm worker housing unit at the Honua Farms property situated on the mauka side of Kahili Quarry Road in Kilauea, situated approximately ¼-mile east of the Kahili Quarry Road/Kilauea Road intersection, further identified as 4139 Kilauea Road, Tax Map Key: (4) 5-2-012:014, and containing a total area of 25.245 acres.

TO:

- | | |
|--|--|
| <input type="checkbox"/> Department of Transportation – STP | <input checked="" type="checkbox"/> DPW-Engineering |
| <input type="checkbox"/> DOT-Highway, Kauai (info only) | <input type="checkbox"/> DPW-Wastewater |
| <input type="checkbox"/> DOT-Airport, Kauai | <input type="checkbox"/> DPW-Building |
| <input type="checkbox"/> DOT-Harbors, Kauai (info only) | <input type="checkbox"/> DPW-Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" type="checkbox"/> County Housing Agency |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev Tourism | <input type="checkbox"/> County Economic Development |
| <input type="checkbox"/> State Land Use Commission | <input checked="" type="checkbox"/> County Water Department |
| <input checked="" type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Emergency Management Agency |
| <input type="checkbox"/> DLNR-Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> DLNR-Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> DLNR-Aquatic Resources | <input type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> DLNR-OCCL | <input type="checkbox"/> US Sea Grant |
| | <input type="checkbox"/> Other: _____ |

FOR YOUR COMMENTS (pertaining to your department)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 11/12/2024 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!



**STATE OF HAWAII
DEPARTMENT OF HEALTH**
3040 Umi St. Lihue
Hawaii 96766

DATE: Oct 31, 2024

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Kahili Quarry Road_Z-IV-2025-5

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standardcomments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at:
<https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program:
<https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the

electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

By Revised Statute 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact Sina Pruder at the DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Ellis Jones

Ellis Jones

District Environmental Health Program Chief
Office Phone: (808) 241-3326

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

December 9, 2024

Public Testimony and/or Agency comments received by the Planning Department as of December 9, 2024, 9:00 am for the December 10, 2024, Planning Commission meeting regarding the following item:

- G.2.e. CLASS IV ZONING PERMIT (Z-IV-2025-7), USE PERMIT (U-2025-5), and SPECIAL PERMIT (SP-2025-2) to construct and operate a asphalt batch plant facility on a parcel situated along the western side of Ma'alo Road in Kapaia, situated approximately 1.5 mile mauka of the Ma'alo Road/Kūhiō Highway intersection, further identified as Tax Map Key: (4) 3-8-018:001 (Por.), and affecting a 6.5-acre portion of a larger parcel = **KAUAI ASPHALT LLC**. [Director's Report Received, 11/20/24].

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

FROM: Ka'āina Hull, Director (D. Cua)

October 16, 2024

SUBJECT: **CLASS IV ZONING PERMIT (Z-IV-2025-7), USE PERMIT (U-2025-5), and SPECIAL PERMIT (SP-2025-2)** to construct and operate a asphalt batch plant facility on a parcel situated along the western side of Ma'alo Road in Kapaia, situated approximately 1.5 mile mauka of the Ma'alo Road/Kūhiō Highway intersection, further identified as Tax Map Key: (4) 3-8-008:001 (Por.), and affecting a 6.5-acre portion of a larger parcel.

RECEIVED

OCT 18 2024

County of Kauai
Transportation Agency

TO:

- | | |
|--|--|
| <input type="checkbox"/> Department of Transportation – STP | <input checked="" type="checkbox"/> DPW-Engineering |
| <input checked="" type="checkbox"/> DOT-Highway, Kauai (info only) | <input type="checkbox"/> DPW-Wastewater |
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| <input type="checkbox"/> DLNR-OCCL | <input type="checkbox"/> US Sea Grant |
| | <input type="checkbox"/> Other: _____ |

FOR YOUR COMMENTS (pertaining to your department)

11-14-2024

CTA HAS NO FURTHER COMMENT ON THIS PROJECT.

MAHALO!

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 11/12/2024 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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October 16, 2024

SUBJECT: **CLASS IV ZONING PERMIT (Z-IV-2025-7), USE PERMIT (U-2025-5), and SPECIAL PERMIT (SP-2025-2)** to construct and operate a asphalt batch plant facility on a parcel situated along the western side of Ma'alo Road in Kapaia, situated approximately 1.5 mile mauka of the Ma'alo Road/Kūhiō Highway intersection, further identified as Tax Map Key: (4) 3-8-008:001 (Por.), and affecting a 6.5-acre portion of a larger parcel.

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STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 Umi St. Lihue
Hawaii 96766

DATE: Oct 31, 2024
TO: To whom it may concern
FROM: Ellis Jones
District Environmental Health Program
Chief
SUBJECT: RESPONSE_Maalo Road_Z-IV-2025-7

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

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management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

Wastewater Branch objects to the proposed project as portable toilets are only allowed for temporary use under Hawaii Administrative Rules Title 11 Chapter 62. Applicant should plan for restroom facilities to be built for the site. A civil engineer must submit plans for an IWS (individual wastewater system) to serve new facilities.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Ellis Jones

Ellis Jones

District Environmental Health Program Chief
Office Phone: (808) 241-3326

To: County of Kauai Planning Commission

Please accept this letter as written testimony for the Kauai Asphalt, LLC public hearing re: Zoning Permits on December, 10, 2024:

Knowing this type of operation, we do not want to be in the area of an asphalt plant based on concerns about air quality and potential contaminants, pollutants from surface water to our streams and ocean, especially in the event of extreme weather, increased trucking and other roadway traffic and accessibility in the area, noise pollution, and the future impact of approving this and potential other projects to change the area from agriculture to all industrial buildout. Please see our concerns and questions below:

- Has there been an Environmental Impact Study completed for the Site and Operation?
- What is the plan for runoff and pollutants beyond the catchment? Especially in an extreme weather event and the locations of Kapaia stream & surface runoff on the adjacent site.
- What is the effect of Wind patterns for all seasons i.e. Trades, Kona winds, etc. and how the plant will affect the surrounding Lihue & Hanamaulu residential areas and recently allotted Hawaiian Homes lots in and around the Isenberg Tract?
- Has there been a traffic study re: heavy trucking and how it affects the area for congestion & width of existing roadway and access to the highway, especially with materials coming in and out via commercial trucking?

As it is now, with the increased traffic of timber companies hauling for the biomass plant, we are already hearing, seeing, and feeling additional strain from truck noise and congestion at various hours of the day, even at early and late times.

- What will be the Hours of Operation and Days & Volume of materials to produce?
- Please consider the recent Pollution violations of Maui Asphalt and fines levied for water pollution in Waimea. The State Department of Health noted multiple instances on NOVO No. 2021-CW-EO-26
- Who owns Kauai Asphalt? Is there any affiliation to the abovementioned company?
- The Packet we received via mail only had 4 of 17 sheets for the Proposed Project included
- Is this the first hearing or the only one? In speaking with our neighbors, many share these same concerns, but may not have been able to write to you or appear at the hearing. Hopefully there will be more opportunities for them as well.

Thank you for considering our concerns.

Sincerely,



William "Butch" and Alana Buddingh
3492 Maona Rd.
Lihue, HI 96766
(808) 639-0546

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

December 9, 2024

Public Testimony and/or Agency comments received by the Planning Department as of December 9, 2024, 9:00 am for the December 10, 2024, Planning Commission meeting regarding the following item:

- L.1. **SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-1)** to allow construction of a new single-family residence and associated site improvements on a parcel situated on the makai side of Kūhiō Highway in Hanalei Town, directly across Hanalei Elementary School, further identified as 5-5428 Kūhiō Highway, Tax Map Key: (4) 5-5-004:023 containing a total area of 7,914 square feet = **BULA TREE HOUSE, LLC**. [Director's report received, hearing closed, deferred, 11/12/2024].

Romio Idica

From: Planning Department
Sent: Friday, December 06, 2024 3:14 PM
To: Romio Idica
Subject: FW: Bula Tree TMK (4) 5-5-004:023

From: Sharon Gottfried <sharon@nahalaonaue.org>
Sent: Friday, December 6, 2024 2:06 PM
To: Kaaina Hull <khull@kauai.gov>; Planning Department <planningdepartment@kauai.gov>; caren@malamakuaaina.org; honeygirlz6@msn.com; pualoke2012@gmail.com
Subject: Bula Tree TMK (4) 5-5-004:023

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Re: Special Management Area Permit assessment for Bula Tree House LLC, with street address of 5-5428 Kuhio Highway, Hanalei, HI.

Nā Hala o Naue argues that the application for Special Management Area Use Permit submitted for the 12/10/2024 is blatantly incorrect in its interpretation of the Architectural Review performed by Ms Nancy McMahon of Exploration Associates. In section 10.2, Historic Resources, the application states *"while not an impossibility, given the findings of prior studies in the area there is no reason to suspect that such a deposit would exist."*

As well, the director's report on this project, dated October 16, 2024 contains inaccuracies and oversights which must be addressed. *Page 7 "Native Hawaiian Traditional and Cultural Rights"*
"...Additionally, the application asserts that the proposed development will not have any adverse effects on cultural or historic sites or resources located within the subject property" Page 7 "Special Management Area (SMA) Rules and Regulations b. The proposed development is not expected to have any significant impact on historic, cultural or archeological resources near the property. An archeological review and field inspection were conducted by Ms. Nancy McMahon of Exploration Associates, revealing no surface evidence of subsurface cultural deposits."

While no surface evidence of subsurface cultural deposits may have been noted, this Archeological Review **clearly** states that there are archeological concerns associated with proposed ground disturbances in this project. Background research on the proposed project area of Wai'oli Ahupua'a, Hanalei District (Halele'a Moku) suggests there is a high probability of encountering human burials in the project area. *"Specifically, a multitude of Traditional and Historic-period human burials have been previously identified on parcels near the project area."* *"SHPD requested archaeological monitoring for the current project because the project involves ground disturbing activities and potential exists for the project to affect cultural (habitation) deposits, features, or artifact assemblages and human burials."* (p 22)

It is entirely unacceptable for expected findings to be considered inadvertent and desecrated in the building process. Monitoring alone is an unacceptable solution when there is a high probability of encountering human burials.

The following steps must be taken in advance of approval of the SMA.

1. Ground Penetrating Radar (GPR) must be performed on this property in advance of any digging. Ground Penetrating Radar emits a high frequency, pulsed, electromagnetic wave that can regularly penetrate well beyond the typical burial depth of 6 feet, and is used to identify underground anomalies such as depth to groundwater, sediment strata, buried bones and other archeological artifacts. It is commonly used to identify unmarked graves. While no current technology is 100% accurate in locating unmarked graves, GPR is currently the standard practice. It is considered non-invasive and does not require digging. We recommend that GPR should be performed by a trained and certified professional. Our recommendation is Jerry Nakasone, of Stonetree Construction, 6001B Kaapuni Rd Kapaa, HI 96746, (808) 822-1102, due to his extensive experience with GPR and knowledge of the local area.
2. If anomalies are identified on the GPR, an AIS must be performed. Digging associated with the AIS must be performed using a flat edge blade on the excavator bucket due to the culturally sensitive area, with any and all digging done **by hand** in the area(s) of anomaly(s) identified on the GPR.

If burials are found, they are not to be considered inadvertent. The archeological study states "*Any human skeletal remains identified during monitoring shall be treated as an inadvertent discovery and be dealt with in accordance with Chapter 6E-43 of the Hawaii Revised Statutes (HRS) and HAR § 13- 300-40.*" We **strongly** disagree with this statement and will continue to argue that in any project area with a "high probability of encountering human burials" must be considered a known burial site. We recognize that this is not in the purview of county planning, however, it must be stated that this definition and subsequent desecration of "inadvertent" burials is unacceptable.

In addition, no disturbed human remains may be moved or stored without the proper legal process, which includes cultural and lineal descendants of the area. The wishes of lineal descendants shall be given preference with regard to the proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods. **HAR § 13-300-35(f)**. Testimony by recognized cultural descendants concerning the proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods shall be duly considered and given appropriate weight by the council. **HAR § 13-300-35(h)**.

me ka mahalo,
Sharon D Gottfried for Nā Hala o Naue

Romio Idica

From: Planning Department
Sent: Monday, December 09, 2024 7:31 AM
To: Romio Idica
Subject: FW: Bula Tree TMK (4) 5-5-004:023

From: Sharon Gottfried <admin@nahalaonaue.org>
Sent: Saturday, December 7, 2024 7:37 AM
To: Kaaina Hull <khull@kauai.gov>; Planning Department <planningdepartment@kauai.gov>
Cc: caren@malamakuaaina.org; pualoke2012@gmail.com; honeygirlz6@msn.com
Subject: Bula Tree TMK (4) 5-5-004:023

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Aloha kākou,

On reviewing the agenda for the upcoming Burial Council meeting on 12/18/24, it was noted that the agenda includes all iwi kūpuna discoveries in 2023 and 2024 since the burial council had not met in that time, prior to last month. To prepare for the meeting, we reviewed the details of each discovery.

Please note that two of the discoveries of iwi kūpuna were associated with **ground disturbances (digging) for footings only**, at TMK (4) 5-5-010:040 on Opele Street in Hanalei, and TMK (4) 5-8-010:02 on Kuhio Highway in Hā'ena. This is relevant to note for the Bula Tree project since this project involves digging only for footings, and the argument has been presented that digging for footings is shallow enough and small enough to be unlikely to encounter iwi kūpuna. These two findings in Halele'a Moku in the past two years indicate that this argument is unsubstantiated.

This is important information for the planning department to consider for all future projects involving footings in the Hanalei to Hā'ena corridor.

Me ka mahalo,

Megan Wong for Nā Hala o Naue

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

December 9, 2024

Public Testimony and/or Agency comments received by the Planning Department as of December 9, 2024, 9:00 am for the December 10, 2024, Planning Commission meeting regarding the following item:

- L.2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-2)** to allow construction of two (2) single-family residences, a guest house, and associated site improvements on a parcel identified as Lot 131-A Wainiha Hui Land, situated on the mauka side of Alamihi Road in Wainiha, approximately 500 feet west of the Kūhiō Highway/Alamihi Road intersection, further identified as Tax Map Key: (4) 5-8-012:019 containing a total area of 27,138 square feet = **MATTHEW & PHILLIP C. JOHNSON, TRUSTEES/MANCILLA & JONATHAN D. WICKES.** [Director's report received, hearing closed, deferred, 11/12/2024].

Romio Idica

From: Planning Department
Sent: Friday, December 06, 2024 3:14 PM
To: Romio Idica
Subject: FW: Johnson Project TMK: (4) 5-8-012:019

From: Sharon Gottfried <sharon@nahalaonaue.org>
Sent: Friday, December 6, 2024 2:04 PM
To: Kaaina Hull <khull@kauai.gov>; Planning Department <planningdepartment@kauai.gov>; caren@malamakuaaina.org; pualoke2012@gmail.com; honeygirlz6@msn.com
Subject: Johnson Project TMK: (4) 5-8-012:019

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Re: Special Management Area (SMA) Use Permit Application SMA(U)-2025-2 Alamihi Road After the Fact, Construction of Single Family Dwelling Owner's Names: Philip and Matthew Johnson Wainiha Ahupua'a, Halele'a District, Island of Kaua'i TMK: (4) 5-8-012:019

Nā Hala o Naue is relieved to note SHPD's recommendation that the County decline the special management area use permit application for this property, and has requested an Archeological Inventory Survey. We request that SHPD's recommendation from the letter dated November 18, 2024

"SHPD requests an archaeological inventory survey with subsurface testing in order to adequately identify archaeological historic properties, determine potential impacts to them, and ensure that appropriate mitigation is implemented prior to the construction of the new single-family dwelling. Additionally, SHPD requests the project proponent and archaeological firm consult with our office regarding an appropriate testing strategy prior to initiation of the AIS.

The AIS shall be conducted by a qualified archaeologist to adequately identify and document any archaeological historic properties that may be present, assess their significance, provide a project effect recommendation, and provide appropriate mitigation recommendations. A list of permitted archaeological firms is provided on the SHPD website at: <http://dlnr.hawaii.gov/shpd/about/branches/archaeology/>. "

be included in the conditions of approval.

Because we feel it may be avoidable for iwi kūpuna to be discovered during an Archeological Inventory Survey, we request that Ground Penetrating Radar (GPR) be performed on this property in advance of any digging. GPR emits a high frequency, pulsed, electromagnetic wave that can regularly penetrate well beyond the typical burial depth of 6 feet, and is used to identify underground anomalies such as depth to groundwater, sediment strata, buried bones and other archeological artifacts. It is commonly used to identify unmarked graves. While no current technology is 100% accurate in locating unmarked graves, GPR is currently the standard practice. It is considered non-invasive and does not require digging. We recommend that GPR should be performed by a trained and certified professional. Our recommendation is Jerry Nakasone, of Stonetree Construction, 6001B Kaapuni Rd Kapaa, HI 96746, (808) 822-1102, due to his extensive experience with GPR and knowledge of the local area.

If anomalies are identified on the GPR, an AIS must be performed. Digging associated with the AIS must be performed using a flat edge blade on the excavator bucket due to the culturally sensitive area, with any and all digging done **by hand** in the area(s) of anomaly(s) identified on the GPR.

In addition, no disturbed human remains may be moved or stored without the proper legal process, which includes cultural and lineal descendants of the area. The wishes of lineal descendants shall be given preference with regard to the proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods. **HAR § 13-300-35(f)**. Testimony by recognized cultural descendants concerning the proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods shall be duly considered and given appropriate weight by the council. **HAR § 13-300-35(h)**.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

December 9, 2024

Public Testimony and/or Agency comments received by the Planning Department as of December 9, 2024, 9:00 am for the December 10, 2024, Planning Commission meeting regarding the following item:

Shoreline Setback Determination (SSD-2025-22)

Applicant: 7268 Alamoo LLC

Romio Idica

From: Kaaina Hull
Sent: Friday, December 06, 2024 2:04 PM
To: Romio Idica
Subject: FW: 7268 Alamoo Road, Wainiha

Is this on your radar?

From: Sharon Gottfried <sharon@nahalaonaue.org>
Sent: Friday, December 6, 2024 1:59 PM
To: Kaaina Hull <khull@kauai.gov>; Planning Department <planningdepartment@kauai.gov>
Cc: honeygirlz6@msn.com; caren@malamakuaaina.org; pualoke2012@gmail.com
Subject: 7268 Alamoo Road, Wainiha

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Re: Special Management Area Permit assessment 7268 Alamoo Road, Wainiha, TMK (4) 5-8-008-028

Nā Hala o Naue has reviewed the building plans submitted for the Shoreline Setback Application and it is our understanding that there is no ground disturbance planned for this property (the footings are not going to be replaced, and the septic system is in place with no alterations planned). If our understanding is incorrect and there is (or will be) ground disturbance during the project, we would like to stress the importance of the following in advance of approval of the SMA:

1. Ground Penetrating Radar (GPR) must be performed on this property in advance of any digging. Ground Penetrating Radar emits a high frequency, pulsed, electromagnetic wave that can regularly penetrate well beyond the typical burial depth of 6 feet, and is used to identify underground anomalies such as depth to groundwater, sediment strata, buried bones and other archeological artifacts. It is commonly used to identify unmarked graves. While no current technology is 100% accurate in locating unmarked graves, GPR is currently the standard practice. It is considered non-invasive and does not require digging. We recommend that GPR should be performed by a trained and certified professional. Our recommendation is Jerry Nakasone, of Stonetree Construction, 6001B Kaapuni Rd Kapaa, HI 96746, (808) 822-1102, due to his extensive experience with GPR and knowledge of the local area.
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In addition, no disturbed human remains may be moved or stored without the proper legal process, which includes cultural and lineal descendants of the area. The wishes of lineal descendants shall be given

preference with regard to the proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods. **HAR § 13-300-35(f)**. Testimony by recognized cultural descendants concerning the proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods shall be duly considered and given appropriate weight by the council. **HAR § 13-300-35(h)**.

Me ka mahalo,
Sharon Gottfried for Nā Hala o Naue

County of Kauai Planning Commission
4444 Rice Street, Suite A473,
Lihue, Hawaii, 96766
planningdepartment@kauai.gov
SSD-2025-22, 7268 Alamo'o LLC
Lot 12 Wainiha Hui Lands,
TMK 5-8-008:028

Comments Re: December 10, 2024 SHORELINE SETBACK DETERMINATIONS- 2025-22 Planning Commission Chair Apisa, Vice-Chair Ako and Commissioners,

The application states the approximate distance from the shoreline (based on aerial map) is 25 ft. The real shoreline washes under the structure. The edge of vegetation does not represent the shoreline. There is virtually no setback for this million-dollar repair from the actual shoreline. The state has jurisdiction over lands seaward of the shoreline, the county administers the setback from the shoreline. Shoreline Setback Determinations affect public rights, and should not allow an applicant to unilaterally determine the location of the shoreline. One of the purposes of the certified shoreline determination is so we know where the public and private land is, whether state or county jurisdiction. Without this, the county is usurping public and state rights. State law requires a certified shoreline, not an "approximate shoreline." The county is not vested with determination of the shoreline. It must be acknowledged that there is more than one million dollars of proposed repairs with no shoreline setback.

Building permit 9700000594 was issued 6/20/1997 for the DWELLING and was valued at \$250,000. Adjusted for inflation, \$250,000 in 1997 is equal to \$483,521 in 2024. Annual inflation over this period was 2.47%. The market value used in this application is more than 5 times the adjusted value of the actual cost of building the structure in today's dollars. The market value appraisal of the structure did not use similar quality construction and materials as was used in the actual construction of the original house. In SSD-2025-22, the appraised value reflects higher quality construction and costs than currently exists to determine the market value of the existing structure as \$2,429,082.03. The structure is 27 years old. In the calculations used here, the structure was arbitrarily depreciated only 11.7%

The current \$2,429,082.03 appraisal used for the repair valuation is unusually high allowing the repairs to be \$1,033,516. SSD 2025-22 used the following calculation:

The ratio of the proposed improvements to the market value is calculated as follows:

$$\frac{\text{Cost of Improvements (past 10 years): } \$1,033,516}{\text{Market Value: } \$2,429,082.03} = 0.425 \text{ or } 42.5\%$$

Approval of SSD-2025-22 allows \$1,033,516 of repairs to a structure that costs \$250,000 in 1997 to build with no current shoreline certification and no shoreline setback and represents another failure to plan for coastal hazards .

Respectfully,



Caren Diamond
PO Box 536
Hanalei, HI 96714
808 652-0780
Kaimanacd22@yahoo.com