

# Kona Judiciary Complex Site Selection

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Kona District, Island of Hawai'i

## Environmental Impact Statement Preparation Notice

**Applicant:**



State of Hawai'i  
Department of Accounting and General Services



Hawai'i State Judiciary

**Prepared by:**



Sustainable Development • Architecture • Planning & Environmental Services • Interior Design • Technology  
Honolulu, Hawai'i

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## 1.0 INTRODUCTION

### 1.1 PROJECT INFORMATION SUMMARY

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<b>Accepting Authority:</b>	Governor, State of Hawai'i
<b>Name of Action:</b>	Kona Judiciary Complex Site Selection
<b>Planning/Environmental Consultant:</b>	Group 70 International, Inc. 925 Bethel Street, 5 <sup>th</sup> Floor Honolulu, Hawai'i 96813  Contact: Jeffrey H. Overton, AICP, LEED AP (808) 523-5866

### 1.2 PROPOSED ACTION

The Kona Judiciary Complex Site Selection Study (also referenced as the "Project") is being jointly undertaken by DAGS and the Hawai'i State Judiciary to address a long-standing need for a new complex in the West Hawai'i service area. The Third Judicial Circuit includes all of Hawai'i Island, and the West Hawai'i service area is a growing region with inadequate facilities to perform Judiciary functions. The purpose of the project is to take a broad look at the Kona region, and identify the most viable potential sites for the future Kona Judiciary Complex. A preliminary list of ten (10) Potential Sites has been compiled to evaluate their suitability for developing the Kona Judiciary Complex. The site selection effort is geographically focused in the Kona region, emphasizing the proximity to the area's population center, Kona International Airport, existing Judiciary facilities to be replaced, and related government agencies and private attorney offices. A detailed evaluation of the Potential Sites will be conducted based upon screening criteria to select the most qualified Candidate Sites, which will be evaluated in a Draft Environmental Impact Statement (EIS).

A detailed project description is provided in *Section 2.0*.



### 1.3 STATE ENVIRONMENTAL REVIEW PROCESS

The State environmental review process is being administered to fulfill the requirements under Hawai'i Revised Statutes (HRS) §343, and Hawai'i Administrative Rules ("HAR"), §11-200. Accordingly, an environmental analysis is required for a project or program that proposes one or more of the following nine land uses or administrative acts:

- Use of State or County lands or funds
- Use of any lands classified as Conservation District
- Use within the Shoreline Setback Area
- Use within any historic site or district
- Use within the Waikīkī Special district
- Any amendment to County General Plans
- Reclassification of State Conservation District lands
- Construction or modification of helicopter facilities
- Proposes any wastewater facility with specified exceptions, waste-to-energy facility; landfill; oil refinery; or power generating facility.

The Kona Judiciary Complex Site Selection Study involves the use of State funds and therefore is subject to an approved Final EIS. The environmental review process is initiated with the publication of this Environmental Impact State Preparation Notice (EISPN), which is subject to 30-day public comment and review period upon formal release by the State Office of Environmental Quality and Control (OEQC). Substantive comments received during the review period are addressed, including formal written responses which are incorporated into the Draft EIS. Current administrative rules stipulate that comment letters submitted by an agency or citizen group which contain no comments on the project but only serve to verify receipt of the EISPN do not require a written response. However, the EIS must provide an administrative record that tracks all letters.

### 1.4 CONTENTS OF THE EISPN

The contents of the EISPN primarily define the scope of analysis that will be conducted to assess and identify impacts relative to project development, implementation, and operations. Accordingly, this EISPN identifies specific studies or research which will be completed and integrated into the presentation of findings in the Draft EIS to be prepared. The EISPN is comprised of eight sections:

- Section 1.0 contains an Introduction including an overview of the proposed project and describes the environmental review process and the ongoing consultation process.
- Section 2.0 provides a Project Description, with an overview of the existing Judiciary facilities, program services, and future facilities requirements.
- Section 3.0 outlines the details of the Site Selection Process, including Potential Sites, and defines the screening criteria to be utilized for candidate sites.
- Section 4.0 discusses the Project Setting to Be Assessed in the Draft EIS, including the land areas and various resource types.
- Section 5.0 discusses the range of Probable Impacts and Mitigative Measures to be evaluated in the Draft EIS.
- Section 6.0 identifies the Range of Alternatives to reasonably be assessed in the Draft EIS, including the "No-Action" Alternative.



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- Section 7.0 reviews the Determination and Findings of this report.
- Section 8.0 identifies Agencies and Parties Contacted, which are various interests that were either notified in pre-consultation, or will be consulted during the preparation of the Draft EIS.

#### 1.5 CONSULTATION PROCESS AND PUBLIC INFORMATION MEETING

Consultation is a requirement under HAR, §11-200-15. Accordingly, appropriate agencies noted in HAR, §11-200-10 and other citizen groups, and concerned individuals as noted in Section 11-200-9, are to be consulted in preparation of the Draft EIS.

Pre-consultation for the Kona Judiciary Complex Site Selection Study was conducted through an issuance of a letter on September 22, 2010 to approximately thirty-one (31) State and County agency representatives, elected officials, community leaders, landowners, and other identified stakeholders. A handout providing a project overview and location map showing the ten (10) Potential Sites was attached with the pre-consultation letter. Comments to be included in this pre-consultation process were kindly requested to be provided by October 15, 2010.

A Public Information Meeting is planned to be held on November 18, 2010 in Kona, Hawai'i. A public notice will be issued to the general public to inform them about the specific location and time for this meeting. The purpose of the Public Information Meeting is to inform the community about the site selection study, and receive input on the process and identified Potential Sites, and comments on the EISPN. The input received at this meeting will provide additional information for the site selection process and the Draft EIS. The Public Information Meeting will be held within the 30-day public review and comment period of the EISPN.

Comments received from the pre-consultation process, the EISPN publication, and the Public Information Meeting will help to identify important issues to be addressed, and provide guidance for the Site Selection Study and Draft EIS. Substantive comments that are received will be responded to by letter, and both the comments and responses will be incorporated into the Draft EIS.



## 2.0 PROJECT DESCRIPTION

### 2.1 ORGANIZATION OF THE STATE OF HAWAII'JUDICIARY SYSTEM

The State of Hawai'i judicial branch is a unified state court system that functions under the sole administrative leadership of the Chief Justice of the Hawai'i State Supreme Court (*Figure 1*). The Chief Justice has jurisdiction over all the courts, including the Hawai'i Supreme Court, the Intermediate Court of Appeals, Land Court, Tax Appeal Court, and the trial courts, of which the latter is comprised of Circuit, Family and District courts. Below is a brief summary as to the jurisdiction and responsibility of the trial courts.

#### *Circuit Court System*

All jury trials are held in Circuit Courts, which have general jurisdiction over all civil and criminal cases. Cases typically handled in Circuit Courts include felony criminal cases, general civil cases with more than \$10,000 in dispute, domestic relations, probate matters, guardianships, juvenile matters and abuse prevention.

Circuit Courts have exclusive jurisdiction over most felony criminal cases, all probate cases, and most guardianship cases. Circuit Courts share jurisdiction with Family Court divisions over certain types of cases, including certain criminal felony cases and guardianship cases for incapacitated adults. Circuit Courts also have exclusive jurisdiction over most civil cases with more than \$20,000 in dispute, exclusive of fees, costs and interest. Circuit Courts share jurisdiction with District Courts over civil cases with amounts in dispute between \$10,000 and \$20,000, exclusive of fees, costs and interest. In addition, Drug Courts are specialized courts established by the Judiciary as a part of the Circuit Courts.

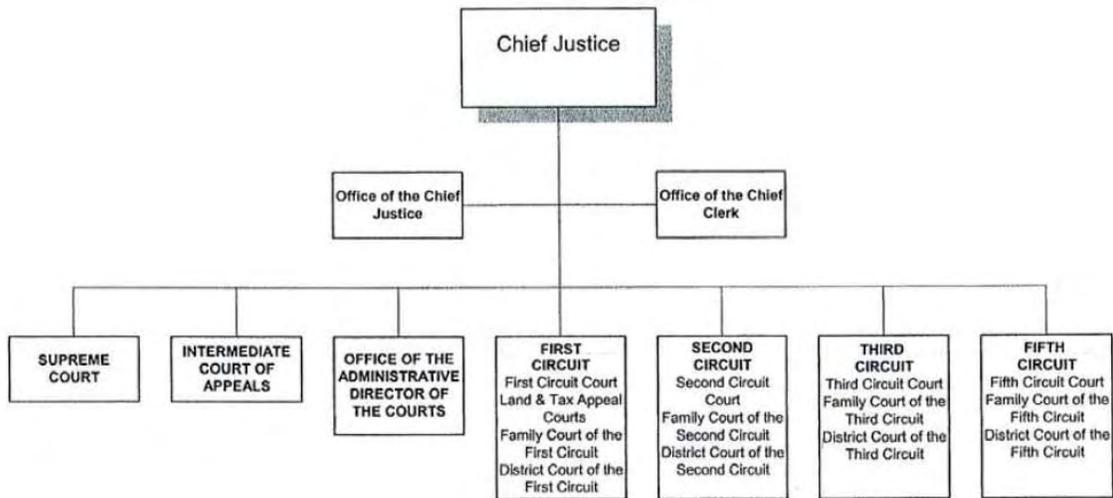
#### *Family Court System*

The Family Courts, which are divisions of the Circuit Courts, were established by statute in 1965 to deal with virtually all legal problems impinging on Hawai'i's families and children. The jurisdictional sweep of the Family Courts is the widest of any such court in the country. The Family Courts rule on all legal matters confronting children, such as delinquency, waiver, status offenses, abuse and neglect, termination of parental rights, adoption, guardianships, and detention. The Family Courts also hear traditional domestic relations cases, including divorce, nonsupport, paternity, uniform child custody jurisdiction cases, and miscellaneous custody matters.

Domestic violence is a top priority with the Family Courts. These important cases include requests for civil restraining orders involving family members, persons charged with the offense of abuse of family and household members, and felony charges limited to parent/child offenses. The Family Courts also hear civil commitment cases, guardianships of adults, and adult abuse cases.

#### *District Court System*

The District Courts have exclusive jurisdiction over traffic cases, petty misdemeanors, and all civil cases in which the contested amount is less than \$10,000, except when there is a right to a jury trial. The District Courts have concurrent jurisdiction with the Circuit Courts for misdemeanors and civil matters where the amount in controversy is between \$10,000 and \$20,000.



**FIGURE 1. ORGANIZATIONAL STRUCTURE OF HAWAI'I STATE JUDICIAL SYSTEM**

Within the State of Hawai'i, Trial Courts function in four judicial districts, which are geographically delineated as follows:

- First Circuit:** Consists of the island of O'ahu, other islands within the State not in any other circuit, and Kalawao County (which includes the settlement area of Kalaupapa on the island Moloka'i).
- Second Circuit:** Consists of the islands of Maui, Moloka'i, Lāna'i, Kaho'olawe and Molokini.
- Third Circuit:** Consists of Hawai'i Island.
- Fifth Circuit:** Consists of the islands of Kaua'i and Ni'ihau.

The Fourth Circuit, which was formerly an active jurisdiction covering the eastern side of Hawai'i Island, was eliminated in 1943, and merged into the Third Circuit.

**2.2 JURISDICTIONAL RESPONSIBILITIES OF THE THIRD CIRCUIT**

As stated, the Third Circuit exercises its jurisdiction over Hawai'i Island, which is the largest and most southeastern island of the Hawaiian archipelago. Hawai'i Island consists of a land area that is approximately twice the combined land area of all the other islands in the State.

Within the Third Circuit, Circuit Court operations take place in Hilo and Kealahue (Kona); Family Court operations are held in Hilo, Kealahue, Kailua-Kona, and Waimea; and District Court operations take place in the Districts of South Hilo, Kona, South Kōhala, North Kōhala, Ka'ū, and Hāmākua. Puna District Court once serviced the Puna-Kea'au district area but has been closed since 2009. District Court cases for the Puna area are currently held at the Hale Kaulike facility in Hilo. The location of existing court facilities within the Third Circuit are identified in *Table 1* and illustrated in *Figure 2*.



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TABLE 1. EXISTING COURT FACILITIES, THIRD CIRCUIT		
Location	Court Facility	Key
Hilo	Hale Kaulike (Hilo Judiciary Complex)	★ ★ ★
Kealakekua	Kona Circuit Court, Division 4 and Kona District Court (Keākealani)	★ ★
Kealakekua	Kona Circuit Court, Division 3 and Kona Drug Court	★
Kailua-Kona	Kona Family Court	★
Honoka'a	Hāmākua District Court	★
Kapa'au	North Kohala District Court	★
Waimea	South Kohala District Court	★
Nā'ālehu	Ka'ū District Court	★
Kea'au	Puna District Court	★

★ - Circuit Court; ★ - Family Court; ★ - District Court; ★ - Satellite District Court; ★ - Closed District Court Facility

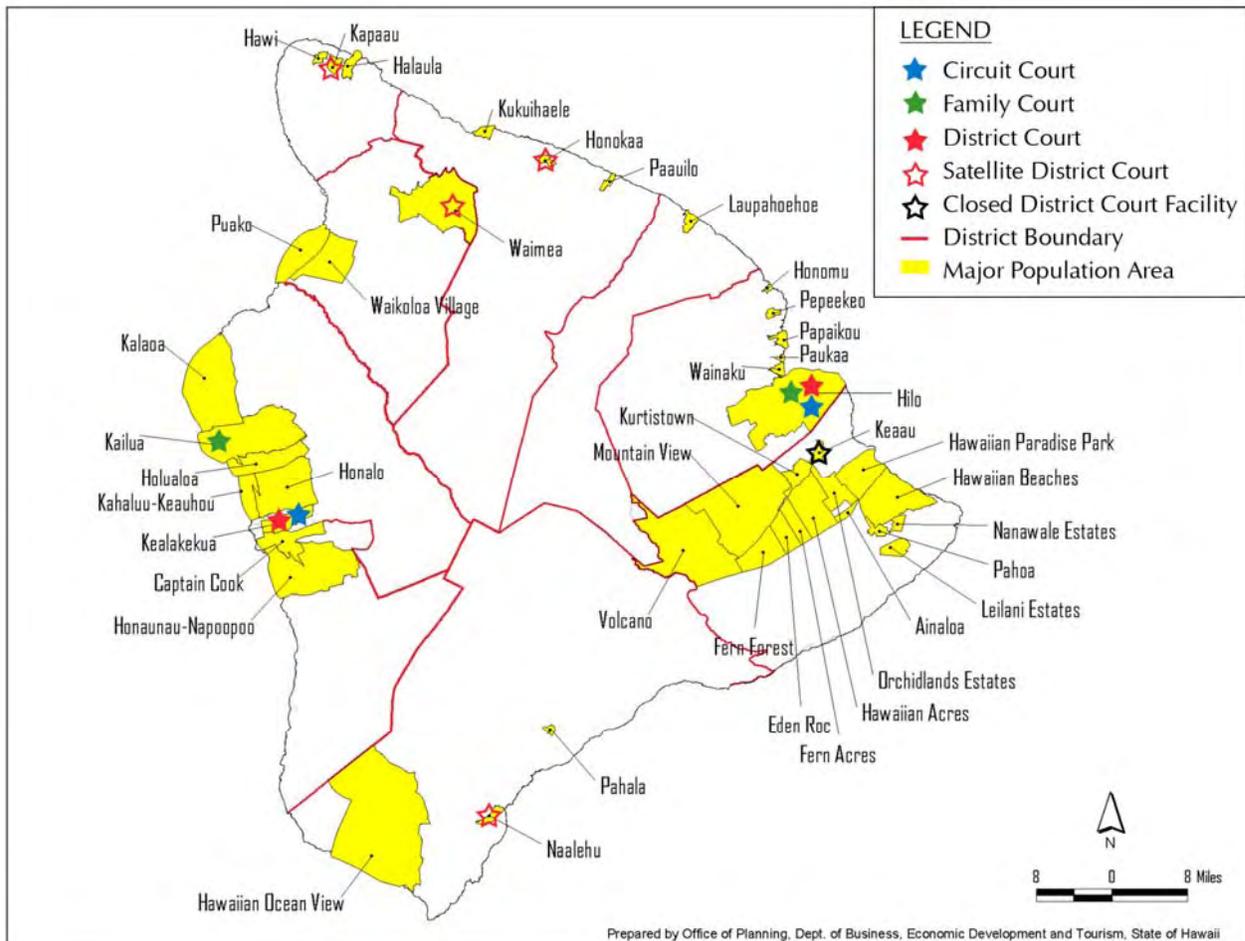


FIGURE 2. EXISTING JUDICIARY FACILITIES, THIRD CIRCUIT COURT, ISLAND OF HAWAII



### **2.3 PURPOSE AND NEED OF THE KONA JUDICIARY COMPLEX SITE SELECTION STUDY**

#### ***Population Growth Projections in Kona District***

Hawai'i Island has the second largest population of the four main counties, accounting for 13% of the State's population in 2005. The County of Hawai'i experienced one of the highest rates of population growth in the State during the past decade. In 2008, the State of Hawai'i Department of Business Economic Development and Tourism projected that the County of Hawai'i resident population would increase at an average annual rate of 2.3% from 2005 to 2030. The percentage of the total state population living in the County of Hawai'i is projected to increase from 13% in 2005 to 16.1% in 2030. Hawai'i County's resident population is projected to increase nearly 59% from year 2005 to 2030, from 164,800 residents to 261,300, respectively. Over the past 20 years, the population growth within the County is centered within two substantial population hubs, one on the east, Hilo, and the other on the west, Kona.

According to the County of Hawai'i 2005 General Plan, the population of North and South Kona in 2000 was 37,132, representing approximately 25% of the entire County population. This was second only to the combined areas of North and South Hilo (49,106) in the same year. The projected trend through 2020 is that the areas of North and South Kona will steadily increase; projecting to reach approximately 56,367 people, representing a 52.5% increase from 2000. In contrast, Hilo is projected to reach a population of 51,670 people, representing a 5.2% increase during the same period.

The primary reason for this growth is attributable to an expanding visitor industry in West Hawai'i in recent years. West Hawai'i has more than 6,000 hotel, resort, and condominium units and hosts more than a million visitors annually. According to the Kona-Kōhala Chamber of Commerce, these visitor destinations are supported directly or indirectly by an increasing workforce in various service industries include resort, retail, dining, and other visitor services. New construction stimulated by visitor demand for new resort destination experiences has supported the workforce for the past decade and has transformed the region. Finally, another reason for the increase in population growth in Kona is related to the expansion of other industries in the region which include: agricultural and aquaculture production; renewable energy; and healthcare services, which is one of the fastest growing economic sectors in the region.

The Kona Judiciary Complex Site Selection project is the catalyst to enable the State Judiciary to provide the necessary facilities for social and judicial services necessary to support an increasing population in West Hawai'i. Planning for this study will require a reasonable projection of the foreseeable need for the future growth of Judiciary facilities serving the West Hawai'i region, and development of a plan to accommodate the need to 2030 and beyond. As the current facilities in Kona are aged and inadequate to support existing judicial activities, the State Judiciary is undertaking this project in order to improve its operations to better serve the island community in this region.



***Existing and Anticipated Caseload for the Third Circuit***

*Third Circuit, Circuit Court*

In Circuit Court, 2,383 cases were filed in 2008 according to the Judiciary's 2008 Annual Report Statistical Supplement. This was a slight increase over the historic trend. The Circuit Court caseload in the Third Circuit is expected to continue on a growth trend in the future.

*Third Circuit, Family Court*

In Family Court, 7,864 cases were filed in 2008 (Judiciary 2008 Annual Report Statistical Supplement). Historically, filings have been very stable in this court, varying by no more than 1,000 cases from year to year. Steady future growth in Family Court caseload is anticipated.

*Third Circuit, District Court*

In 2008, there were 58,695 total case-filings in the Third Circuit District Court.

Of that total, 9,640 were non-traffic cases filed in 2008 (Judiciary 2008 Annual Report Statistical Supplement). Traffic cases are a large proportion of court filings in the District Courts. In 2008, traffic case filings totaled 49,055 in the Third Circuit (Judiciary 2008 Annual Report Statistical Supplement). Recently, the traffic violation counting method changed. Prior to 2006, each traffic violation (or "count") was defined as a case. Since the implementation of the Judiciary Information Management System (JIMS) in 2006, cases have been recorded by case file, not the number of counts (violations) within each case.

Increased case filing in both non-traffic and traffic District Court cases is expected in the future.

*West Hawai'i Region - Case Filing*

Portions of the Third Circuit case filings described above are assigned to courts serving the West Hawai'i region. Based on a population growth trends and distribution of judgeships and Judiciary staffing, it is estimated that West Hawai'i will have a significant portion of the increased number of case filings.

***Condition of Existing Third Circuit, West Hawai'i Judiciary Facilities***

The court facilities in West Hawai'i and specifically within the Kona region are grossly inadequate for their current needs. Major court operations are scattered around the Kona area at separate and disjointed facilities. None of the existing facilities were originally designed for court use, and as a result, have created considerable operational difficulties, higher security risks, and inconveniences to the public. Additionally, none of the courtrooms in Kona meet the requirements of modern courtroom design, in terms of space adequacy, functional space adjacency, circulation, building security, technology, and public access.

Another additional challenge in West Hawai'i is the lack of appropriate detention facilities. It is the Judiciary's responsibility to provide temporary holding facilities for custodies making court appearances. The Executive Branch, through the Department of Public Safety (DPS), is responsible for detention facilities serving Hawai'i Island. Custodies are transported from the only detention facility, located in Hilo, for court appearances in Kona. The detainee transport operation incurs significant transportation costs and personnel costs for assigning Sheriff's deputies for an entire day. Finally, there is no juvenile detention center within the Third Circuit, which is a Judiciary concern.



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The Judiciary facilities within the Kona region include the following: Kona Circuit Court, Division 4 and Kona District Court in the Keākealani Building, the Kona Circuit Court, Division 3 and Kona Drug Court on Haleki'i Street, the Kona Family Court in the Lenders Document Building, the Children's Justice Center-West Hawai'i, and the Driver Education facility in the Kealakekua Business Plaza. *Table 2* presents a floor area summary of these facilities. These facilities are a combination of State-owned and leased properties that occupy 31,880 square feet (SF). Below is a brief summary of each of the existing facilities.

#### *Kona Circuit Court, Division 4 and Kona District Court (Keākealani Building)*

The Kona Circuit Court, Division 4 and Kona District Court are currently located in the Keākealani Building (which is the old North Kona Hospital). This facility serves both North and South Kona districts. The State-owned building is a two-story wooden structure, which was completed in 1939 and is currently maintained by DAGS.

The State Judiciary has occupied the Keākealani Building since 1985, and shares half of the facility with the Department of Health. The existing facility contains space for Administrative Staff including Administrators, Fiscal and Legal Documents, Circuit Court Courtroom, Circuit Court Support Staff, District Court Courtroom, District Court Support Staff and a printing room. Space for personnel and storage is limited. Records and file storage space is at capacity and overflows in the hallway of the office. The Judiciary also rents an off-site storage facility.

The Judiciary designated the Keākealani building as "Poor" in an operations assessment and Fair under a physical assessment. A "Poor" operational rating is given to buildings which are deemed to require immediate major improvement. A "Fair" physical rating is given to buildings which will require more than minor renovation and repair within a 5 to 10 year timeframe.

From an operational perspective, some of the limitations of the existing Keākealani Building include the amount of space for functional and safety allowances relative to interactions between staff, the general public, and custodies, and overall circulation within the facility. Currently, the facility does not have a separate entry for custodies. This creates a safety concern, as custodies are transported through the building and courtyard, and are not segregated from court employees and the general public. Holding cells are built for four custodies, but have been used to hold up to twenty (20) custodies.

In assessing its physical integrity, the Keākealani Building could use the most repair and renovation as it requires improvements to its infrastructure and building structure. Parking is very limited at this facility, as overflow parking demand is not properly accommodated. A common bi-level parking area provides a total of seventy-nine (79) stalls and one (1) American Disabilities Act (ADA) accessible stall. The number of parking stalls is insufficient and additional ADA compliant spaces are required.

Additionally, there is no designated waiting space in the building for the general public or individuals that are part of a jury assembly, who congregate in an outdoor courtyard, which has flooding problems when it rains.



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#### *Kona Circuit Court, Division 3 and Kona Drug Court (Haleki'i Street)*

The Kona Circuit Court, Division 3 and Kona Drug Court is currently housed on Haleki'i Street with affiliated drug court client services offices. The courtroom is used five (5) days per week and has a seating capacity of forty (40). There are two holding cells that can each house two custodies. Circuit and drug court staff have a limited amount of workstation space with no room for future expansion. Record and file storage is at capacity and overfills into the hallway of the office. The public waiting area is small and parking is a challenge. In a Judiciary assessment, the Kona Circuit Court, Division 3 and Kona Drug Court facility was designated as Fair for both operations and physical conditions. A "Fair" physical and operational rating is given to buildings and operations which will require more than minor improvements within a 5 to 10 year timeframe.

#### *Kona Family Court, Adult Probation and Juvenile Services (Lenders Document Building)*

The Kona Family Court and Adult Probation and Juvenile Services are currently housed in the Lenders Document Building, which is a private office building located on Nālani Street. This building also leases space to private businesses and government agencies.

Family Court hears legal matters involving children, civil commitment cases, guardianships of adults, and adult abuse cases. Juvenile Client Services monitors and supervises juveniles who have been adjudicated by the court for law violations and status offenses.

There are no holding cells at the Kona Family Court. When necessary and available, an existing Interview Room is generally utilized as a temporary makeshift holding area for custodies. Otherwise, custodies are held in the general waiting area with members of the general public. The public waiting area can become crowded, especially on heavy court days. ADA accessibility in the building is limited, and the third floor of the building can not be accessed by individuals with walking disabilities. Space for staff and storage is limited. Additionally, there is a reoccurring rodent control issue at this facility. Under a Judiciary assessment, the Kona Family Court facility was designated as Fair for both operations and physical conditions.

#### *Driver Education Division (Kealakekua Business Plaza)*

The Driver Education Division is located in the Kealakekua Business Plaza on Haleki'i Street. This facility offers courses and programs including: Driving under the Influence; Zero Tolerance and Prohibitions Involving Minors; Defensive Driving; and Child Passenger Restraint. The facility is structurally sound and classroom space is adequate with provisions for additional staff, if needed. Under the Judiciary assessment, the Kealakekua Business Plaza-Driver Education Division facility was designated as Good for both operations and physical conditions. A "Good" physical rating is given to buildings which will require minor renovation and repair, within a ten (10) to fifteen (15) year timeframe. A "Good" operational rating is given to operations which will require minor improvements within a ten (10) to fifteen (15) year timeframe. *Table 2* provides a listing of the Kona region facilities and their respective square footage as either State-owned or leased property.

#### *Children's Justice Center of West Hawai'i*

Located next to the Family Court, the Children's Justice Center of West Hawai'i (CJC-WH) works in partnership with the CJC-East Hawai'i to serve the children of Hawai'i Island. The CJC-WH is a program of the State Judiciary, under the administration of the Office of the Administrative Director of the Courts (OADC) that brings together a multidisciplinary team of professionals who coordinate investigations of child abuse and neglect. The Centers provide a warm homelike setting for children as they are interviewed in these types of investigations. Operationally, there has been no increase in



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staffing or space for the CJC-WH facility since the program started in 1988. However, the statewide program has evolved to include serious physical abuse cases in addition to sexual abuse cases since 2001. The CJC-WH is supported by a non-profit organization that helps to provide funds and resources to the needs of children serviced by the center. Space for staff and volunteers is limited. It is anticipated that certain court cases currently managed by East Hawai'i courts will be handled by West Hawai'i, which will increase the potential number of clients serviced at the CJC-WH. CJC's have historically preferred to be housed in a separate facility from the courthouse. Separate facilities support the CJC's 24/7 operational schedule, establishment of a home-like setting, and physical separation from judicial functions. The CJC-WH space is not included in the program for the Kona Judiciary Complex so it has not been included in *Table 2* below.

<b>TABLE 2. EXISTING SQUARE FOOTAGE FOR THIRD CIRCUIT JUDICIARY FACILITIES, KONA REGION</b>		
	<b>State-Owned Facility (Square Feet)</b>	<b>Judiciary Leased (Square Feet)</b>
Kona Circuit Court, Division 4 and Kona District Court	13,400	0
Kona Circuit Court, Division 3 and Drug Court	0	3,480
Kona Family Court	0	12,800
Driver Education Division	0	2,200
CJC-WH	-	-
<b>Total</b>	<b>13,400</b>	<b>18,480</b>
<b>TOTAL KONA REGION</b>		<b>31,880</b>

In summary, the existing Judiciary facilities in the Kona region are currently deficient to optimally meet existing and projected future needs. In developing a program that addresses these deficiencies, the National Center for State Courts (NCSC) provided an analytical framework for improving court performance. NCSC is an independent, non-profit court improvement organization serving as consultant to the Project Team. The framework provides guidance from national trends that provides this study with certain benchmarks and models for Judiciary facilities planning on the mainland. As applicable to the West Hawai'i setting, the Project Team will examine improvements that address the following operational categories: adjudication, trial court administration, client and restorative services, site and space considerations, and technology. The preliminary space program for the Kona Judiciary Complex will be the result of assessing existing operations and applying this guidance to the Judiciary services environment and needs unique to the Kona region.

### 2.4 KONA JUDICIARY COMPLEX - PRELIMINARY SPACE PROGRAM

The preliminary space program for the Kona Judiciary Complex is designed to consolidate and relocate complex adjudication functions and court activities requiring higher levels of judicial, staff, and facility resources within a central location in West Hawai'i. The Kona Judiciary Complex would be comparable to the consolidation of Judiciary activities at Hale Kaulike (the Hilo Judiciary Complex) in East Hawai'i. The space program for Kona Judiciary Complex will combine the functions of at least four of the five existing facilities in the Kona region with consideration to accommodate anticipated needs of a growing population through 2030. It is anticipated that such a facility may also serve the programming needs to support the judicial functions for all of West Hawai'i, including remote and rural areas of Ka'u and perhaps Kōhala as well. The preliminary estimates indicate that the future Kona Judiciary Complex will be programmed to accommodate the



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full-time equivalent of seven (7) judges and their support staff. The preliminary space program estimates a facility that would occupy approximately 140,000 SF (estimated gross SF). *Table 3* provides the preliminary assessment of programmed space.

<b>TABLE 3. PRELIMINARY SPACE PROGRAM SUMMARY FOR THE KONA JUDICIARY COMPLEX (GROSS SF)</b>	
Support and Operations	77,000
Court Administration	9,000
Client User Services	21,500
Other Agencies	500
DPS*	11,500
Ancillary Support	20,500
<b>Total (approximate Gross SF)</b>	<b>140,000</b>
<i>* Space provided for DPS Support to Judiciary</i>	

A preliminary space program for the Kona Judiciary Complex will be presented with greater detail in the Draft EIS. Additionally, the preliminary parking and loading requirements for the proposed facilities will also be calculated.

### 2.5 PRELIMINARY DEVELOPMENT SCHEDULE AND ESTIMATED DEVELOPMENT COSTS

Subsequent to selection of the future Kona Judiciary Complex site, detailed project planning and design are planned to commence. Progress will be contingent upon the legislative appropriation of State funding, and the issuance of required State and County land use permits and development approvals. The estimated project development budget will be provided in the Draft EIS. The development budget will inclusive of anticipated land acquisition costs; site work and preparation; construction of facilities; and necessary improvements of existing and/or new construction of roads and support infrastructure. A potential project completion date is not available at this time.

### 2.6 REQUIRED PERMITS AND APPROVALS

The final decision for site selection of the Kona Judiciary Complex will be made by the Chief Justice.

It is anticipated that in addition to completing the State environmental review process under HRS §343, additional permits will be required. However, given the number of potential sites to be evaluated, the range of State and County of Hawai'i land use permits and approvals are uncertain at this time. Depending on the final selected site, the possible land use approvals could include one or more of the following (with the decision authority identified): State Land Use Boundary Amendment (State Land Use Commission); General Plan Amendment (Hawai'i County Planning Commission (HCPC)); Change of Zoning District or Zoning District Variance (HCPC); and Special Management Area Use Permit (HCPC).

Subsequent project construction will also require approvals for various site grading, building, and infrastructure permits from the County. A comprehensive site-by-site list of the various land use, building, construction and infrastructure approvals will be provided in the Draft EIS.



### 3.0 SITE SELECTION PROCESS

#### 3.1 CRITERIA AND PRELIMINARY SCREENING FOR SITE SELECTION PROCESS

Site selection for the Kona Judiciary Complex involves the identification of a number of Potential Sites in the Kona area. The Potential Sites will undergo a process of evaluation and comparison under various selection criteria. Previous efforts to select a site for the Kona Judiciary Complex date back to 1994, when a Site Selection Study and Final EIS were completed to evaluate options for a new Kona Civic Center. In the 1994 study, five (5) Candidate Sites were identified and a site selection study was undertaken to identify, compare, and evaluate the sites to facilitate decision-making. Meetings and consultation were held at that time with DAGS and State and County officials, public utilities, landowners, businesses, organizations and individuals. For the 1994 study, the minimum site criteria for potential sites included lot size, location, slope, proximity to tsunami and flood hazard areas, land ownership, and whether there would be a need to displace existing tenants and committed development.

The current Site Selection Study for the Kona Judiciary Complex considers ten (10) locations classified as Potential Sites. The current study will re-assess three of the five Candidate Sites from the 1994 study. Identified government and private sector stakeholders and the general public will again be invited to participate in the site evaluation process. Similar to the 1994 study, several minimum site criteria for the potential sites are applied in the screening process, including:

- **Lot size-** The site must have a minimum land area of seven (7) acres.
- **Land Ownership-** There is a preference, but not a necessity, that the site ownership be under the control of the State of Hawaii (various Departments control State lands in the region).
- **Location-** Proximity to central commercial and population center of Kona is preferred.
- **Slope-** The site should not have a slope of greater than 10%. Additional preference is for a relatively flat site to minimize costs for earthwork.
- **Displacement of Existing Tenants and Committed Development-** The project should avoid displacement of existing tenants or other commitments for development. Vacant land is preferable to land which already supports development.
- **State Land Use and County Zoning Designation-** Preferably, the site's land use designations will allow the activity without need for a district boundary amendment, general plan amendment, or zoning change.

In the Draft EIS, each of the ten (10) Potential sites will be evaluated and rated according to three broad categories of criteria: (1) Building Site Criteria; (2) Community Criteria and (3) Cost Considerations. Building Site Criteria are physical parameters which define site development and operational constraints, such as roadways, utilities and environmental characteristics. Community Criteria evaluate the governmental/land use compatibility and the relationship of the complex to the surrounding community. Cost Considerations include site acquisition, demolition of existing structures, and off-site and on-site improvements. *Table 4* provides a summary of the three categories of criteria that will be used to evaluate the Potential Sites, and selectively narrow the group to a set of Candidate Sites. The Draft EIS and Site Selection Study will conduct a detailed evaluation of the Candidate Sites.



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**TABLE 4. PRELIMINARY SITE SELECTION CRITERIA FOR CANDIDATE SITES**

Category	Range of Evaluation Parameters	Specific Variables
<b>Building Site Criteria</b>	Physical parameters required for site development	Size/buildable area Slope hazard/soil depth Tsunami and flood inundation Lot configuration
	Operational constraints such as roadways and utilities	Roadways Water Wastewater Drainage Power and communications Pedestrian/alternative transportation accessibility
	Environmental characteristics	Cultural/archaeological Flora/fauna Air quality/noise Environmental hazards (e.g., hazardous materials)
	Aesthetic value/natural beauty	View planes and mauka-makai visual corridors
	Ability to accommodate expansion	
	Meets sustainable design objectives	Leadership in Energy and Environmental Design (LEED)
	Ceded land status	
<b>Community Criteria</b>	Governmental/land use compatibility	State Land Use District County General Plan County Zoning Special Management Area
	Relationship to surrounding community	Displacement of tenants Community sentiment regarding project
	Location in relationship to population centers and commercial activity	Including local attorneys/law offices
	Surrounding land uses	Compatibility to adjacent uses or services
	Land ownership	Preference for State-owned versus private land acquisition
<b>Cost Considerations</b>	Site acquisition	
	Demolition of existing structures	
	Required on- and off-site improvements	
	Location in relationship to other judicial support services	



### 3.2 POTENTIAL SITES FOR THE KONA JUDICIARY COMPLEX

The following is a site-by-site presentation of the ten (10) Potential Sites for the Kona Judiciary Complex. The presentation order of the sites does not infer a preference or priority at this stage of review. A summary assessment as to their suitability for development is provided. These sites include both public and private lands, comprised of a minimum lot size of seven (7) acres. Potential Sites are situated within close proximity to the Kona urban area and generally along the Queen Kaahumanu Highway corridor between Kona International Airport and Kailua-Kona village.

**Site A: Department of Hawaiian Home Lands (DHHL) Near Kona Airport**

<b>Landowners &amp; Tax Map Keys:</b>	Department of Hawaiian Home Lands (DHHL) (TMK 3-7-3-010:039)
<b>Land Area:</b>	126.97 acres
<b>Location:</b>	Queen Ka’ahumanu Highway
<b>State Land Use District:</b>	Urban & Conservation
<b>Community Development Plan (CDP) and Land Use Pattern Allocation Guide (LUPAG):</b>	Urban Expansion
<b>County Zoning Code:</b>	Open
<b>Special Management Area (SMA):</b>	Entire site area not within SMA

Site A (Airport) is located on the mauka side of Queen Ka’ahumanu Highway approximately one mile from the Kona International Airport at Keāhole. Site A is currently vacant and is bordered by vacant lands to the north and the east, Queen Ka’ahumanu Highway to the west, and Pūkiawe Street to the south. A small agricultural community and Hawai’i Electric substation are located across Pūkiawe Street from the site. Site A is generally oriented along a north-south axis. The project area slopes from east to west, from an elevation of 200 feet above mean sea level (MSL) to 250 feet MSL. The topography of the site has an average slope of 3.6%. The terrain is composed of pāhoehoe lava flows. Urban areas, in proximity to the site, include Kalaoa and Kailua-Kona Town, located approximately 2 miles and 5.2 miles to the east and south, respectively.

**Site B: ‘O’oma**

<b>Landowners &amp; Tax Map Keys:</b>	State of Hawai’i (TMK 3-7-3-009:005)
<b>Land Area:</b>	903.79 acres
<b>Location:</b>	Near Hulikoa Drive
<b>State Land Use District:</b>	Urban



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**CDP and LUPAG:** Urban Expansion

**County Zoning Code:** Open

**SMA:** Entire site area not within SMA

Site B ('O'oma) is located north of Hulikoa Drive and mauka of Queen Ka'ahumanu Highway and is near the existing Keāhole Agricultural Park. Kona International Airport at Keāhole is approximately three (3) miles to the north from the site. Site B is State land adjacent to a private site recently approved for development by the Land Use Commission. This vacant parcel is bordered by other adjacent vacant lands to the north and the south, Queen Ka'ahumanu Highway to the west, and Kalaoa Town to the east. A small industrial area along Hulikoa Drive is approximately 0.3 miles south of the site. Site B is generally oriented along a north-south axis and slopes from east to west. The western portion of Site B is the actual area being considered for the Kona Judiciary Complex. Site B is at an elevation between 80-100 MSL and its topography yields an average slope of 2.8%. The terrain of Site B is composed of pāhoehoe and 'a'ā lava flows. Urban areas, in proximity to the site, include Kalaoa and Kailua-Kona Town, located approximately two (2) miles and three point four (3.4) miles to the northeast and south, respectively.

#### **Site C: Kaloko Makai LLC**

**Landowners & Tax Map Keys:** MID CORP  
(TMK 3-7-3-009:017)

**Land Area:** 224.43 acres

**Location:** Ka'ahumanu Highway and Hina Lani Street

**State Land Use District:** Conservation

**CDP and LUPAG:** Urban Expansion

**County Zoning Code:** Open

**SMA:** Entire site area not within SMA

Site C (Kaloko Makai) is located at the mauka/north corner of Hina Lani Street and Queen Ka'ahumanu Highway intersection, adjacent to a portion of the Kaloko Makai LLC project, a planned residential mixed-use development. Site C is vacant and is bordered by industrial lands to the north and the south, Queen Ka'ahumanu Highway to the west, and vacant land to the east. Site C is generally oriented along a north-south axis and slopes from east to west. The southwestern portion of the site is being considered as a potential site and has an elevation between 100-150 MSL. The topography of the site has an average slope of 5.9%. The terrain is composed of Punalu'u extremely rocky peat, pāhoehoe and 'a'ā lava flows. Urban areas, in proximity to the site, include Kalaoa and Kailua-Kona Town, located approximately 1.9 miles and 2.4 miles to the northeast and south, respectively.



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### **Site D: 327 Kona LLC**

<b>Landowners &amp; Tax Map Keys:</b>	327 Kona LLC (TMK 3-7-4-008:047)
<b>Land Area:</b>	293.83 acres
<b>Location:</b>	Future extension of Kealakehe Parkway
<b>State Land Use District:</b>	Agricultural
<b>CDP and LUPAG:</b>	Urban Expansion
<b>County Zoning Code:</b>	A-5a
<b>SMA:</b>	Entire site area not within SMA

Site D is a parcel that is privately owned by 327 Kona LLC and is located along the planned alignment of the Kealakehe Parkway extension. Site D is vacant and is bordered by small residential lots to the east and the northeast and vacant land to the north, the west, and the south. Site D is generally oriented along a north-south axis and slopes from east to west. The southwestern portion of the site is being considered as a potential site and has an elevation between 450 to 500 MSL. The topography of the site has an average slope of 6.7%. The terrain is composed of pāhoehoe lava flows. Urban areas, in proximity to the site, include Kalaoa and Kailua-Kona Town, located approximately 1.8 miles and 1.6 miles to the north and south, respectively. The owners have expressed interest in locating the new Judiciary facility on their property.

### **Site E: West Hawai'i County Civic Center**

<b>Landowners &amp; Tax Map Keys:</b>	DHHL (TMK 3-7-4-020:003)
<b>Land Area:</b>	7.579 acres
<b>Location:</b>	Kealakehe Parkway and Keohokalole Highway
<b>State Land Use District:</b>	Urban
<b>CDP and LUPAG:</b>	Urban Expansion
<b>County Zoning Code:</b>	Open
<b>SMA:</b>	Entire site area not within SMA

Site E is adjacent to the West Hawai'i County Civic Center, which is under construction at Kealakehe Parkway. Site E is vacant and is bordered by the future West Hawai'i Civic Center to the east, industrial land to the north, vacant land to the west, and Kealakehe Parkway to the south. The site is generally oriented along a north-south axis and slopes from east to west and has an elevation between 200 to 250 MSL. The topography of the site has an average slope of 7.7%. The terrain is mostly composed of pāhoehoe lava flows. Urban areas, in proximity to the site, include Kalaoa and



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Kailua-Kona Town, located approximately 2.6 miles and 0.8 miles to the north and south, respectively.

#### **Site F: DLNR/DHHL Honokōhau**

**Landowners & Tax Map Keys:**

DHHL &  
Department of Land and Natural Resources (DLNR)  
(TMK 3-7-4-008:072)

**Land Area:**

200 acres

**Location:**

Kealakehe Parkway and Queen Ka’ahumanu Highway

**State Land Use District:**

Urban

**CDP and LUPAG:**

Open

**County Zoning Code:**

Project District

**SMA:**

Entire site area is within SMA

Site F is located mauka of Honokōhau Harbor on DHHL and State DLNR lands. Site F is located on the corner of Kealakehe Parkway and Queen Ka’ahumanu Highway. Site F is vacant and is bordered by Queen Ka’ahumanu Highway to the east, Kealakehe Parkway to the north, vacant land to the west, and the Kealakehe Wastewater Treatment facility to the south. Site F is generally oriented along a north-south axis and slopes from east to west and has an elevation between 50 to 70 MSL. The topography of the site has an average slope of 0.8%. The terrain is mostly composed of pāhoehoe lava flows. Urban areas, in proximity to the site, include Kalaoa and Kailua-Kona Town, located approximately 3.1 miles and 0.8 miles to the northeast and southeast, respectively.

#### **Site G: La’i’Ōpua 2020 Commercial-Retail**

**Landowners & Tax Map Keys:**

DHHL  
(TMK 3-7-4-021:023)

**Land Area:**

26.392 acres

**Location:**

Ane Keohokalole Highway between Proposed Makala Boulevard extension and Kealakehe Parkway

**State Land Use District:**

Agricultural

**CDP and LUPAG:**

Urban Expansion

**County Zoning Code:**

A-5a

**SMA:**

Entire site area not within SMA

Site G is DHHL land located north of Ane Keohokalole Highway in the La’i’Ōpua 2020 development area. Site G is vacant and is bordered by Kealakehe High School to the north,



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Kamakana Villages at Keahuolū to the south and the east, and the existing and proposed extension of Ane Keohokalole Highway to the west. Site G is generally oriented along a north-south axis and slopes from east to west and has an elevation between 300 to 350 MSL. The topography of the site has an average slope of 6.3%. The terrain is mostly composed of ‘a‘ā lava flows. The site is within Kailua-Kona urban area and Kalaoa located approximately 3.3 miles to the north. The owners have expressed interest in locating the new Judiciary facility on their property.

### **Site H: Queen Lili‘uokalani Trust (QLT) Lands near Kealakehe Police Station**

<b>Landowners &amp; Tax Map Keys:</b>	QLT (TMK 3-7-4-020:022)
<b>Land Area:</b>	220.9 acres
<b>Location:</b>	Queen Ka‘ahumanu Highway near the Old Dump Access Road
<b>State Land Use District:</b>	Urban
<b>CDP and LUPAG:</b>	Urban Expansion
<b>County Zoning Code:</b>	Open
<b>SMA:</b>	Entire site area not within SMA

Site H (Police Station) is located adjacent to the existing Hawai‘i County Police Station at 74-5221 Queen Ka‘ahumanu Highway and the County’s landfill and transfer station. Site H is vacant and is bordered by the landfill to the north, vacant land to the east and the south, and Queen Ka‘ahumanu Highway to the west. The site is generally oriented along a north-south axis and slopes from east to west. The southwestern portion of the site is being considered as a potential site and has an elevation 100 MSL. The topography of the site has an average slope of 5.6%. The terrain is mostly composed of pāhoehoe lava flows. The site is within Kailua-Kona urban area and Kalaoa located approximately 3.5 miles to the northeast.

### **Site I: QLT Lands near the Makalapua Center**

<b>Landowners &amp; Tax Map Keys:</b>	QLT (TMK 3-7-4-020:009)
<b>Land Area:</b>	11,737 acres
<b>Location:</b>	Queen Ka‘ahumanu Highway and Makala Boulevard
<b>State Land Use District:</b>	Urban
<b>CDP and LUPAG:</b>	High Density Urban
<b>County Zoning Code:</b>	CG-10
<b>Special Management Area (SMA):</b>	Entire site area not within SMA



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Site I is located close to Makalapua Center at 74-5475 Kamaka’eha Avenue on Queen Lili’uokalani Trust property. Site I is vacant and is bordered by other vacant lands to the north and the east, Makala Boulevard to the south, and Queen Ka’ahumanu Highway to the west. Site I is generally oriented along a north-south axis and slopes from east to west and has an elevation 50 to 100 MSL. The topography of the site has an average slope of 7.5%. The terrain is mostly composed of Punalu’u extremely rocky peat. The site is within Kailua-Kona urban area and Kalaoa located approximately four (4) miles to the north.

### **Site J: Hawai’i Housing Finance and Development Corporation (HHFDC)**

<b>Landowners &amp; Tax Map Keys:</b>	State of Hawai’i (TMK 3-7-4-021:020)
<b>Land Area:</b>	272.063 acres
<b>Location:</b>	On Palani Road
<b>State Land Use District:</b>	Agricultural
<b>CDP and LUPAG:</b>	Low Density Urban
<b>County Zoning Code:</b>	A-5a
<b>SMA:</b>	Entire site area not within SMA

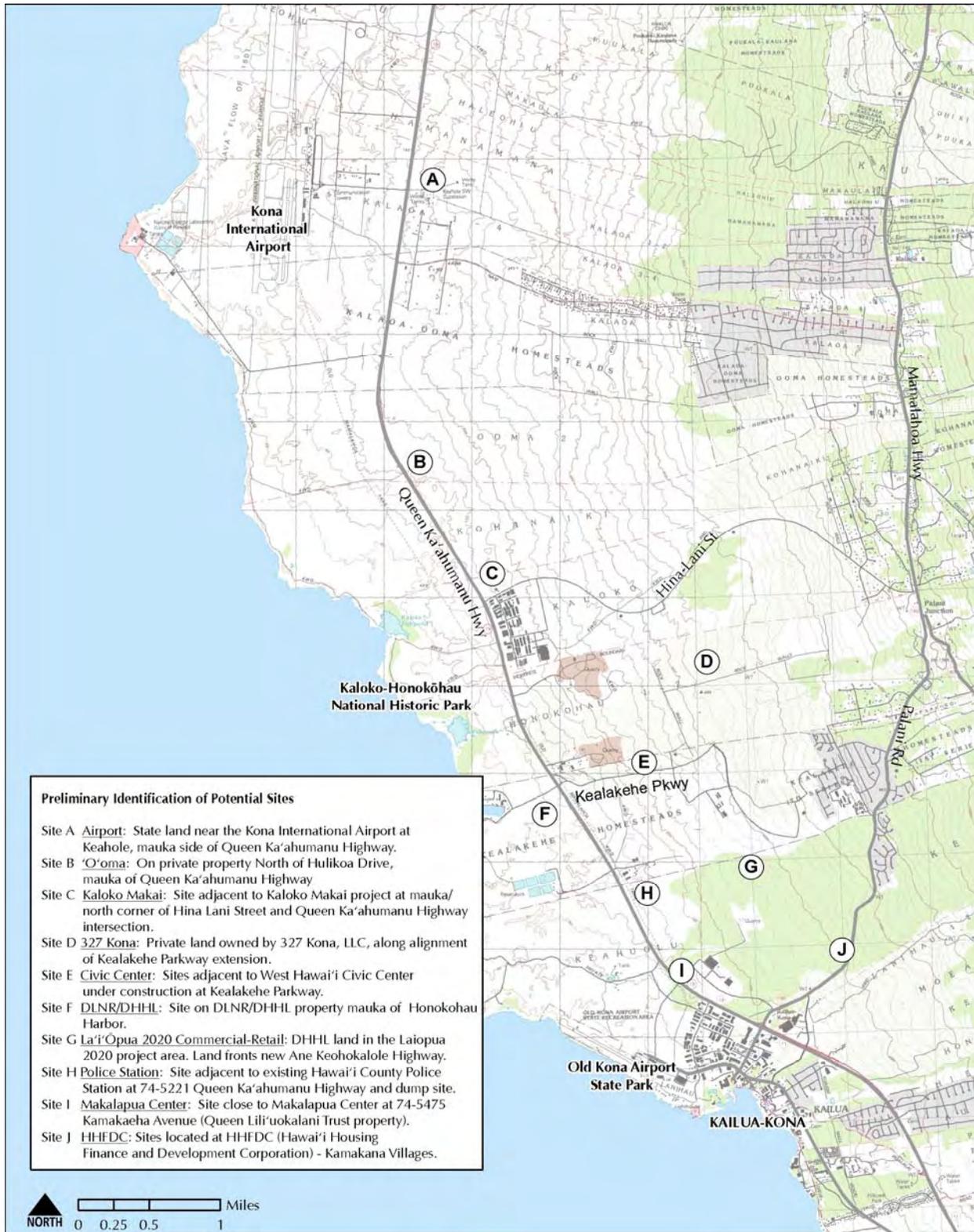
Site J is located at the HHFDC’s Kamakana Villages. The southeastern portion which is designated as commercial next to Palani Road is being considered as a Potential Site. It is bordered by the future Kamakana Village residential areas to the north, the west, and the east, and Palani Road to the south. Site J is generally oriented along a north-south axis and slopes from east to west and has an elevation between 300 to 400 MSL. The topography of the site has an average slope of 6.8%. The terrain is mostly composed of ‘a’ā lava flows. The site is within Kailua-Kona urban area and Kalaoa located approximately four (4) miles to the north.

*Figure 3* identifies the location for all ten (10) Potential Sites. *Figure 4* highlights the parcel’s land ownership status and identifies the tax map key number. *Table 5* provides a summary overview for all ten (10) Potential Sites.



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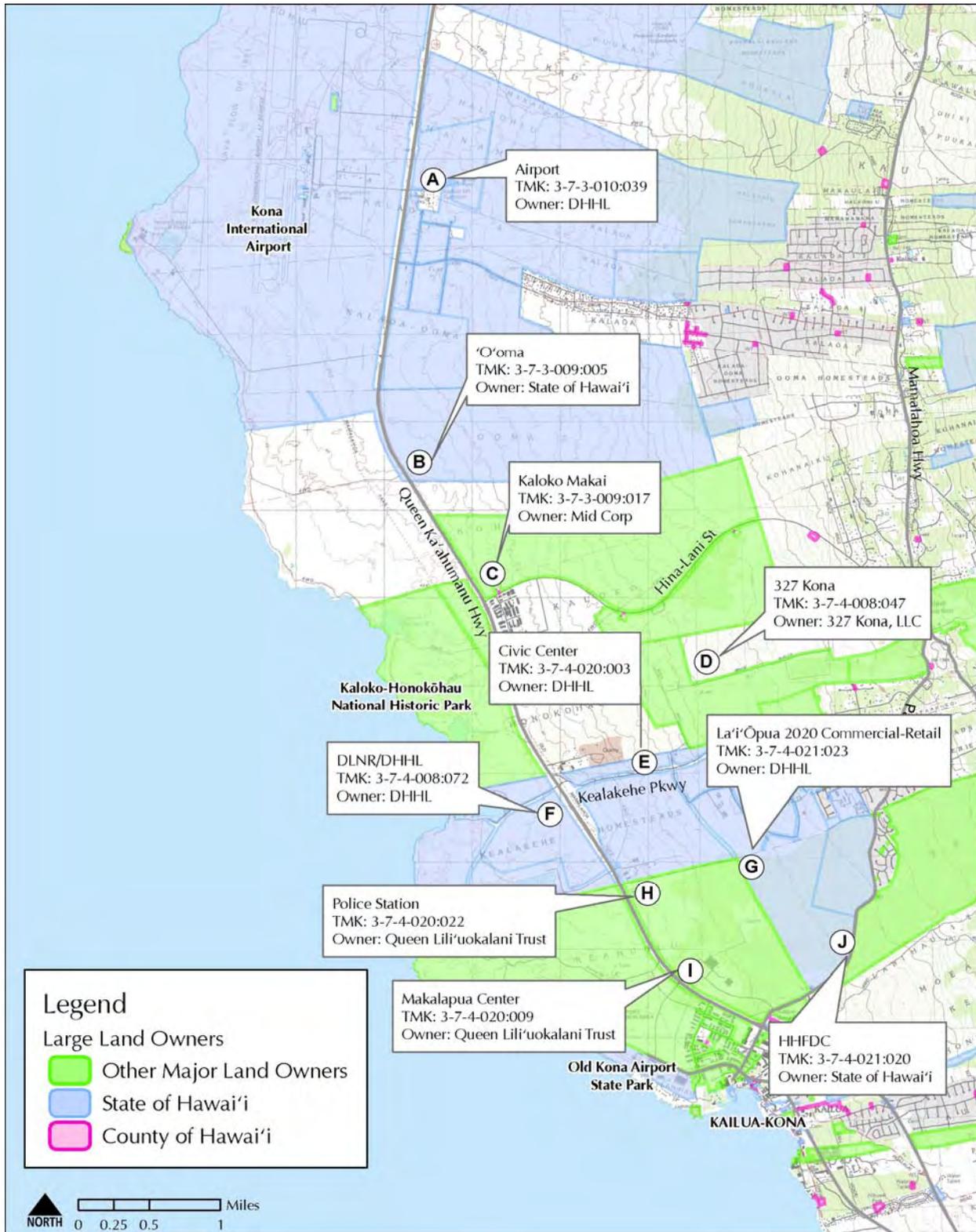


**FIGURE 3. POTENTIAL SITES FOR KONA JUDICIARY COMPLEX**



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**FIGURE 4. LANDOWNER AND TAX MAP KEY FOR POTENTIAL SITES**

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**TABLE 5. SUMMARY OF POTENTIAL SITES FOR THE KONA JUDICIARY COMPLEX**

Potential Site	Landowners	Tax Map Key	Land Area (Acres)	Location	State Land Use District	County CDP / Land Use Pattern Allocation Guide	County Zoning Code	Special Management Area (SMA)	Opportunities and/or Constraints
<b>Site A DHHL near Kona Airport</b>	DHHL	3-7-3-010:039	126.97	Queen Ka'ahumanu Highway	Urban & Conservation	Urban Expansion	Open	not within SMA	Vacant State land with 3.6% average slope. Requires partnership or land transfer with DHHL. Requires CDUP application approval. Complex is a permitted use under current County Zoning.
<b>Site B 'O'oma</b>	State of Hawai'i	3-7-3-009:005	903.79	Near Hulikoa Drive	Urban	Urban Expansion	Open	not within SMA	Vacant State land with 2.8% average slope. Permitted use under State Land Use and County Zoning.
<b>Site C Kaloko Makai LLC</b>	MID CORP	3-7-3-009:017	224.43	Ka'ahumanu Highway and Hina Lani Street	Conservation	Urban Expansion	Open	not within SMA	Vacant Private land with 5.9% average slope. Requires acquisition under §101-2, HRS and/or partnership agreement with landowner. Requires CDUP application approval. Permitted use under County Zoning .
<b>Site D 327 Kona LLC</b>	327 Kona LLC	3-7-4-008:047	293.83	Future extension of Kealakehe Parkway	Agricultural	Urban Expansion	A-5a	not within SMA	Vacant Private land with 6.7% average slope. Requires acquisition under §101-2, HRS and/or partnership agreement with landowner. Requires State Land Use Boundary Amendment at County level as parcel acquired would be less than 15 acres. Requires County Zoning Variance. Owner interest.
<b>Site E West Hawai'i Civic Center</b>	DHHL	3-7-4-020:003	7.579	Kealakehe Parkway and Keohokalole Highway	Urban	Urban Expansion	Open	not within SMA	Vacant State land with 7.7% average slope. Requires partnership or land transfer with DHHL. Permitted use under State Land Use and County Zoning.
<b>Site F DLNR/ DHHL Honokōhau</b>	DHHL & DLNR	3-7-4-008:072	200	Kealakehe Parkway and Queen Ka'ahumanu Highway	Urban	Open	Project District	Within SMA	Vacant State land with 0.8% average slope. Permitted use under State Land Use and County Zoning. Requires SMA (Major) use permit.
<b>Site G La'i'Ōpua 2002 Commercial-Retail</b>	DHHL	3-7-4-021 :023	26.392	Ane Keohokalole Highway between proposed Makala Boulevard extension and Kealakehe Parkway	Agricultural	Urban Expansion	A-5a	not within SMA	Vacant State land with 6.3% average slope. Requires partnership or land transfer with DHHL. Requires State Land Use Boundary Amendment and County Zoning Variance. Owner interest.
<b>Site H QLT near Kealakehe Police Station</b>	QLT	3-7-4-020:022	220.9	Queen Ka'ahumanu Highway near the Old Dump Access Road	Urban	Urban Expansion	Open	not within SMA	Vacant Private land with 5.6% average slope. Requires acquisition under §101-2, HRS and/or partnership agreement with landowner. Permitted use under State Land Use and County Zoning.
<b>Site I QLT near Makalapua Center</b>	QLT	3-7-4-020:009	11,737	Queen Ka'ahumanu Highway and Makala Boulevard	Urban	High Density Urban	CG-10	not within SMA	Vacant Private land with 7.5% average slope. Requires acquisition under §101-2, HRS and/or partnership agreement with landowner. Permitted use under State Land Use and County Zoning. .
<b>Site J HHFDC</b>	State of Hawai'i	3-7-4-021:020	272.063	On Palani Road	Agricultural	Low Density Urban	A-5a	not within SMA	Vacant State Land with 6.8% average slope. Requires partnership or land transfer with HHFDC. Requires County Zoning Variance. Requires State Land Use Boundary Amendment at County level as land parcel to be acquired is less than 15 acres.



### **3.3 Preliminary Screening Recommendations for Candidate Sites**

Based upon an initial evaluation of the ten (10) Potential Sites under the provided criteria and input from interested parties, the Draft EIS will assess a selection of Candidate Sites, which are those sites that best meet the minimum screening criteria. Environmental impacts that would result from the development of the Kona Judiciary Complex at each of these Candidate Sites will be addressed in the Draft EIS.

Field inspections will be conducted for each site in order to assess and rate the Candidate Sites as “good”, “fair”, or “poor” according to the Building Site Criteria and Community Criteria. A detailed description of each site’s evaluation will be presented in the Draft EIS, along with a detailed presentation of individual criteria and standards used to define rating categories for each criterion.



## **4.0 PROJECT SETTING TO BE ASSESSED IN THE DRAFT EIS**

### **4.1 PHYSICAL AND NATURAL ENVIRONMENT**

The Kona Judiciary Site Selection Study EIS will examine the pertinent features of the physical and natural environment. Existing data will be compiled from past environmental studies, and new studies will be completed to address the potential impacts within several discipline areas. The study disciplines include: climate (rainfall, flooding, storm surge and wind); geology, topography, slope, and soils; flora and fauna habitats; and nearshore ocean waters.

### **4.2 HUMAN ENVIRONMENT**

The Kona Judiciary Site Selection Study EIS will evaluate other resource types that represent past and present human interaction and connectivity between the natural and built environments. The Draft EIS will identify and evaluate known impacts to archaeological, historic, and cultural resources; traffic and pedestrian circulation patterns; noise and air quality; visual resources; and significant viewsheds. Potential impacts of the proposed project to the human environment will be addressed, and appropriate mitigation measures will be proposed. Existing civil infrastructure conditions will also be evaluated. Forecasted demand for the proposed project will be assessed, including impacts to roadways; water and wastewater transmission lines; stormwater runoff and drainage systems; and power, cable, and telecommunications systems. Future needs and forecasted demand on other public services, such as police, fire, emergency, medical, educational and social services, will also be addressed in the EIS.

### **4.3 SOCIOECONOMIC CONDITIONS**

The Kona Judiciary Site Selection Study EIS will include an analysis of demographic, economic, and social conditions and trends of data that define the existing socioeconomic conditions within Hawai'i County, with specificity to the Kona district, and, as appropriate, within the State of Hawai'i. Potential economic and fiscal impacts that result from both short-term construction and long-term operational activity for the Kona Judiciary Complex will be projected in the EIS.

### **4.4 LAND USE PLANS, POLICIES AND CONTROLS**

The Kona Judiciary Site Selection Study EIS will identify Federal, State, and County level land use plans, policies, and controls that are applicable to the project. On the Federal Level, the EIS will review compliance with the Coastal Zone Management Act and Nondiscrimination on the Basis of Disability in State and Local Government Services under Title II of the Department of Justice's ADA regulations (currently under those published July 26, 1991 which should continue to be used until March 14, 2011; thereafter, the regulations published September 15, 2010 apply). On the State level, the EIS will review the project's compliance with the Hawai'i State Plan; 2050 Sustainability Plan; State Functional Plans; State Land Use District Boundaries; Conservation District Use; coastal zone management regulations; the historic preservation review process; and the environmental review process. On the County level, the EIS will evaluate the consistency of the project with the County of Hawai'i General Plan; Hawai'i County Code; the Kona Community Development Plan; and Special Management Area regulations.



## **5.0 PROBABLE IMPACTS AND MITIGATIVE MEASURES**

### **5.1 SHORT-TERM IMPACTS**

The construction phase of the Kona Judiciary Complex will involve local short-term uses of the environment. The construction phase will result in both beneficial and negative short-term impacts. A range of potential short-term impacts to be evaluated in the EIS for selected Candidate Sites include: soil disturbance; soil remediation; dust and erosion due to grading and earthwork; parking and traffic due to construction equipment and trucks; and increased noise due to the construction. Potential drainage and runoff related to construction will be also assessed. The potential significance of these types of short-term impacts will vary depending upon the selected site location.

Short-term beneficial impacts will include construction expenditures and employment, which include the purchase of services and materials as well as labor costs to design and construct the facility. Local retail businesses will witness indirect economic benefits through the multiplier effect resulting from construction activities.

### **5.2 LONG-TERM IMPACTS**

The State and the community will benefit substantially from improvements in the working efficiency of the courts in the Third Circuit. As it stands today, the Judiciary facilities in the Kona region are spread out, making for an unsecured, inefficient and cumbersome working system. The Kona community and the Third Circuit have struggled with their courts' inadequate working environment, and a new comprehensive court complex is seen as a necessity and a long overdue improvement for the region.

The State Judiciary does not necessarily serve a role as an economic producer. The administration of justice is a societal function. This function is recognized in State regulations, plans, and policies and is one of the basic tenets of our democratic society. The new Kona Judiciary Complex will enable the local courts and their affiliated services to function in an efficient manner to meet the existing and future requirements of the region.

Future operations of the Kona Judiciary Complex will generate long-term and irretrievable impacts to the natural and human environment. Potential long-term impacts to be examined in the EIS include long-term effects on soil, water quality, drainage and runoff, natural hazard areas including flooding and tsunami inundation, vegetation and wildlife, archaeology, cultural and historic resources, roadways and traffic, noise, air quality, wind conditions, visual resources, social and economic considerations, public infrastructure, and public services. A long-term beneficial impact of the project would be cost savings in lease rents on currently leased facilities. Materials and economic resources will be irretrievably committed to developing and constructing the new Kona Judiciary Complex and the range of programs it will house and support.

The EIS will present a complete analysis of the anticipated construction phase and operational phase impacts and recommended mitigation to either eliminate or minimize within acceptable regulatory standards.



### 5.3 CULTURAL PRACTICES AND RESOURCES

A Cultural Impact Assessment (CIA) will be prepared in accordance with regulatory requirements of HRS §343, as amended by H.B. No. 2895, H.D. 1 of the State of Hawai'i Twentieth Legislature and approved as Act 50, SLH 2000. The purpose of this Act is to "require that environmental impact statements include the disclosure of the effects of proposed actions on the cultural practices of the community and the State," specifically addressing the "effects on Hawai'i's culture, and traditional and customary rights." As appropriate, key State affiliates, including the Office of Hawaiian Affairs (OHA); the State DLNR, State Historic Preservation Division (SHPD); and the Hawai'i Island Burial Council (HIBC) will be consulted during the preparation of the CIA. Additionally, known 'ohana and cultural practitioners with ties to the Kona area will be consulted to understand the cultural landscapes in which the ten (10) Potential Sites lie.

### 5.4 SIGNIFICANCE CRITERIA

Under §11-200-12, HAR, an agency must consider the sum of effects on the quality of the environment and shall evaluate the overall and cumulative effects of the proposed action. The following are identified criteria in §11-200-12(b), HAR that are used to determine if a project will have a significant effect on the environment. Under the criteria is a brief discussion of the anticipated results of project implementation.

- 1) *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;*

Archaeological and ethnographic studies will be conducted during the preparation of the EIS to assess the potential sensitivity and potential occurrence of such resources in the potential site areas. Additionally, flora and fauna studies, as well as other studies that define existing conditions of the natural environment will be conducted. Early consultation will be conducted with DLNR (various divisions), OHA, the HIBC, and other cultural, environmental, and community organizations to garner input and information in preparation of the EIS. Appropriate mitigative measures that are in accordance with State laws, administrative rules, policies, and guidelines will be developed should such resources be discovered.

- 2) *Curtails the range of beneficial uses of the environment;*

The proposed Kona Judiciary Complex would not curtail the range of beneficial uses of the environment within these sites. All sites meet the established minimum criteria that include the preference for vacant lands that are accessible and potentially available to utilize for project development.

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

The purpose of §344, HRS is "to establish a State policy which encourages productive and enjoyable harmony between man and his environment, promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of



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man, and enrich the understanding of the economical systems and natural resources important to the people of Hawai'i". The policies of §344, HRS include the conservation of natural resources in a manner that creates a productive and harmonious existence between humanity and nature while fulfilling the social and economic needs of Hawai'i's people. Additionally, §344, HRS also seeks to enhance the quality of life by promoting population growth in a responsible manner through the creation of communities that have a sense of identity and whose development is mutually beneficial to the interaction between the natural and built environment, allows for opportunity for society to improve economic conditions, and affords a commitment to protect resources and environmental conditions. The proposed project is anticipated to be consistent and supportive of these policies, goals, and guidelines.

4) *Substantially affects the economic or social welfare of the community or State;*

The proposed Kona Judiciary Complex will require the expenditure of State funds to develop the facility, and will be warranted as there will be an overall net social and economic benefit that will result with having a Kona Judiciary Complex that efficiently services the West Hawai'i region and meets the projected population need through 2030. As stated, the Kona Judiciary Complex is not viewed as an economic stimulus but rather, provides an essential and critical function to societal order.

5) *Substantially affects public health;*

Impact and measures to air, noise, and water quality will be assessed in the Draft EIS. The proposed project is anticipated to have no effect to public health.

6) *Involves substantial secondary impacts, such as population changes or effects on public facilities;*

Implementation of the proposed project will meet a projected population need for judicial services through 2030. It is anticipated that there would be nominal effect on public infrastructure, and a substantial benefit to public services that support the court system.

7) *Involves a substantial degradation of environmental quality;*

The Twenty-Third Hawai'i Legislature enacted House Bill No. 2175, H.D.2, S.D.2, C.D.1, which was signed into law as Act 96, SLH 2006. This law establishes that all State facilities shall design and construct buildings in a sustainable manner. As such, new facilities such as the proposed Kona Judiciary Complex must meet the LEED Silver rating or Green Globes rating system, or another comparable nationally recognized standard or system. Additionally, where feasible, the project will utilize sustainable design practices for site improvement at each Candidate Site to balance the inter-relationship between the natural and built environment. It is anticipated that there would no degradation to air quality, stormwater discharge and runoff, water quality, or terrestrial environment conditions.

8) *Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;*



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The Kona Judiciary Complex Draft EIS will provide full disclosure of anticipated actions to develop the facility. Cumulative and secondary impacts to conditions within the natural and built environment for each Candidate Site will be assessed and evaluated. It is anticipated that the proposed project will have some minor short-term but not considerable effects upon the environment. The range of short-term construction and long-term operational impacts will be disclosed in the Draft EIS.

9) *Substantially affects a rare, threatened, or endangered species, or its habitat;*

A flora and fauna study will be prepared for the Draft EIS. Currently, potential impacts to flora and fauna habitat is not fully known. It is anticipated that there may be a range to the level of impact to each Candidate Site as they are all currently vacant lands. If any rare, threatened, or endangered species or habitats are identified during the study, appropriate measures of consultation with Federal, State, and County agencies will be conducted. Subsequent mitigation plans would then be developed.

10) *Detrimentially affects air or water quality or ambient noise levels;*

Several technical studies will be conducted during the preparation of the Draft EIS. These include air quality, noise, and water quality. It is anticipated that developing the project at one of the Candidate Sites will generate short-term air and noise impacts during construction. Appropriate mitigation measures and recommended best management practices within regulatory standards will be defined in the Draft EIS. The technical studies will also identify long-term impacts and mitigation measures to be implemented during operations of the Kona Judiciary Complex.

11) *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;*

All but one of the potential sites are outside the tsunami inundation zone. Flood plain conditions for the potential sites will be identified in the Draft EIS but a preliminary review indicates that all of the sites are outside of any major flood zone. The entire County of Hawai'i is designated as a Zone 4 under the Uniform Building Code seismic provisions. As appropriate, coordination with State and County of Hawai'i Civil Defense will be conducted to ensure both site selection and building design are inclusive of planning and design standards to minimize or eliminate potential impacts.

12) *Substantially affects scenic vistas and viewplanes identified in County or State plans*

As appropriate, view studies will be conducted to identify impacts to major scenic vistas or viewplanes identified in County of Hawai'i General Plan and Kona Community Development Plan. Design guidelines may be developed and administered to address identified visual impacts.



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13) *Requires substantial energy consumption.*

The new Kona Judiciary Complex will require the provision of power. However, it is anticipated that modern systems in a new facility will replace less efficient systems in existing older buildings, improving the net efficiency of energy consumption by the State Judiciary. Additionally, as stated, new State facilities must meet standards that promote energy efficiency in their design. As such, the new facility will be designed to minimize energy consumption needs. To the extent practical and feasible, alternative energy sources will be evaluated include the use of solar grids in the design of the new building.

#### **5.5 REASON FOR EIS PREPARATION**

The Kona Judiciary Complex Site Selection Study requires the use of State funds and its implementation will possibly include the use of State lands. Therefore, the project must be evaluated under the State environmental review process, as promulgated under §343, HRS.



## 6.0 RANGE OF ALTERNATIVES

Under §11-200-17, HAR, the Draft EIS must describe separate and distinct alternatives which could attain the objectives of the action, regardless of cost. The description must sufficiently detail why these alternatives were rejected from further consideration.

For the Kona Judiciary Complex Draft EIS, four alternatives will be evaluated as viable and reasonable actions to the proposed action. These alternatives include: 1) the No-Action Alternative; 2) Consideration of Other Candidate Sites; the 3) Renovation and/or Expansion of Existing Facilities or the Lease of Additional Space in West Hawai'i; and 4) Postponing Action Pending Further Study. Below is a succinct summary of these alternatives and the range of issues to be addressed within the Draft EIS.

### 6.1 NO-ACTION ALTERNATIVE

The No-Action Alternative would maintain the existing Judiciary facilities in Kona in their existing condition as-is. Further, the No-Action Alternative would continue to promote the existing inefficiency of having separate building locations for various Judiciary operations in the Kona region. The existing facilities are inadequate in design for the necessary functions and do not provide sufficient space for the required courtrooms, security measures, administrative functions, storage rooms and support areas. Given the historic trends of significant population and caseload growth for the Third Circuit, Kona's existing inadequate Judiciary facilities cannot meet the future needs of a growing population.

Ongoing operations, maintenance, and repair activity for the existing Judiciary facilities would continue. Given the age and existing concerns, there may be need for future funding to address piecemeal improvements. These improvements could possibly maintain these facilities for the short-term until conditions could possibly deteriorate further until major repair or renovation work was completed, potentially creating costly short-term solutions. The No-Action Alternative is not considered a reasonable solution to the existing and future facility deficiencies facing the Judiciary.

### 6.2 RENOVATE AND/OR EXPAND EXISTING FACILITIES IN WEST HAWAI'I OR LEASE ADDITIONAL SPACE

Another set of alternatives would involve making provisions to accommodate the projected growth requirement for the expanding Judiciary caseload in West Hawai'i by upgrading or renovating existing spaces, or by leasing additional space, for court-related uses. For existing Judiciary facilities in Kona with limited site expandability, the primary objective would be to carry out necessary repairs and renovations to upgrade each facility to meet the growing demand. For facilities whose sites may accommodate expansion, there would be planning for incremental development of support facilities required through 2030.

#### ***Retain and Expand Existing Judiciary Facilities***

This option would require the expansion of existing spaces occupied by the Judiciary, and the construction of additional space to accommodate the growing needs through 2030. The Keākealani Building has very limited site expandability. This facility also would require the most repair and



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renovation improvements, as it was formerly a hospital facility, and is not effectively sized, configured or furnished for court utilization. ADA accessibility, parking, the public waiting area, and circulation should be improved to efficiently serve the public. The Lenders Document Building's second floor, which houses Juvenile on the second floor and Adult Client Services on the third floor, is not accessible to disabled clients. The public waiting area on the second floor in Family Court is limited and inadequate. The Division of Driver Education is the only court-related program with room to accommodate growth. There is an extra work station and a large classroom in a commercial center that has ample parking. In summary, there is limited opportunity to expand existing facilities and, therefore, the projected demand will not be met by this alternative.

One of the main disadvantages of this option is the continued separation of Court functions in different facilities. Other unaddressed issues with this alternative are the inefficiencies in work productivity by having Judiciary operations divided into separate buildings, and the specific security and access concerns that currently exist at each existing facility.

#### ***Lease Additional Space to Allow Judiciary Expansion***

For this alternative, an assumption is made that other existing State office facilities are unavailable elsewhere, because they are either unsuitable for the operational needs of the Judiciary or would displace another State agency. A short-term lease of private office space and off-site storage space would become a necessary solution to meet the projected space needs. Expansion would occur as funds and space becomes available, resulting in a scattering of offices which could be inefficient for the operational function of the Judiciary.

Leasing of available private building space in Kona by the Judiciary would have some impact on the space available for other private businesses. The State would make continuous lease rent payments, without any application of these funds toward State ownership of the facilities. In addition, there would be lack of control over security and lack of flexibility in making adjustments if space needs evolve in the future. The alternative to lease space would not satisfy the long-term needs of the Judiciary, and the State would not maximize the utilization of land and capital.

An informal search for possible leased space was made by the Kona Judiciary. Preliminarily, there are no suitable private spaces that could accommodate the Judiciary's requirements, especially in regards to security and parking. Given the stated inefficiencies of scattered offices, disadvantage of lease payments, and inadequacy to meet Judiciary requirements, this is not a viable alternative.

### **6.3 POSTPONING ACTION PENDING FURTHER STUDY**

The option of waiting to provide new facilities for the courts in the Third Circuit is not reasonable for the workers in this system and the general public. Many studies have been completed for this project, including Project Development Report (Mogi, 1986); Hawai'i Judicial System Master Plan (Carter Goble, 1989); and Kona Civic Center Site Selection Study/Final Environmental Impact Statement (DPD Associates, 1994). The most current study addressing the future facilities requirements of the Third Circuit is the 2010 State Judiciary Facilities Master Plan (Group 70 International/NCSC, 2010; pending publication).

The current Kona Judiciary Complex Site Selection Study is an update and re-examination of the initial site selection completed in 1994. This current Site Selection/EIS study will consist of a thorough siting and environmental analysis of up to seven (7) Candidate Sites. Following the



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findings of this report, it is intended that the Chief Justice will select a site, and the State of Hawai'i Judiciary will proceed with development of a new Judiciary Complex, pending funding appropriations. With the conclusion of this Site Selection/EIS process, there will be no need for additional studies to site the Kona Judiciary Complex. If postponed, the same conditions outlined in the No-Action Alternative would apply.



## **7.0 DETERMINATION AND FINDINGS**

An EIS will be prepared and distributed for review in accordance with the State environmental review process as authorized under HRS, §343. It is anticipated that based on the significance criteria set forth in HAR, §11-200-12, the Office of the Governor, as the accepting authority, will determine that the improvements and actions proposed in this project have the potential to create significant impacts to the environment. An analysis of the finding and reasons supporting this determination will be provided in the EIS.



## 8.0 AGENCIES AND PARTIES CONTACTED

### 8.1 List of Consulted Agencies and Parties

Below is a list of agencies, organizations, and individuals that were contacted during the pre-consultation and/or during preparation of the EISPN and have been identified to be consulted during the preparation and review of the Draft EIS. Additional parties of interest may be identified during the review period of either the EISPN or DEIS. The appropriate number of EISPN copies will be provided to agencies and libraries, as requested by the State Office of Environmental Quality Control and Office of the Governor, as the accepting authority.

Consulted Parties	Notified or Issued Letter during Pre-consultation	Received EISPN	Plan to Provide Draft EIS
<b>Federal Agencies or Affiliates</b>			
US Department of Interiors, Fish & Wildlife Service			X
<b>State of Hawai'i Agencies</b>			
Civil Defense		X	X
Department of Agriculture			X
Department of Accounting and General Services	X	X	X
Dept. of Business, Economic Development & Tourism (DBEDT)		X	X
DBEDT, Hawai'i Housing, Finance and Development Corporation	X	X	X
DBEDT, Office of Planning	X	X	X
DBEDT, Strategic Industries Division, Energy Office		X	X
Department of Defense			X
Department of Education			X
Department of Hawaiian Home Lands	X	X	X
Department of Health		X (3 copies)	X
Department of Human Services			X
Department of Labor and Industrial Relations			X
Department of Land and Natural Resources (DLNR)	X	X (5 copies)	X



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Consulted Parties	Notified or Issued Letter during Pre-consultation	Received EISPN	Plan to Provide Draft EIS
DLNR –State Historic Preservation Division	X	X	X
Department of Public Safety		X	X
Department of Transportation	X	X	X
Office of Hawaiian Affairs		X	X
Office of Environmental Quality Control	X	X	X
Office of the Governor (Accepting Authority)	X	X	X
University of Hawai‘i, Environmental Center		X	X
University of Hawai‘i, Water Resources Research Center			X
<b>County of Hawai‘i Agencies</b>			
Department of Civil Defense		X	X
Department of Environmental Management		X	X
Department of Parks and Recreation			X
Department of Public Works	X	X	X
Department of Water Supply	X	X	X
Fire Department		X	X
Office of Housing and Community Development			X
Office of the Mayor		X	X
Planning Department	X	X	X
Police Department		X	X
<b>News Media</b>			
Honolulu Star-Advertiser		X	X
Hawai‘i Tribune Herald		X	X
West Hawai‘i Today		X	X
<b>Elected Officials</b>			
State House Representative, 1 <sup>st</sup> Representative District Mark M. Nakashima	X	X	X
State House Representative, 2 <sup>nd</sup> Representative District Jerry L. Chang	X	X	X



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<b>Consulted Parties</b>	<b>Notified or Issued Letter during Pre-consultation</b>	<b>Received EISPN</b>	<b>Plan to Provide Draft EIS</b>
State House Representative, 3 <sup>rd</sup> Representative District Clift Tsuji	X	X	X
State House Representative, 4 <sup>th</sup> Representative District Faye P. Hanohano	X	X	X
State House Representative, 5 <sup>th</sup> Representative District Robert N. Herkes	X	X	X
State House Representative, 6 <sup>th</sup> Representative District Denny Coffman	X	X	X
State House Representative, 7 <sup>th</sup> Representative District Cindy Evans	X	X	X
State House Representative, 48 <sup>th</sup> Representative District Ken Ito, Judiciary Committee, Acting Chair		X	X
State Senator, Senatorial District 1 Dwight Y. Takamine	X	X	X
State Senator, Senatorial District 2 Russell S. Kokubun	X	X	X
State Senator, Senatorial District 3 Josh Green, M.D.	X	X	X
State Senator, Senatorial District 10 Brian T. Taniguchi, Judiciary & Government Operations Committee Chair		X	X
County of Hawai'i Council Member, District 6 Guy Enriques		X	X
County of Hawai'i Council Member, District 7 Brenda Ford	X	X	X
County of Hawai'i Council Member, District 8 Kelly Greenwell		X	X
County of Hawai'i Council Member, District 9 Pete Hoffmann		X	X
<b>Libraries and Public Repositories</b>			
Legislative Reference Bureau			X
Kailua-Kona Public Library		X	X



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Consulted Parties	Notified or Issued Letter during Pre-consultation	Received EISPN	Plan to Provide Draft EIS
Kealakekua Public Library		X	X
State Main Library			X
University of Hawai'i at Mānoa, Hamilton Library			X
University of Hawai'i at Hilo, Mo'okini Library			X
<b>Utility Companies</b>			
Hawai'i Electric Light Company		X	X
Hawaiian Telcom		X	X
Sandwich Isles Communication		X	X
The Gas Company		X	X
<b>Other Parties of Interest</b>			
327 Kona, LLC	X	X	X
Hawai'i Chamber of Commerce		X	X
Hawai'i Island Economic Development Board	X	X	X
Hawai'i State Bar Association	X	X	X
Forest City Kona, LLC	X		X
Kaloko Makai Development	X	X	X
Kona-Kōhala Chamber of Commerce		X	X
Kona Community Development Action Committee	X	X	X
La'i'Ōpua 2020	X	X	X
Queen Lili'uokalani Trust	X	X	X
West Hawai'i Bar Association	X	X	X



## **8.2 Summary of Comments Received During Preconsultation Contacts**

In October 2010, a preconsultation notice was issued to selected officials, agencies, and organizations to preliminarily identify any critical opportunities or issues relative to site selection options to be considered in the EISPN and the subsequent analysis and evaluation in the Draft EIS. A summary of some of the initial issues, comments, and questions to be addressed in the Draft EIS is provided below.

- Develop where the infrastructure is already in place, such as roads, water supply, and wastewater treatment
- Location should consider the County's Kona Community Development Plan to fit with the future plans for the Kona area
- Avoid creating new traffic congestion in site selection for the new State facility
- Follow sustainable practices in the development and operations of the new courthouse and grounds
- Respect Hawaiian cultural sites and areas for traditional gathering

The Draft EIS will provide administrative record of letters received during preconsultation and during the EISPN comment period.