

NEIL ABERCROMBIE
Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

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September 24, 2012

OCT 08 2012

FILE COPY

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

Subject: Final Environmental Assessment and Finding of No Significant Impact
(FONSI) for Pohaku 'O Kauai Materials LLC
TMK [4] 1-2-002:001, Kekaha, Kauai, Hawaii

Dear Mr. Hooser:

The State of Hawaii Agribusiness Development Corporation (ADC) has reviewed the Final Environmental Assessment (EA) and comments received on the Draft EA during the 30 day public comment period that ended on April 8, 2011 for the subject project. ADC has determined that the Proposed Action will not result in significant environmental impacts and has issued a Finding of No Significant Impact (FONSI) determination. Please publish notice in the next available OEQC Environmental Notice.

We have enclosed a completed OEQC Publication Form and one (1) copy of the Final EA document in pdf format on a CD; and one (1) hardcopy of the Final EA. Please contact the consultant for the EA at Land Strategies Hawaii LLC, Mr. Sean Combs, by phone at (808)212-4006, if you should have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Nakatani".

James J. Nakatani
Executive Director
Agribusiness Development Corporation

Enclosure

Rock Aggregate & Sand Borrow Sites

(Field Rock Collection & Crushing)

Kekaha, Kauai

February 2011



Prepared for:

Pohaku O'Kauai Materials
3-1480 Kaunaulii Hwy
Lihue, HI. 96766-9579

Prepared By:

Land Strategies Hawaii, LLC
P.O Box 472
Hanalei, Hawaii 96714

TABLE OF CONTENTS

DEA Documentation Page	4
<u>Chapter 1:</u> Overview and Technical Description	5-6
Environmental Requirements	7
<u>Chapter 2:</u> Affected Environment: Physical	
A. Topography and Soils	8-9
B. Flora and Fauna	10
C. Air and Noise Quality	11
D. Flood and Coastal Hazards	11-12
E. Historic, Archeological and Cultural Resources	12-13
F. Scenic and Open Space Requirements	13-15
<u>Chapter 3:</u> Affected Environment: Socio-Economic	
A. Population and Economy	16-18
B. Traditional Beach and Mountain Access	18
<u>Chapter 4:</u> Affected Environment: Infrastructure	
A. Roadways	19-20
B. Water and Infrastructure	20-21
C. Drainage	21
D. Communication and Power	21
E. Wastewater	22
<u>Chapter 5:</u> Relationship to Governmental Plans, Policies, and Controls	
State Land Use District	23-24
County Zoning District	24
General Plan	24-26
<u>Chapter 6:</u> Alternatives to the Proposed Action	27-28
<u>Chapter 7:</u> Anticipated Determination – Findings and Reasons	29-34
<u>Chapter 8:</u> List of Permits and Approvals	35-36
<u>Chapter 9:</u> Parties to be Consulted	37-46
<u>Chapter 10:</u> Certifications	47-48
<u>Chapter 11:</u> Agency Comments and Proposed Mitigation	49-103
<u>Addenda:</u>	104-113

REFERENCES

List of Figures

- Figure 1: Location Map / Project Area
- Figure 2: Tax Map
- Figure 3: Proposed Activity Location
- Figure 4: Kekaha Flood Map
- Figure 5: Zoning & Land Use Map
- Figure 6: Soils Map
- Figure 8: Site Pictures
- Figure 9: Google Earth 2009 imagery showing the Project area
- Figure 10: Previous archaeological studies in the Kekaha area

SOURCE REFERENCE

1. Stone Quarries & Beyond, <http://quarriesandbeyond.org/states/hi/hawaii.html>
2. State of Hawaii Division of Forestry and Wildlife
<http://www.state.hi.us/dlnr/dofaw/nars/narsfr.html>
3. Hawaii Department of Environmental Management www.hawaiiizerowaste.org
4. Kauai Agricultural Association, Director, Landis Ignacio
5. Archaeological Inventory Survey TMK: [4] 1-2-002:001 Prepared by Cultural Surveys Hawaii Inc.
6. Cultural Impact Assessment TMK: [4] 1-2-002:001 Prepared by Cultural Surveys Hawaii Inc.

DEA Documentation Page

Project Name: Rock Aggregate & Borrow Site
Field Rock Collection & Crushing

Proposing Agency: Pohaku O'Kauai, LLC

Consultant: Land Strategies Hawaii, LLC
Cultural Surveys Hawaii Inc

Landowner: Agribusiness Development Corporation (ADC)

Location: North off Kaumualii Highway below the ditch
Kekaha, Kauai, Hawaii 96796

Tax Map Key: [4] 1-2-002:001

Existing Use: Agriculture

Proposed Action: Rock collection & Crushing

Project Area: Kekaha, Waimea, Kauai

Land Use Designations: State Land Use District: Agriculture
County Zoning District: Agricultural
County General Plan: Agriculture

Action Triggered: Use of Government Lands HRS 343

Approving Agency: Agribusiness Development Corporation

Required Permits: None

Anticipated Determination: Finding of No Significant Impact (FONSI)

Estimated
Cost of Project: \$110,000.00

Time Frame: Commencement of project upon completion of Chapter 343

ACRONYM AND NAME REFERENCES

RABS:	Rock Aggregate & Borrow Site
POKM:	Pohaku O' Kauai Materials
ADC:	Agribusiness Development Corporation
FONSI:	Finding of No Significant Impact
FOSI:	Finding of Significant Impact
DEA:	Draft Environmental Assessment
OEQC:	Office of Environmental Quality Control
HRS:	Hawaii Revised Statutes
HAR:	Hawaii Administrative Rules
CIA:	Cultural Impact Assessment
AIS:	Archeological Inventory Survey
FEA:	Final Environmental Assessment
FIRM:	Federal Flood Insurance Rate Map
SHPD:	State Historic Preservation Division
DOW:	Department of Water
BMP:	Best Management Practices
KIUC:	Kauai Island Utility Cooperative
LUC:	Land Use Commission
KAA:	Kekaha Agricultural Association
MOU:	Memorandum of Understanding

FINAL

***Pohaku O’Kauai, LLC
Rock Aggregate & Sand Borrow Site
Field Rock Collection & Crushing***

Chapter 1

Overview and Technical Description

OVERVIEW

PROJECT PURPOSE & NEED

Sand and rock are crucial resources to economic development activities, such as road building and concrete production. Rock aggregate and sand are both necessary natural construction materials used in a variety of products such as masonry construction, gravel roads, walls, landscaping, and both are suitable for most engineering uses with minimal processing. The purpose of this project is to collect field stones and sand left behind from agriculture activities (sugar) since the early 1800's for the uses in part listed above. This project will have the added benefit of improving field conditions for agricultural tenants by reducing the costs associated with field preparation. Although there isn't a shortage of material as previously indicated, this project will provide an additional source of raw material to the island, while returning the collection areas back to its previous condition. Once rock and sand is removed and the site areas are leveled with soil, they will again be ready for agricultural uses.

The Rock Aggregate and Borrow Site (RABS) project is necessary to insure the availability of quality, clean, and affordable aggregate & sand, create new jobs in this challenging economic time, provide healthy business competition, and provide a new source of tax revenue for the County and State.

ENVIRONMENTAL REQUIREMENTS

This Draft Environmental Assessment (DEA) has been prepared in accordance with the State of Hawaii, Office of Environmental Quality Control (OEQC) rules and regulations, including Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 200 of Title 11, Hawaii Administrative Rules (HAR) Department of Health.

The Preparation of a DEA is a statutory requirement prior to, or in anticipation of the construction of a project where “significant environmental effects” may result from the proposed activity. There are total of nine (9) actions constituting Chapter 343, HRS, with one trigger specifically affecting this project. The purpose of a DEA is to assess the environmental impacts that a project may have, should the action be implemented, and to serve as a clearinghouse for collection and dissemination of information. This review process is also a mechanism to evaluate a project’s consistency and compliance with state and federal environmental programs and to propose, where possible, appropriate mitigation measures. If significant environmental effects are not identified through the Draft Environmental Assessment (DEA) and accompanying Cultural Impact assessment (CIA) and Archeological Inventory Survey (AIS), preparation of a full environmental impact statement should not required, and a “finding of no significant impact” (FONSI) may be issued by the approving authority.

The environmental review for the proposed (RABS) operation consists of a DEA, followed by a Final Environment Assessment (FEA). Upon release of the DEA for public and agency review, a notice is published in “The Environmental Notice”, which is a semi-monthly bulletin of the OEQC. Comments received during the course of the 30-day review and comment period will be incorporated into the FEA report along with agency correspondence and proposed mitigation measures.

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***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 2

Affected Environment: Physical

PROJECT SETTING

RABS project site will be located in Kekaha, Waimea, Ahupua'a, District of Waimea County of Kauai. The proposed project is located along access roads from Mānā Road northeast through agricultural fields and encompasses portions of the New and Old Government Roads. The project and survey areas are depicted on a portion of the 1983 U.S. Geological Survey, Kekaha Quadrangle, 7.5-minute series map and is present on Tax Map Key (TMK) [4] 1-2-002:001. Only a small fraction of the total land area of the parcel will be utilized by the proposed project.

A. TOPOGRAPHY AND SOILS

The project area is comprised of a variety of soil types, and topography configurations, for the most part, the proposed project areas are fairly level. The following designations represent this variety: BM Badlands-Mahana Complex, KoA, Kekaha Silty Clay 0-2% slope, KoB, Kekaha Silty Clay 0-2% slope, LuA, Lualualei Clay 0-2% slope, LuB, Lualualei Clay, 2-6% slope, MhD, Makaweli Stoney Silty Clay Loam 12-20% slope, rRu, Rubble Land. To address National Pollution Discharge Elimination System (NPDES) standards, a perimeter berm and screen will be erected which restricts runoff during storm-level events.

Impacts and Mitigation Measures

No negative impacts to these elements or to the natural environment are expected to result from the proposed action. Necessary construction activities would only include the construction of a temporary perimeter berm and screen fence. Once completed, the topography will be returned to its original condition, less the rocks and sand that populate the site areas.

B. FLORA AND FAUNA

There is no known habitat of endangered or threatened species of plant or animal life within the limited project area. Forest bird species noted in the project area include Kaua'i 'Amakihi (*Hemignathus kauaiensis*), 'Apapane (*Himatione sanguinea*), and 'Elepaio (*Chasiempis sandwichensis*).

Below is a chart with other flora and fauna found in the Waimea District

Common Names		Possible Scientific Names		Source
Hawaiian	Other	Genus	Species	
'ākulikuli kula	Purslane, pig grass	<i>Portulaca</i>	<i>oleracea</i>	Pukui and Elbert 1986
'anae	mullet	<i>Mugil</i>	<i>cephalus</i>	Hoover 1993
kalo	taro	<i>Colocasia</i>	<i>esculenta</i>	Wagner et al. 1999
kī	tī	<i>Cordyline</i>	<i>fruticosa</i>	Wagner et al. 1999
kiawe	mesquite	<i>Prosopis</i>	<i>pallida</i>	Wagner et al. 1999
koloa maoli	Hawaiian duck	<i>Anas</i>	<i>wyvilliana</i>	Wagner et al. 1999
lēkō	watercress	<i>Nasturtium</i>	<i>microphyllum</i>	Pukui and Elbert 1986
maile	shrub, vine	<i>Alyxia</i>	<i>oliviformis</i>	Wagner et al. 1999
makaloa	perennial sedge	<i>Cyperus</i>	<i>laevigatus</i>	Pukui and Elbert 1986

Impacts and Mitigation Measures

No impacts to flora or fauna are anticipated to result from the proposed action. The lands were highly disturbed during the cultivation of sugar and the existence of endangered plant and animal species are unlikely. While native fauna are present in the project area, surveys have indicated that the scope and scale of the Project will have no detrimental impact on their populations.

C. AIR AND NOISE QUALITY

RABS is located in an Agricultural area, absent of urban development's and air source contaminants. The area is consistently exposed to trade winds that contribute to the excellent air quality in the vicinity of the proposed action. Noise levels near the vicinity of the project area are expected to be minimal, and similar consistent with the agriculture activities that exist in the surrounding area. Ambient air emission is from equipment use along Kaumualii Highway that yields ambient air quality levels typical of the islands rural setting. The average noise levels during operation would be less than 85-90 dBA at a range of 50 feet from any of the equipment.

Impacts and Mitigation Measures

There are no adverse long-term impacts to air and noise anticipated beyond short-term impacts attributable to related activities. Appropriate Best Management Practices will be employed to ensure that short-term construction-related noise and a water wagon will be used to reduce dust during collection. Should noise levels exceed permissible sound levels, a noise permit will be obtained from the Department of Health, as stated in Title 11, HAR, Chapter 11-46, entitled "Community Noise Control."

D. FLOOD AND COASTAL HAZARDS

The Federal Insurance and Mitigation Administration make flood insurance available through the National Flood Insurance Program. According to Community Panel Number 150002 0140 E of the Federal Flood Insurance Rate Map (FIRM), the project area is within Zone X, 500 year flood with average depths of less than one foot. The area does fall within the Tsunami Inundation Zone, or area where flooding is by wave velocity.

Impacts and Mitigation Measures

No adverse effects from flood and tsunami hazards are anticipated to result from the proposed action. The proposed action is not anticipated to increase storm water runoff by significantly altering current ground drainage characteristics or changing existing drainage patterns.

E. HISTORIC, ARCHEOLOGICAL AND CULTURAL RESOURCES

A Cultural Impact Assessment (CIA) and an Archeological Inventory Survey (AIS) have been completed for the project by Hal Hammett, Ph.D., and Principal of Cultural Surveys Hawaii. A copy of the CIA and AIS are included as part of the supporting documents for the Environmental Assessment.

The Executive Summary is as follows: “The project involves the collecting and removal of previously displaced rocks, boulders and sand from areas bordering and on former agricultural fields. These materials will be hauled off site to designated areas, where they will be stockpiled, and crushed. Activities for this Project will include the following:

- The placement of small portable crushing operation on a designated site in Puhi away from the project area;
- The collection and transportation of rock, boulders, and sand to storage site in the same location;
- Transportation of the product (rock & sand) away from the storage area delivered to construction sites, businesses, and/or potentially state and county agencies.

Impacts and Mitigation Measures

Based on location of proposed improvements, no adverse impact to historic or archeological resources is anticipated. The proposed project will also include improvements to an existing road approximately five miles long which provides access to the portions of the project area. These improvements will involve the laying of gravel on the existing dirt road. This road was once functional prior to World War II, and will be connected to Kaunaulii Hwy because of the planned improvements. This road, or portion of it, has been alternatively called the “Old Government,” New Government,” or

“Mana” Road. The defined project area will not include any portion of the Kekaha Ditch nor will it require the establishment of any supporting infrastructure.

However, in the event that cultural material, including inadvertent human burials are uncovered during the removal activities, all work in the project area shall be suspended and the Kauai Police Department and the State of Hawaii, Historic Preservation Division will be notified immediately.

F. SCENIC AND OPEN SPACE RESOURCES

The RABS project will be conducted on lands that have yet to have scenic or open space planned by the state or county. The use of these lands has been historically for the agricultural industry, specifically sugar cane until 1900 when the industry collapsed. For the past 50 years, the lands have been used by agro-science companies for the cultivation of corn seed.

Impacts and Mitigation Measures

Based on location of proposed project, no adverse impact to scenic or open space resources will be imposed. If a plan is generated for those lands during the proposed operation by state agencies, RABS will work to accommodate the needs of the agencies with jurisdiction and modify or replace the proposed site area. The owners of POKM have agreed to all of the conditions proposed in the Cultural Impact assessment & Archaeological Inventory Survey which are listed below:

CIA 10.3 Recommendations

Based on the information gathered from the community consulting effort as well as archaeological and archival research presented in this report, the evidence indicates that the proposed project may have a significant negative impact on access to areas mauka of the proposed project area. These areas include family burial sites of consultants interviewed for this CIA as well as Hawaiian cultural sites such as *Heiau* and birthing stones in proximity if the mitigate potentially adverse effects the proposed project may

have on Hawaiian cultural practices, beliefs and resources in and near the project area:

1. Personnel involved in development activities in the project area should be informed of possibility of inadvertent cultural finds, including human remains. Should cultural or burial sites be identified during ground disturbance, all work should immediately cease, and the appropriate agencies notified pursuant to applicable law.
2. Any fencing or gates that would further restrict access to the mauka regions of the proposed project area should not be constructed during the tenure or life-cycle of the proposed rock crusher and its associated operations. Access to mauka areas above the project area should be kept open.
3. No rock or other materials should be taken from Hawaiian cultural sites mauka or in the vicinity of the proposed project area to be used for gravel or road-paving materials. These include Heiau and birthing stones or any other Hawaiian cultural site.
4. Cultural or archaeological monitoring should be conducted during all phases of construction.

AIS 7.2 Mitigation Recommendations

Because the boundaries of the project area for proposed rock collecting and crushing activities was flexible, a survey area was established, archaeological sites were identified and recorded, and the project area was placed to avoid those sites. Of the eight sites recorded as part of the inventory survey, all but one will be avoided by the current project. Portions of SIHP # 50-30- 05-2107 will be impacted by the proposed project, however sufficient information regarding the location, function, age, and construction methods of the roads and associated features has been generated by the current inventory survey investigation to mitigate any adverse effect caused by proposed project activities.

7.2.1 Preservation Program

Though the current project will not impact SIHP # 50-30-05-2114, a heiau, it is recommended that a clearly marked buffer zone be established around the heiau to ensure that project activities remain well away from this historic property. In addition, all sites in proximity to the project area should be flagged to ensure they are avoided by project related activities. The details of the buffer zones and flagging should be outlined in a preservation plan to be submitted for review and approval by the State Historic Preservation Division (SHPD).

7.2.2 Monitoring Program

A monitoring program consisting of a periodic inspection of project related activities is recommended for this project. A monitoring plan should be submitted to the SHPD for review and approval before any ground disturbing activities begin, and a report detailing monitoring activities should be generated after archaeological monitoring is complete. In summary, all sites documented as part of this inventory survey are recommended eligible to the Hawaii Register of Historic Places. A preservation program is recommended for all sites in proximity to the project area, including the heiau, to ensure that project related activities do not impact these historic properties. In addition a monitoring program consisting of a periodic inspection of project related activities is recommended for this project. The recommended preservation and monitoring programs should alleviate any adverse impacts to significant historic properties resulting from project related activities.

Based on location of proposed project, no adverse impact to scenic or open space resources will be imposed. If a plan is generated for those lands during the proposed operation timeline by the state or county, POKM will work with that entity to accommodate their needs and potentially modify or replace the proposed site area.

FINAL

***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 3

Affected Environment: Socio-Economic

A. POPULATION AND ECONOMY

The population continues to grow in Kauai County at a rate of nearly 1.4% annually, with a total population of approximately 68,000 in 2011. The median value of owner-occupied housing units on Kauai is \$435,200, and the median house hold income in approximately \$56,000. From a state prospective, Hawaii's economic indicators were mixed in the second quarter of 2011. Visitor arrivals, average daily visitor census, visitor expenditures, civilian wage and salary jobs, and State general fund tax revenues all increased; however, private building permits, and government contracts awarded decreased in the quarter as compared to the same quarter last year. Hawaii's tourism sector continued the positive growth in the second quarter of 2011; however, the growth rate was lower than those experienced in previous quarters. The total number of visitors arriving by air to Hawaii increased only 0.5 percent in the quarter.

The benefits of rock & sand collection include:

1. Provides a new source for natural materials used in the construction and agricultural industries.
2. New jobs will result in the proposed action.
3. Local infrastructure benefits, improved site access routes, and improvement of existing on-sites agricultural roads.
4. At the completion of the project, the site will provide more usable area and be in better condition for agriculture pursuits.
5. Agriculture use for berms, access deterrents, and boundaries.
6. Both are key component for infrastructure, foundations, sea walls and transportation structures.
7. New source of tax revenue to the County and State.

Impacts and Mitigation Measures

The project will not have a negative impact upon population or change to demographic characteristics of the county. During the course of the project, benefits will accrue to the local economy as a direct result of project expenditures. Beneficial impacts to the local community and county will be seen in the form of salaries, fees and taxes, as well as goods and services purchased from local vendors.

B. TRADITIONAL BEACH AND MOUNTAIN ACCESS

The sections of TMK [4] 1-2-002:001 where the RABS project will be conducted does not have direct beach front access and is located mauka the Kaumaulii Hwy. The closest locations to the site where shoreline access is currently available are the ditch in Kekaha, Pacific Missal Range Facility, and at Polihale state Beach Park.

Impacts and Mitigation Measures

The proposed action will not adversely impact traditional beach or mountain access, or other recreation activities along coastline frontage, as the site has no direct beach access. There is no impediment to the mountain access road which is located on the perimeter of the project site location.

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***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 4

Affected Environment: Infrastructure

A. ROADWAYS

Kaumualii Highway, under jurisdiction of the State, is classified as a major thoroughfare and main arterial road connecting Kekaha with Lihue, the seat of the County of Kauai. Access to the RABS site is via a cane haul road off of Kaumualii Highway, and is restricted to the owners, and those entities with land lease rights. Access and keys will be provided to the Kauai Police Department and Kauai Fire Department for any and all lockable gate to the site.

Potential impacts and Mitigation Measures

Vehicular access is adequate to support the proposed activity with no appreciable impact of vehicles or roadway traffic near the project corridor. POKM will work during standard business hours, 7:30 AM to 5:30 PM, consistent with the agricultural operations using the same roadways and access points.

B. WATER AND INFRASTRUCTURE

Kauai's Department of Water operates 13 separate, unconnected water systems spread out along our island from Kekaha to Haena. Pumping water from 48 underground wells and tunnels and storing it in 43 tanks, Department of Water (DOW) delivers water to nearly 18,000 accounts through 400 miles of pipeline. Many of the water systems date back to the plantation era, and some pipelines are 80-100 years old. Water lines are generally located in streets and distribute potable water for domestic, industrial and commercial consumption.

Potential Impacts and Mitigation Measures

The proposed action is not expected to generate a significant demand for water. The Department of Water will be consulted if and when service or source may be required. A mobile water wagon will be filled off site at the headquarters of POKM and used for dust control as required.

C. DRAINAGE

The proposed activities will not appreciably affect the current natural or existing engineered drainage on the site, which is relatively flat. The existing soil provides a good permeability surface area, thus making for slow storm run offs.

Potential Impacts and Mitigation Measures

Because no water is required for operations, other than a mobile water wagon filled off site which will be used for dust control, a drainage solution will not be required. Best Management Practices (BMP)'s will be used during the collection process to mitigate any potential drainage related issues.

D. COMMUNICATIONS AND POWER

The Kauai Island Utility Cooperative (KIUC) is the local utility providing electrical power to service residential and commercial customers on the island. The project area is serviced by major overhead pole line system runs along Kaumualii Highway. Hawaiian Telecom and Time Warner Cable currently provide land line telephone service to customers on the island. Additionally cellular service carriers provide wireless telephone services in the area.

Potential Impacts and Mitigation Measures

The proposed action will have no impact on communication or power service. There are no electric requirements for the project, and all activities will be self powered by the equipment used in operations.

E. WASTEWATER

Kauai County Public Works Wastewater Management Division is responsible for the operation, maintenance and repair of all County wastewater collection, treatment and disposal facilities in order to provide consistent and reliable level of performance necessary to protect health and the environment. Activities include preventive maintenance, treatment process control, wastewater effluent reuse, solids management, safety and training, laboratory monitoring for regulatory compliance.

Potential Impacts and Mitigation Measures

There is no permanent waste water service required for the site, eliminating any possible impact or mitigation solutions. The area identified as the project area is a collection area with no full-time manned position. If there is a time in the future where on site management is required, a portable restroom will be located on site and will be serviced via a standard rental agreement as articulated by the rental company.

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***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 5

**Relationship to Governmental
Plans, Policies, and Controls**

CHAPTER 5 RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS

STATE LAND USE DISTRICT

The State Land Use Commission (LUC), established by Chapter 205-18, HRS, gives the Office of State Planning authority to designate all lands in the State into one of four districts: Urban, Rural, Agricultural, or Conservation. RABS project site is classified as “Agriculture District” by the State Land Use Commission.

COUNTY ZONING DISTRICT

The county zoning maps provides a detailed articulation of land use designations. The project site for the proposed action is zoned “Agricultural” by the State of Hawaii, the County of Kauai, and is identified on the Westside Planning district Land Use Map (Figure # 6).

GENERAL PLAN

Pursuant to the provisions of the Charter for the County of Kaua`i, the General Plan sets forth in graphics and text, policies to govern the future physical development of the county. The General Plan is intended to improve the physical environment of the County and the health, safety and general welfare of Kauai’s people. The County of Kauai General Plan was revised and adopted in November 2000, and is a community-driven plan that establishes policy for long-range development, conservation, use and allocation of land, water, and other resources in the County. The Kauai General Plan includes numerous vision statements and policies for the Waimea District to achieve specific implementing actions. The following General Plan policy statements are applicable to the proposed action:

Policy

2.2 VISION FOR KAUAI 2020

The Vision describes conditions on Kauai in the year 2020 and is written from the standpoint of that point in time. It reflects not only the Community values, but also the issues and opportunities foreseen by community members. The Vision expresses what Kauai should strive for, in the context of realistic conditions as they are understood in 1999. The Vision is presented first in summary, then in a longer narrative.

a community which cares for its land and waters, leading the way with best management practices in the development of roads and other public facilities and in its land development and environmental regulations;

Response

POKM supports the community values through excellent stewardship of the natural resources, caring for the land and water, in part through extensive site research and documentation, and the implementation of best management practices.

Policy

A Strong, Diverse Economy

“Kauai's economy is strong, stable and diversified. While the visitor industry still provides the largest number of jobs (30-35 percent of total jobs), new businesses in diversified agriculture, aquaculture and high technology provide an increasing proportion of total jobs. Job opportunities are many and varied, with wages that allow people to comfortably support their families”.

Response

POKM is a locally owned business that will provide new employment opportunities for members of the communities of the west side. This project will continue to provide employment as long as the project is specified, and allowed by the state and county.

Policy

“Perform essential physical and ecological functions important to the welfare of surrounding lands, waters, and biological resources”.

Response

POKM will be carefully clearing the rock and sand off the AG lands making them more suitable for continued productive agricultural uses. The (RABS) project does not require water service or biological recourses to operate, therefore does support, and is consistent with the county policy.

FINAL

***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 6

Alternatives to the Proposed Action

CHAPTER 6

ALTERNATIVES TO THE PROPOSED ACTION

PREFERRED ALTERNATIVE

The proposed action represents the preferred alternative. The proposed actions will provide needed to comply with federal, state and local laws and requirements and to improve the life quality and environment.

NO ACTION ALTERNATIVE

Without completion of the proposed action, there will remain a moderate amount of natural rock & sand left from the past sugar cane operations which will render portions of the lands less useable for agricultural purposes. The proposed action does not drain the soil of nutrients, and provides one the least evasive temporary uses of the land, restoring previously unused lands to their former agricultural condition. Without the proposed action, there will be less day time supervision of the property which may allow illegal dumping to occur, and the potential of contamination of the land.

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***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 7

**Anticipated Determination –
Findings and Reasons**

CHAPTER 7 ANTICIPATED DETERMINATION – FINDINGS AND REASONS

The “Significance Criteria” as set forth in Section 12, Chapter 200, Title 11 of the Hawaii Administrative Rules regarding Environmental Impact Statement Rules, were reviewed and analyzed to determine whether the project would have significant impacts on the environment. The following analysis is provided:

1. *No irrevocable commitment to loss or destruction of any natural or cultural resource.*

The purpose of this project is to collect rock otherwise in the way of productive agricultural activities, while eliminating invasive plants when possible. This project will enhance the protection of the lands with minimal loss of common plants & weeds along project area and initiate the monitoring of resources by Kekaha Agricultural Association (KAA). KAA has a Memorandum of Understanding (MOU) with ADC, and under this agreement KAA is responsible for managing the common areas of the Kekaha Agricultural Lands. KAA is a non-profit organization established in 2002 to manage, operate and maintain a vast network of roads, agricultural irrigation waters, and the use of lands totaling approximately 12,500 acres.

2. *The proposed action will not curtail the range of beneficial uses of the environment.*

This project will strengthen rather than curtail these functions. With the elimination of loose rock from the fields and dirt roads, the proposed action leaves more productive agricultural lands available, rather than reducing the amount useable area, and eliminates the requirement to push the loose rock to the sides of the fields and ditch.

3. *Does not conflict with the State's long-term environmental policies or goals or guidelines as expressed in Chapter 344, HRS.*

This project is consistent with Chapter 344 in that the aim is to preserve the natural resources “by safeguarding the State’s unique natural environmental characteristics”. Therefore, the protection of historically used agricultural lands will, in effect, reduce the destruction of nonrenewable resources and is in line with the state’s long-term environmental policies.

4. *Does not substantially affect the economic or social welfare of the community or State.*

The project will not negatively impact either the economics, social welfare, or the cultural practices of the community or state due to the fact that the Project area will support the consistent use of those lands, and the limited area of the project does not put at risk any social welfare of the community or state.

5. *Does not substantially affect public health.*

Based on the research conducted for the CIA and AIS, the project will not affect public health. Potential positive impacts to public health are:

Improved soil quality, and reduced potential for destructive grading while reducing debris which has accumulated on the perimeter of the project area. The project land use is consistent with the activities in terms of, vehicles, and hours of operation of those of the agro-science companies currently operating on the parcel.

6. Does not involve substantial secondary impacts, such as population changes or effects on public facilities.

The project area is located on state lands that are managed by private companies and are over seen by a state agency, Agricultural Development Corporation, additionally, the area is gated and locked during off business hours, as it has been for the past decades, which eliminates the possibility of any impact on population or public facilities.

7. Does not involve a substantial degradation of environmental quality.

One of the objectives of this project is to improve the quality of agricultural lands by clearing above ground rocks, sand, and debris. Rather than degradation of the land, this project will improve the project site environmental by improving the existing easement path used by KIUC for their power lines.

8. The proposed action does not involve a commitment to larger actions.

The RABS project does not involve a commitment for larger actions. The area for collection is specific, and there are no plans to expand the scope of work or the site identified in this DEA. This project, over time, may prevent a greater need for more grading and clearing efforts in order to better utilize those agricultural lands.

9. Does not substantially affect rare, threatened, or endangered species or their habitats.

The proposed project does not substantially affect rare, threatened, or endangered species and their habitats. RABS will be clearing rocks, not habitats which have been piled along the perimeter and through portions of the agricultural fields. These efforts will return portions of the land to more of its original condition.

10. Does not detrimentally affect air quality, water quality, or ambient noise levels.

Air, water quality, and ambient noise will not be adversely affected by this surface ground rock and sand removal project. Through the research and development of the CIA, the project perimeter has been identified so as to not disturb the ditch water system; additionally the distance to the nearest residence is approximately 0.4 miles.

11. Would not affect environmentally sensitive area such as flood plains, tsunami zones, erosion-prone areas, geologically hazardous lands, estuaries, fresh waters, or coastal waters.

The project will not negatively affect environmentally sensitive areas nor create damage or erosion due to the nature of the operations and location of the project site. Best management practices will be used to prevent and minimize any short-term impacts, and there is no anticipated long-term damage to the land.

12. Would not substantially affect scenic vistas and view planes identified in county or state plans or studies.

The project will not have any substantial effect on any scenic vistas or view planes. The project area is located in a gated portion of the Kekaha agricultural land, and there are no plans identified by the state or by the county to create vista or view plane on this parcel.

13. Does not require substantial energy consumption.

There are no energy consumption requirements on the site, direct energy requirements and consumption will be restricted to the fuel required for the equipment used for collection, transportation, and processing.

Based on the foregoing findings, the proposed activity is not anticipated to result in any significant impacts on the environment, as defined by Section 11-200-12, Hawaii Administrative Rules, Department of Health.

FINAL

FINAL

***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 8

List of Permits and Approvals

CHAPTER 8

LIST OF PERMITS AND APPROVALS

Permits and approvals may be required prior to the implementation of the project:

State of Hawaii

- 1) An Environmental Review and Determination per Chapter 343, HRS is required and the Agricultural Development Corporation is the agency of authority, and the final determination is pending.
- 2) No permits

County of Kauai

- 1) No permits, exemptions

FINAL

***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 9

**Parties to be Consulted during the
Review of the Environmental Assessment**

CHAPTER 9

PARTIES TO BE CONSULTED DURING THE REVIEW OF THE ENVIRONMENTAL ASSESSMENT

Consultation List

Department of Transportation

1720 Haleukana Street
Lihue, HI 96766

Department of Health

4444 Rice St # 275
Lihue, HI 96766-1340

Kekaha Agricultural Association

PO Box 811
Waimea, HI 96796

Pacific Missile Range Facility

Natural Resource Manager
P.O. Box 128
Kekaha, Kauai, Hawaii
96752-0128
(877) 628-9233

Consultation List for CIA & AIS

Section 6 Community Consultation

Throughout the course of this assessment, an effort was made to contact and consult with Hawaiian cultural organizations, government agencies, and individuals who might have knowledge of and/or concerns about traditional cultural practices specifically related to the Project area. This effort was made by letter, email, telephone and in person contact. The initial outreach effort was started in February 2010. Community consultation was completed in June 2010. In the majority of cases, a letter (Appendix D), map, and an aerial photograph of the Project area were mailed.

In most cases, two to three attempts were made to contact individuals, organizations, and agencies apposite to the CIA for the Project. The results of the community consultation process are presented in Table 3. Written statements from organizations and agencies are presented in Appendix E and F, and summaries of interviews with individuals are presented in Section 8.

Table 3: Community Contact Table

Name/Affiliation, Background	Affiliation/Background	Comments
Aha Pūnana Leo o Kaua'i,	Hawaiian Immersion School	CSH sent community outreach letter and figures on February 19 and March 1, 2010. CSH phoned on March 15, 2010.
Aipoalani, Clisson (Kunane)	Chairman, Kaua'i/Ni'ihau Islands Burial Council (KNIBC)	CSH sent community outreach letter and figures on February 19 and March 1, 2010. See complete interview in Section 8 below.
Akana, Kaipo	Waimea <i>kupuna</i>	CSH sent community outreach letter and figures on February 19 and March 1, 2010. Mr. Akana provided CSH permission to use a previous interview (See Section 7 below).
Arashiro, Osamu	Retired Kekaha Plantation worker	CSH sent community outreach letter and figures on February 19 and March 1, 2010. See complete interview in Section 8 below.
Ayau, Halealoha	Hui Mālama I Na Kupuna 'O Hawai'i Nei	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
Ceballos, Clem	Waimea <i>kama'āina</i> , retired plantation worker	CSH sent community outreach letter and figures on February 19 and March 15, 2010.
Cayan, Phyllis "Coochie"	SHPD History & Culture Branch Chief	See Section 6.2 below for SHPD response. See SHPD response letter in Appendix F.

Name/Affiliation, Background	Affiliation/Background	Comments
Crowell, Dee	KNIBC	CSH sent community outreach letter and figures on March 1 and March 15, 2010.
De La Torre, Daniel	Waimea <i>kama'āina</i>	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
De La Torre, Jody	Waimea <i>kama'āina</i>	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
Erickson, Marsha	Executive Director, Hui o Laka (Kōke'e Ecological Education Group, Waimea Valley Association)	CSH sent community outreach letter and figures on February 19 and March 15, 2010.
Faye Museum	Family museum of the H. P. Faye	CSH sent community outreach letter and figures on February 19 and March 13, 2010.
Goodwin-Kaohi, Aletha	Waimea <i>kama'āina</i>	CSH sent community outreach letter and figures on February 19 and March 15, 2010. See complete interview in Section 8 below.
Kaiaokamalie, Leanora	Mānā <i>kama'āina</i>	CSH sent community outreach letter and figures on February 24, 2010.
Kealoha, Keone	Executive Director, Mālama Kaua'i	CSH sent community outreach letter and figures on March 1, 2010.
Kekua, Kehaulani,	Director, Ka'ie'ie Foundation, <i>Kumu hula</i>	CSH sent community outreach letter and figures on February 19 and March 15, 2010.
Kilauano, Carolyn	Pōki'i <i>kupuna</i>	CSH sent community outreach letter and figures on February 19 and March 15, 2010. See complete interview in Section 8 below.
Kupo, Alfred J.	Kekaha <i>kama'āina</i>	CSH sent community outreach letter and figures on March 1, 2010.
Martin, William	Retired Kekaha Plantation worker	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
McMahon, Nancy	SHPD - Deputy State Historic Preservation Officer	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
Mitchell, Auli'i	Director, CSH Hawai'i Office. <i>Kumu Hula</i>	CSH sent community outreach letter and figures on February 19, 2010.

Name/Affiliation, Background	Affiliation/Background	Comments
Nāmu'o, Clyde	Administrator, OHA	CSH sent community outreach letter and figures on February 19, 2010. See OHA response below in Appendix E.
Parraga, Franklin	Kekaha <i>kama'āina</i>	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
Parraga, Louis, III	Retired Kekaha Plantation worker	CSH sent community outreach letter and figures on February 19 and March 1, 2010. See complete interview in Section 8 below.
Pereira, Leah and Patrick A.	Member - <i>E Ola Mau Nā Leo O Kekaha</i>	CSH sent community outreach letter and figures on March 1, 2010.
Ruiz, Debra	KNIBC	CSH sent community outreach letter and figures on March 1, 2010.
Say, Barbara	KNIBC	CSH sent community outreach letter and figures on March 1, 2010.
Sproat, Linda,	Former Resident	CSH sent community outreach letter and figures on March 15, 2010. Referred Hedy Sullivan.
Sullivan, Hedy	Director of <i>Kula Aupuni Ni'ihau</i>	CSH sent community outreach letter and figures on March 15, 2010.
Takekawa, Isabel,	Pōki'i <i>kama'āina</i>	CSH sent community outreach letter and figures on February 19, 2010. See complete interview in Section 8 below.
Wichman, Frederick "Bruce"	Historian, author and <i>kama'āina</i>	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
Wichman, Randy	President, Kaua'i Historical Society	CSH sent community outreach letter and figures on February 19 and March 1, 2010.
Wichman, Victoria	Waimea <i>kama'āina</i>	On February 20, 2010, CSH received an email from Mrs. Wichman, referring Mr. Halealoha Ayau to CSH.
Wong, Antonio	Retired Kekaha plantation worker, <i>paniolo</i> , hunter	CSH sent community outreach letter and figures on February 19 and March 15, 2010. See complete interview in Section 8 below.
Wooten, Anne	Waimea <i>kama'āina</i>	CSH sent community outreach letter and figures on February 24, 2010. Ms. Wooten responded on February 25, 2010 via email to CSH referring Kunane Aipoalani and Uluwehi Kilauano.

CIA for a proposed Rock Crushing Establishment along the New and Old Government Roads, Waimea Ahupua'a, Waimea District, Island of Kaua'i

37

TMK: [4] 1-2-002:001

6.1 Office of Hawaiian Affairs

CHS contacted Clyde Nāmu'o, Administrator of OHA on February 19, 2010. In a written response sent to CSH on April 1, 2010 (see Appendix E), Mr. Nāmu'o states that:

OHA is aware that at one time the Kekaha Sugar Company lands were once crown lands. Irrigation ditches flowed through these lands and in 1856 these crown lands were leased for agriculture and ultimately to produce sugar. The irrigation ditches that once flowed for miles were drained and sugar was planted.

OHA applauds your efforts to perform an archaeological study in connection with the Project and to ensure that any identified cultural and/or archaeological sites are not disturbed. We also recommend consultation be initiated with Kaua'i's Hawaiian community and organizations who may have information or documentation on family history in Waimea and Kekaha dating back pre-Kekaha Sugar plantation days, cultural history, cultural resources, historic sites or legends. These community resources may be willing to share their *mana'o* regarding this assessment.

Specifically, Mr. Nāmu'o suggests contacting the Kaua'i County Historic Preservation Commission, Kaua'i Historical Society, Kaua'i Museum, and the Faye Museum.

6.2 State Historic Preservation Division

CSH contacted Phyllis "Coochie" Cayan, History and Culture Branch Chief of SHPD on February 19, 2010. In a written response sent to CSH on February 26, 2010 (see Appendix F), Ms. Cayan states that:

While the Project area may have been under previous heavy agricultural use by private land owners there is always a general probability that some cultural resources remain known or unseen. There are significant cultural and historical features in the general area which include but are not limited to the use of the Kekaha Ditch as you so note.

SHPD is also concerned with any ground disturbance work which may uncover burials or burial sites such as the moving of disturbed boulders and rocks. The department is mindful that traditional cultural access to the cultural places and/or resources in the general ahupua'a should also be considered in your study as related to the proposed Project area.

Specifically, Ms. Cayan suggests contacting Mr. C. Kunane Aipoalani, Aunty Barbara Say, Ms. Debra Ruiz, and Ms. Dee Crowell, all of the KNIBC.

State of Hawaii & County of Kauai Draft Environmental Assessment Distribution List

Office of Environmental Quality Control

235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Hawai'i Department of Agriculture

1428 S. King Street
Honolulu, HI 96814
Ph: 808 973-9560

Department of Accounting & General Services

Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813
(808) 586-0400

Department of Business, Economic Development, and Tourism

P.O. Box 2359
Honolulu, Hawaii 96804
No. 1 Capitol District Building
250 S. Hotel Street
Honolulu, Hawaii 96813
(808) 587-2784

Department of Business, Economic Development & Tourism

Energy Division
P.O. Box 2359
Honolulu, HI 96804
No. 1 Capitol district Building
250 South Hotel Street
Honolulu, HI 96803

Department of Business, Economic Development & Tourism Office of Planning

P.O. Box 2359, Honolulu, HI 96804
(808) 587-2895

Department of Defense

3949 Diamond Head Road
Honolulu, HI 96816-4495
(808) 672-1207

Department of Education

Hawaii State Department of Education
P.O. Box 2360, Honolulu, HI 96804
(808) 586-3230

Department of Hawaiian Home lands

Hale Kalaniana'ole, 91-5420 Kapolei Parkway
Kapolei, HI 96707
(808) 620-9500

Department of Health

Kinau Hale
1250 Punchbowl Street
Honolulu, HI 96813
(808) 586-4400

Department of Human Services

1390 Miller Street, Room 209
Honolulu, HI 96813
(808) 586-4999

Department of Labor & Industrial Relations

830 Punchbowl Street
Honolulu, HI 96813
(808) 586-8844

Department of Land and Natural Resources

Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813
(808) 587-0400

**Department of Land and Natural Resources
Historic Preservation Office**

Suite 555 of the Kakuhihewa Building
601 Kamokila Blvd., Kapolei, Hawai'i, 96707
(808) 692-8015

Department of Transportation

Office of the Director
AliiAIMoku Building
Room 509
869 Punchbowl Street
Honolulu, HI 96813
(808) 587-2150

Hawaiian Housing Finance & Development Corporation

677 Queen Street
Honolulu, Hawaii 96813
(808) 587-0597

Office of Hawaiian Affairs

711 Kapi'olani Blvd., Suite 500
Honolulu, HI 96813
Phone: (808) 594-1835

University of Hawaii Environmental Center

University of Hawaii
Environmental Center
Krauss Annex 19
2500 Dole Street
Honolulu, HI 96822
(808) 956-7361

US Fish & Wildlife Services

300 Ala Moana Boulevard, BOX 50088
Honolulu, Hawaii 96850-5000
(808) 792-9400

County of Kauai**Department of Parks & Recreation**

4444 Rice Street # 105
Lihue, HI 96766-1340
(808) 241-4463

Department of Planning

4444 Rice Street # 473
Lihue, HI 96766-1326
(808) 241-4050

Department of Public Works

4444 Rice St # 275
Lihue, HI 96766-1340
(808) 241-4854

Department of Water

4398 Pua Loke Street
Lihue, HI 96766-1600
(808) 245-5442

Fire Department

4444 Rice Street
Lihue, HI 96766
(808) 241-6515

Police Department

3990 Kaana Street # 200
Lihue, HI 96766
(808) 241-1711

County of Kauai, Lihue Public Library

4344 Hardy Street
Lihue, Kauai, HI 96766-1251
(808) 241-3222

Kekaha Agricultural Association

8315 Kekaha Rd # E
Kekaha, HI 96752
(808) 337-9262

Department of Transportation

1720 Haleukana Street
Lihue, HI 96766

***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Chapter 10

Agribusiness Development Corporation (Approving / Lead Agency)

Certification

_____ **Finding of No Significant Impact (FONSI)**
The project will not result in a significant negative impact on the quality of the human environment.

_____ **Finding of Significant Impact (FSI)**
The project may significantly affect the quality of the human environment.

Preparer Signature:

Sean Combs
Land Strategies Hawaii

Date _____

Responsible Entity, Agricultural Development Corporation Approving Official Signature:

Agribusiness Development Corporation

Date

FINAL

***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

CHAPTER 11

Agency Comments and Proposed Mitigation Measures

FINAL

Agency Comments and Proposed Mitigation Measures

NA 'OHANA O KILAUAANO

PO Box 433 Kekaha, HI 96752 | nachana@kilaunao@gmail.com

March 29, 2011

Mr. Gary Hooser, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 703
Honolulu, HI 96813



Re: Draft Environmental Assessment for Pohaku o Kaua'i Materials
2011-03-08-KA-DEA

Aloha mai e,

We, Na 'Ohana o Kilauna, of the moku of Mānā, Kaua'i submit this letter to you with concerns regarding the Draft Environmental Assessment of Pohaku o Kaua'i Materials LLC. We are lineal descendants of those who lived in the area of Pokii Kauna Ridge through Mānā and beyond. During March and May of 2010 our 'ohana submitted testimony to the Kaua'i Historic Preservation Review Commission (KHPRC) regarding our concerns. This letter serves to reiterate our testimony to KHPRC, as well as to express concerns regarding details of the DEA.

1. Collection and crushing of rocks and boulders and collection of sand

Our 'ohana are concerned about the collection and crushing of boulders and rocks, as well as the collection of sand along the ridgeline of Mānā. Although rocks have been disturbed by plantation activities in the past, there may still be significant cultural features, whether in situ or not. In addition, the caves along the ridgeline still contain ancient burials, which are still tended by our 'ohana and extended 'ohana.

The DEA states that the proposed project will be periodically monitored by an on-island committee of the Agribusiness Development Corporation (ADC). However, the assessment fails to mention how or when monitoring will take place. The Mānā plain is rich in cultural and archaeological resources, and stating that work with cease, police contacted, and SHPD contacted is not enough to ensure that these resources are not inadvertently damaged or destroyed. An approved archaeological monitoring plan should be considered prior to any approvals for work to commence.

2. Lack of information regarding the timeframe and scope of proposed quarry activities

Having reviewed the DEA and maps, it is difficult to assess the extent of area in which quarry activities will take place. The maps provided in the DEA show a various areas along the old

1. The first part of the paper is a review of the literature on the effects of the 1997 Asian financial crisis on the economies of the Asian countries. The second part of the paper is a review of the literature on the effects of the 1997 Asian financial crisis on the economies of the Asian countries.

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Na 'Ohana o Kilauano

PO Box 433 Kekaha, HI 96752
naohanaokilaunao@gmail.com

Date: February 4, 2012

Subject: Environmental Assessment for Pohaku O Kauai Materials Rock Aggregate and Borrow Site in Kekaha, TMK [4] 1-2-002:001, Kekaha, County of Kauai.

Na 'Ohana o Kilauano,

Thank you for your thoughtful review and response to the Draft Environmental Assessment (DEA), for Pohaku 'O Kauai Materials LLC (POKM). Your letter and our response will be attached to the Final Environmental Assessment (FEA).

1. Collection and crushing of rock and boulders and collection of sand

Cultural Surveys generated a detailed Cultural Impact Assessment (CIA), and Archeological Inventory Survey (AIS) which is attached to the Final Environmental Assessment (FEA) they identify the areas of operation, we will attach those to this response for your review. POKM will not be passing or going up on the ridge, the project areas are restricted to the field edges, old government road, and around the old bridges. This is a very small operation which will receive direction and guidance from Agribusiness Development Corporation (ADC) as to where and how the project will start. The project scope on TMK [4] 1-2-002:001 has been modified and limited substantially to start preliminary work on a small 5 acre section. This work will involve removal of rock from the surface of the ground, boulders partially buried, and sand sitting on soil. This 5 acre section has been chosen to completely avoid site areas identified in the inventory survey. We will work in this small parcel with initial monitoring provided by Cultural Surveys Hawaii to insure that there is no impact to historic properties. This monitoring will be undertaken as a proactive effort until SHPD has reviewed the project, and responds to our correspondence.

2. Lack of information regarding the timeframe and scope of proposed quarry activities

The project scope has been recently mortified and limited to that of collection and stockpiling, no traditional quarrying will be taking place. The extent of the area for operations has been identified in the CIA & AIS, and now had been limited with a starting location of area CSH7 which should take 3-6 months. Once the materials are not available in that area, operations will stop (1) the anticipated depth at which the rocks, boulders, and sand will be excavated is approximately 6 inches to 1 foot. (2) POKM will not be moving operations outside the identified boundaries listed in the CIA & AIS. (3) POKM will be working in the Mana area for between three (3) to five (5) years. POKM will work incrementally on small sections at a time, not all at once.

3. Necessary Permits

Permits from the county will not be required at this time because the project has now been limited to collection only, with the first location (CSH7) having an area of approximately 5 acres, and the second and third locations having the same approximate size. If and when the need warrants further action on the next sites identified in the CIA, which would make the project area larger than 15 acres, POKM will apply for the require Use and Special permits from the state and county.

4. Erroneous Tax Map Key Numbers

We have been made aware of the incorrect Tax Map Key (TMK) numbers listed on the DEA, and portions 331 & 332 have been removed, leaving only [4] 1-2-002:001 and [4] 1-2-002:23 as the TMKs for the project.

5. Failure to follow recommendation to provide community information meeting(s)

We apologize for the delay; however POKM has submitted a written request via email & a hard copy via the U.S. postal service, three attempts in total to Na 'Ohana o Kilauano to conduct a community information meeting(s) to address any questions and concerns there may be regarding the project. POKM will be available for a meeting(s) once a response has been received. A copy of POKM's request letter will be attached in the FEA.

6. Other concerns regarding DEA

a. POKM has amended the document to include the Koloa duck (*Anas wyvilliana*) and the Hoary bat (*Lasiurus cinereus semotus* or ope 'ape 'a) to the known flora and Fauna section of the FEA.

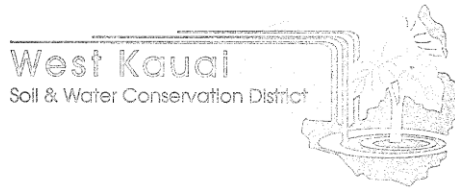
b. POKM has amended the FEA to include the historic sites , 50-30-05-00012 Ho 'one 'enu 'u Heiau, 50-30-05-00015 House sites, 50-30-05-00013 Kaunalewa ridge caves, 50-30-05-00010 Kahelu Heiau.

c. The reference to page 18; POKM has not intent to impede or restrict in any way Na 'Ohana o Kilauano ability to continue to malama burials and other cultural features in the proposed area. We are offering this response as a provision for continued access by 'ohana and ahupuaa tenants.

Mahalo nui loa for your consideration and concern.

Sincerely

Sean Combs
Land Strategies Hawaii
4200 Waileia Place
Princeville, Kauai, HI 96722



July 20, 2011

Pohaku O Kauai Materials LLC
3-1480 Kaumualii Hwy
PO Box 3329
Lihue, HI 96766

Dear Mr. Haku Rivera,

Thank you for appearing before the West Kauai Soil & Water Conservation District Board on June 21, 2011 and presenting your notice of intent to begin your rock and sand removal project located on ADC and Department of Hawaiian Home Lands in Kekaha.

We would like to remind you to be aware of fugitive dust conditions and to mitigate any problems before they affect the surrounding area. We also recommend that you quickly revegetate areas that may be prone to soil erosion after removing the top layers by using a mixture of rye and Bermuda grass seeds until the local vegetation returns (Check with Kekaha Agricultural Association).

The West Kauai Soil & Water Conservation District acknowledges your Kekaha Project as follows:

- According to Paul Togioka of the County of Kauai Public Works Department, since the project is on State of Hawaii lands, no agricultural exemption to the County 808 Grading Ordinance is required. Also, since final storage will be an indoor warehouse, no stockpiling permit is required. A formal Notice of intent should be given to the County Public Works Department when work will begin and hours of operation.
- Rocks and sand from the State ADC lands leased by the Kekaha Agricultural Association will be removed from the fields between Mana road and Kokee road and temporarily stored at the old Hawaiian Homes Quarry and the Kokee Rd site (see attached map).
- A temporary rock crusher will be brought on site and the crushed rock will be removed and stored in a warehouse at Kauai Veterans Express in Puhi.
- We understand that the Environmental Assessment will answer any concerns that may be brought up by the State Historic Preservation Division.



Pohaku O Kauai Materials LLC
3-1480 Kaumualii Hwy
PO Box 3329
Lihue, HI 96766

- Contact personnel are as follows:

Pohaku O Kauai Materials LLC
Haku Rivera 651-7398/585-4684
Stan Morinaka Sr. 645-1766

State Agricultural Development Corporation
Alfredo Lee, Director
Matthew Rose, Environmental Assessment 586-0181

Kekaha Agricultural Association
Landis Ignacio 639-1982

Please feel free to contact us for any conservation technical assistance that you may require for your project.

Sincerely,



Peter Tausend
Chairman
West Kauai Soil & Water Conservation District

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Gary K. Heu
Managing Director

Lyle Tabata
Deputy County Engineer

DEPARTMENT OF PUBLIC WORKS
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 275, Lihue, Hawai'i 96766
TEL (808) 241-4992 FAX (808) 241-6604

September 19, 2011

Pōhaku 'O Kaua'i Materials, LLC
P. O. Box 3329
Lihue, HI 96766
Attention: Mr. Stanley H. Morinaka

**SUBJECT: EXEMPTION FROM SEDIMENTATION AND EROSION CONTROL
ORDINANCE NO. 808 TMK: 1-2-002:001**

Dear Mr. Morinaka,

This is in response and follow-up to our meeting of August 30, 2011 for an exemption from the Sediment and Erosion Control Ordinance No. 808 for the captioned property. We are granting the grading, grubbing, and stockpiling permitting exemption pursuant to section 22-7.6 of the Sediment and Erosion Control Ordinance No 808. Section 22-7.6 states "The permit requirements of Section 22-7.8 of this Article shall not apply to the following: (a) Work in a public street, sidewalk, alley, right of way or an isolated self contained Government controlled area". We understand that the captioned property is under the jurisdiction and control of the State of Hawai'i, more in particular the Department of Hawaiian Home Lands (DHHL). We approving the exemption requirements with the following conditions:

1. We understand a Draft Cultural Impact Assessment for a Proposed Rock Crushing Establishment Along Portions of the New and Old Government Roads, Waimea Ahupua'a, Waimea District, Island of Kaua'i, TMK: (4) 1-2-002:001 has been prepared for Pōhaku 'O Kaua'i Materials, LLC by Malia Luika Fernandes-Farias, B.A., Aulii Mitchell, B.A., and Hallet H. Hammat, Ph.D. dated October 2010. Our exemption is limited to the work described at the Project Description of the Draft Cultural Impact Assessment dated October 2010. Work should not commence until the Final Cultural Impact Assessment (CIA) has been accepted by the approving agency, filed and published by the Office of Environmental Quality Control (OEQC) and comments if any mitigated and addressed during the appeal period. A hardy copy of the Final CIA shall be submitted for our files.
2. Additionally, the recommendations as noted in the Final CIA shall be implemented with the rock collecting, crushing and stockpiling activities onsite and offsite.

An Equal Opportunity Employer

Pōhaku 'O Kaua'i Materials, LLC
September 19, 2011
Page 2

3. Section 22-7.5 Minimum "Best Management Practices. Section 22-7.5 states "(BMPs) regardless of whether a permit is required pursuant to this Article, or an exemption from Section 22-7.6 is applicable, all grading, grubbing and stockpiling activities **shall** incorporate BMP's to the maximum extent practicable to prevent damage by sedimentation to streams, watercourses, natural areas and the property of others. It shall be the permittee's and the property owner's responsibility to ensure that the BMP's are satisfactorily implemented." We expect the approving agency of the Final CIA to monitor the grading, grubbing and stockpiling activities.

Should you have any questions, please contact us at (808) 241-4996.

Very truly yours,



LARRY DILL, P.E.
County Engineer

WK

cc: Lyle Tabata, Deputy County Engineer
Design and Permitting
Construction Inspection
State Department of Health, Kaua'i District
State Historic Preservation Division, DLNR
State Office of Hawaiian Affairs, Attention: Mr. Clyde Nāmu'o
Sean Combs, Land Strategies Hawai'i
Planning Department
County Attorney

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

March 29, 2011

Mr. Sean Combs
Land Strategies Hawaii, LLC
4200 Waileia Place
Princeville, Hawaii 96722

Dear Mr. Combs:

Subject: Draft Environment Assessment for the Rock Aggregate & Sand Borrow Sites,
TMK (4) 1-2-02:01, 331, and 332, Kekaha, Waimea, Kauai

The Department of Education (DOE) has reviewed the Draft Environment Assessment for the proposed Rock Aggregate & Sand Borrow Sites project.

The DOE has no comment regarding this project.

Thank you for the opportunity to provide comments. If you have any questions, please call Jeremy Kwock of the Facilities Development Branch at (808) 377-8301.

Very truly yours,

A handwritten signature in blue ink, appearing to read "K. Matayoshi".

Kathryn S. Matayoshi
Superintendent

KSM:to

c: Randolph Moore, Assistant Superintendent, OSFSS
William Arakaki, CAS, Kauai Complex Area

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

NEIL ABERCROMBIE
GOVERNOR

MAJOR GENERAL DARRYLL D. M. WONG
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

March 28, 2011

Mr. Sean Combs
Land Strategies Hawaii LLC
4200 Waialea Place
Princeville, Hawaii 96722


Dear Mr. Combs:

Draft Environmental Impact Statement
Rock Aggregate & Sand Borrow Sites

Thank you for the opportunity to comment on this proposed project. We concur with the need for cultural and/or archeological monitoring and preservation plan during project activities and defer to the Department of Land and Natural Resources on the practicality of the proposed mitigation measures. We look forward to review of the Final Environmental Impact Statement.

If you have any questions please call Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 16, 2011

MEMORANDUM

TO: **DLNR Agencies:**
☒ Div. of Aquatic Resources
☐ Div. of Boating & Ocean Recreation
☒ Engineering Division
☒ Div. of Forestry & Wildlife
☒ Div. of State Parks
☒ Commission on Water Resource Management
☒ Office of Conservation & Coastal Lands
☒ Land Division -Kauai District
☒ Historic Preservation

FROM: Charlene Unoki, Assistant Administrator *maile*
SUBJECT: Draft Environmental Assessment for Rock Aggregate & Sand Borrow Sites
LOCATION: Island of Kauai
APPLICANT: Land Strategies Hawaii LLC on behalf of Pohaku O Kauai Materials LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by April 4, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
(X) We have no comments.
() Comments are attached.

Signed: *Maile*

Date: 3/20/11

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 6, 2011

Land Strategies Hawaii LLC
4200 Waileia Place
Princeville, Hawaii 96722

Attention: Mr. Sean Combs

Ladies and Gentlemen:

Subject: Draft Environmental Assessment by Pohaku 'O Kauai Materials LLC

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of State Parks, Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0414. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Y. Tsuji".
Russell Y. Tsuji
Administrator



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD11/4844B

March 14, 2011

Sean Combs
Land Strategies Hawai'i LLC
4200 Waileia Place
Princeville, HI 96722

RE: Draft Environmental Assessment
Pōhaku O Kaua'i Materials LLC - Rock Aggregate & Borrow Site (Field Rock
Collection & Crushing)
Poki'i Ahupua'a, Kaua'i
Tax Map Key (TMK): (4) 1-2-002:001, (4)1-2-002:331, (4)1-2-002:322

Aloha e Mr. Combs:

The Office of Hawaiian Affairs (OHA) is in receipt of your February 24, 2011 letter initiating consultation and seeking comments on a Draft Environmental Assessment (DEA) for a proposed project that involves the collecting and removal of previously displaced rocks, boulders, dirt and debris from previously farmed Kekaha Sugar Plantation lands. Pōhaku O Kaua'i Materials rock crushing project is located on a 5-mile section of 50 acres owned by the State of Hawai'i. OHA has reviewed the DEA and offers the following comments.

There seems to be a discrepancy with tax map key (TMK) parcels (4)1-2-002:331 and (4)1-2-002:322 identified in the DEA. These TMK don't seem to exist or may be incorrect. OHA requests clarification on the correct TMK parcel numbers. On February 11, 2010, OHA received the Cultural Impact Assessment (CIA) to TMK (4) 1-2-002:001 and provided comment, however, we did not receive the CIA for TMK (4)1-2-002:331 and (4)1-2-002:322. OHA would like the opportunity to provide comment to the additional TMKs.

OHA is concerned that many cultural sites and historic properties are known to exist in close proximity to the project area. These sites are above and along the five mile stretch of the proposed rock crushing project and may be inadvertently impacted if the boundaries of the project are not clearly delineated. Historic properties include burial sites, archaeological sites and heiau. Pōhaku (rock/stone) have a cultural significance to Native Hawaiians. The use of culturally significant rocks in this project may be deemed inappropriate from a Native Hawaiian point of view. This may be difficult as your project deals with pōhaku. OHA seeks clarification on how historic properties and cultural sites will be specifically protected.

Sean Combs
Land Strategies Hawai'i LLC
March 14, 2011
Page 2 of 2

An environmental concern is how the mass removal of rock will change the geographical landscape over the short and long term. A plan must be put in place to mitigate potential adverse impacts such as runoff, floods and heavy rains.

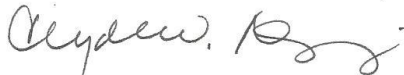
The area, from Kekaha to Mānā to Polihale, is of significant traditional cultural importance to the families of these communities. This is a hānau mōkū (birthing place) for generations of Native Hawaiians. Families still visit burial sites and care for sacred areas. The Kilauano-Aipoalani and extended 'ohana continue traditional practices and care for family burials in the vicinity of the project. They are concerned about the respect and accountability of these sacred areas.

It was brought to our attention that members of the Mānā, Kekaha and Waimea community have requested a meeting to discuss these matters with you directly. OHA supports the request that a community meeting be held so that the families of the community have the opportunity to respectfully share their concern of this wahi pana, this legendary place, their family burial sites and any other cultural sites located in project area.

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

Thank you for the opportunity to comment. Should you have any questions, please contact Kathryn Keala at 594-0272 or kathyk@oha.org.

'O wau iho nō me ka 'ōia`i`o,



Clyde W. Nāmu'o
Chief Executive Officer

C: OHA- Kaua'i Community Resource Coordinator

FINAL

NEIL A. BERCROMBIE
GOVERNOR OF HAWAII



RECEIVED
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

2011 POST OFFICE BOX 6211
HONOLULU, HAWAII 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII
March 16, 2011

54672
WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED
STATE PARKS DIV

'11 MAR 21 AIO:16

DEPT OF LAND &
NATURAL RESOURCES

MEMORANDUM

TO: **DLNR Agencies:**
☒ Div. of Aquatic Resources
☐ Div. of Boating & Ocean Recreation
☒ Engineering Division
☒ Div. of Forestry & Wildlife
☒ Div. of State Parks
☒ Commission on Water Resource Management
☒ Office of Conservation & Coastal Lands
☒ Land Division - Kauai District
☒ Historic Preservation

FROM: Charlene Unoki, Assistant Administrator *Charlene Unoki*

SUBJECT: Draft Environmental Assessment for Rock Aggregate & Sand Borrow Sites

LOCATION: Island of Kauai *TMK: 1-2-021, 01, 331, 322*

APPLICANT: Land Strategies Hawaii LLC on behalf of Pohaku O Kauai Materials LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by April 4, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- (☒) We have no objections.
(☐) We have no comments.
(☐) Comments are attached.

Signed: *Charlene Unoki*
Date: 3/24/11



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 16, 2011

MEMORANDUM

TO: **DLNR Agencies:**
☒ Div. of Aquatic Resources
☐ Div. of Boating & Ocean Recreation
☒ Engineering Division
☒ Div. of Forestry & Wildlife
☒ Div. of State Parks
☒ Commission on Water Resource Management
☒ Office of Conservation & Coastal Lands
☒ Land Division -Kauai District
☒ Historic Preservation

FROM: Charlene Unoki, Assistant Administrator *Charlene Unoki*
SUBJECT: Draft Environmental Assessment for Rock Aggregate & Sand Borrow Sites
LOCATION: Island of Kauai
APPLICANT: Land Strategies Hawaii LLC on behalf of Pohaku O Kauai Materials LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by April 4, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
() We have no comments.
(☒) Comments are attached.

Signed: *[Signature]*

Date: *4/4/11*

11 MAR 22 PM 08:05 ENGINEERING

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Charlene Unoki
REF: DEA for Rock Aggregate & Sand Borrow Sites
Kauai.001

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program (NFIP) does not regulate developments within Zone X.
- () Please take note that the project site according to the Flood Insurance Rate Map (FIRM), is located in Zone ____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Carter Romero at (808) 961-8943 of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- (X) Additional Comments: The project area is located in panel areas in addition to the area denoted in Community Panel Number 150002 0140 E. It is also located in panel areas for Community Panel Numbers 150002 0120 F and 150002 0251 F.
- () Other: _____

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: 9/4/11

Neil Abercrombie
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
EMD/CWB

07009PJF.11

July 12, 2011

Mr. Sean Combs
Land Strategies Hawaii LLC
4200 Waileia Place Princeville
Princeville, Hawaii 96722

Dear Mr. Combs:

**SUBJECT: Draft Environmental Assessment (DEA) by Pohaku 'O Kauai Materials LLC
for Rock Aggregate & Sand Borrow Sites
Island of Kauai, Hawaii
TMK: (4) 1-2-002:001, 331, and 332**

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at:
<http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You may be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for an NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

- a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. This includes areas used for a construction base yard and the storage of any construction related equipment, material, and waste products. An NPDES permit is required before the start of the construction activities.
- a. Hydrotesting water.
- b. Construction dewatering effluent.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at:
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.

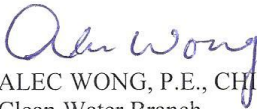
- 3. For other types of wastewater not listed in Item No. 2 above or wastewater discharging into Class 1 or Class AA waters, an NPDES individual permit will need to be obtained. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at
<http://hawaii.gov/health/environmental/water/cleanwater/forms/environmental/water/cleanwater/forms/indiv-index.html>.
- 4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage is required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

Mr. Sean Combs
July 12, 2011
Page 3

07009PJF.11

If you have any questions, please visit our website at:
<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the
Engineering Section, CWB, at (808) 586-4309.

Sincerely,


ALEC WONG, P.E., CHIEF
Clean Water Branch

JF:ml

c: DOH-EPO #11-056 [via email only]

Kauai Aggregates

PO Box 366 • Lawai, HI 96755 • 808-332-6677

April 4, 2011

Mr. Stan Morinaka
Pohaku 'O Kauai Materials
3-1480 Kaumualii Hwy.
Lihue, HI 96766-9579

Mr. Matthew Rose
Agribusiness Development Corp.
235 South Beretania Street, Room 205
Honolulu, HI 96813

Mr. Sean Combs
Land Strategies Hawaii LLC
4200 Waileia Place
Princeville, HI 96722

Regarding: Pohaku 'O Kauai Materials LLC Draft Environmental Assessment

Gentlemen:

We hereby submit for consideration the following comments with respect to the Pohaku 'O Kauai Materials LLC (POKM LLC) Draft Environmental Assessment (DEA). These comments are in response to the notice posted for this proposed activity in the March 8, 2011 edition of "The Environmental Notice."

For the record, Kauai Aggregates is a rock products producer and supplier. We have a quarry, which is located in the Wahiawa area just east of Port Allen on Kauai, we have been in operation continuously since 1982, and we are a competitor of POKM LLC.

1. General Description Comments

The Project Purpose and Need overview on page 6 appears to be the "General description of the action's technical, economic, social, and environmental characteristics" asked for by Hawaii Administrative Rules 11-200-10, item D. As an aside, and admittedly we are reading it from the perspective of a competitor, we found the tone of this opening section to be excessively promotional, more than what seemed necessary to present a general characteristics description.

More specifically, though, the general description states the following premise for justifying the need for the project:

Located at 1000 Halewili Road

There is a severe shortage of rock and rock aggregate throughout the State, including Kauai, and this project will serve to address this current shortage... The shortage is so severe that the larger companies have turned to the importing of rock from across the Pacific (China, Washington, Alaska, Canada).

Searching through the DEA for source references to support the strong assertion posited in these two sentences, we find a listing on pages 50 and 51. One reference is to the unavailable POKM LLC business plan. Of the other references, only items 1, 3, 6, and 7 have links and details that seem relevant to support the assertions.

Reference 1 refers to a website. A visit to the website reveals that its purpose is to accumulate information about stone cutting and dimension stone sources. The home page of the website contains this comment, written by the site curator:

My main interest is in dimension stone quarries, although other types of quarries have caught my attention and intrigued me and some of the other types of quarries are addressed as well. As I found huge numbers of gravel and sand quarries, I decided not to include these two commodities in the lists.

Not evident how this website, considering they exclude coverage of materials addressed by the DEA, supports the assertion of "severe shortages" of rock and sand throughout Hawaii.

Reference 3 is a Honolulu Advertiser article reporting about conflicts that arose on Oahu when Grace Pacific proposed to expand their Makakilo quarry a few years back. The article starts out with this paragraph:

The owner of the Makakilo Quarry hopes to expand the dig by about 20 percent and extend its life by 25 years despite objections from some neighbors who oppose the notion of rock- mining in the middle of a growing residential area.

We see later in the article that most of the neighborhood concerns were apparently mitigated. We also now know that the expansion of the Makakilo quarry did in fact get approved, and work is proceeding such that the quarry life will be extended by the 25 years reported. So it is not evident how this article supports the assertion of "severe shortages."

Reference 6 is to a Big Island - Hawaii Tribune Herald article reporting on a recent approval of a Hilo area quarry expansion. The article explains that the conflict was over who should ultimately be the permitted operator for a stone mining permit requested by Yamada and Sons for a 14.99 acre state owned parcel site. The article states:

In a Dec. 28 letter to the commission, Yagong asked members to postpone acting on Yamada's application for a special permit. Such a permit is required for Yamada to excavate the 14.99 acres of state land it won the lease to last August. Yagong wanted time to explore whether the county could save money by

operating the quarry itself rather than continuing to pay a private company to supply rock needed to cover its landfill each night.

Since adjacent quarries have already been exhausted, Yagong said the county would probably need the Yamada site if it builds a new landfill to replace its rapidly filling one. The potential for a new landfill "makes this resource financially desirable and highly valued," Yagong wrote in his letter to the commission. "Does the county want to lose control and pay for a resource that we need and utilize on a daily basis?" he added."

The issue for the approving body here did not appear to be about shortages. In fact, 14.99 acres of new, additional area was made available for quarrying. Once again, not evident how this article supports the assertion of "severe shortages."

Reference 7 is to a market research aggregator that sells reports. Searching the website for titles pertaining to the United States, we found eight out of thirty research reports listed that were specific to non-metallic stone mining that could possibly address Hawaii. The eight reports showed purchase prices of \$129 to \$910 each. The url link cited in reference 7 is a generic search url, and does not appear to reference a specific research report. It is not evident from this reference if POKM LLC did in fact purchase one of the market research reports to bolster their assertion about severe rock shortages on Kauai. If so, it is not evident where data from such a report is being shared, other than anecdotally, in the DEA.

The two local newspaper articles above cite specific instances of older source operators asking for permission to expand into adjacent new sources. The articles show that it became not so difficult after all to overcome the problem of limited source availability. So it is a rather large leap to conclude that these articles prove, "There is a severe shortage of rock and rock aggregate throughout the State, including Kauai..."

Returning to the two introductory sentences again, we see the assertion made that, "... larger companies have turned to the importing of rock from across the Pacific..." Although no references are provided to support this assertion, it is well known that rock products from Canada are currently being imported into Oahu. What is not readily known is that the products being imported are coming from a Canadian government subsidized partnership, which was established to encourage international selling and shipping of rock products as an economic incentive to promote Canadian aboriginal participation (see <http://www.nrcan.gc.ca/smm-mms/abor-auto/htm/orca-08-eng.htm>). The subsidies involved, the size of the Vancouver Island mining facilities, the benefits of much lower international shipping rates, and the very large ship capacities transporting the materials have created significant economies of scale to make the Canadian operations very attractive as an alternative source for purchasing rock products. So it would not necessarily follow that imports from a source such as this can be attributed to "severe shortages." Further, this rock import opportunity almost exclusively extends to Oahu since neighbor island harbor draft capacities and transshipping costs significantly diminish the economies of scale.

Curiously, we also note that nowhere in the Draft Environmental Assessment do we see any reference to the capability of three active existing stone quarries, which operate full-time on Kauai. These quarries must surely be confronting the severe shortages being asserted. Information about these three quarries can be readily attained from the Mine Safety and Health Administration. An MSHA extended search website url is provided below (search for stone quarries, State of Hawaii, County of Kauai). Note that one can find historical production man hours and number of employees for the three facilities by navigating through this web page. The numbers, incidentally, show that these three quarries are not inconsequential operations.

<http://www.msha.gov/drs/drshome.htm>

The three quarries with their MSHA mine ID's are:

5100011 James W. Glover Ltd. at Half-Way Bridge
5100010 James W. Glover Ltd. at Mahaulepu
5100190 Kauai Aggregates at Wahiawa.

All three quarries have current leases and regulatory permits, all in good standing. All three have adequate economic lives remaining, and have production capacities capable of readily meeting the demand for stone and sand products on the island of Kauai.

Kauai Aggregates in particular has a renewable lease, presently running to 2021. Kauai Aggregates also has source material rights that will supply at least ten to fifteen years of sales demand based on sales averages for the last ten years. Kauai Aggregates, as well as James W. Glover, every business day supplies ASTM, Hawaii DOT, and FAA/Military certifiable crushed stone products to two ready-mix concrete businesses, to two asphalt paving businesses, and to contractors, farming concerns, and property owners building all types of projects on Kauai. Both quarries have recently supplied large rock orders for HDOT, County, and FAA/Military projects. Both quarries are not suffering from, nor are creating a, "... severe shortage of rock and rock aggregate..."

It should be noted that ASTM, Hawaii DOT, and FAA/Military specified rock products have strict standards for hardness, among other quality attributes. Boulders and field stones mainly occur as a result of alluvial scour, cliff spalling, or as pyroclastic deposits. Boulders high in olivine minerals, such as many of the cliff spalled boulders that we have studied on the west side of Kauai, can sometimes be difficult source rock when trying to achieve the hardness standards of the above referenced specifiers. To suggest that just the presence of field stones or rocks along the bottom of the Kekaha pali will, "... reduce the cost to produce asphaltic concrete and in turn reduce the cost of paving our roads..." is, with all due respect, an imaginative leap based more on hope than on fact.

2. Sand Collection Comments

In various pages within the DEA, reference is made to collecting sand as well as rock materials. Although we note that considerable weight is given in the DEA to studying stone collection and processing, it is noteworthy that very little examination is given to sand collection.

We note, too, that the proposed activity is presented as being an above ground process (page 27). The rock collecting work described in the DEA would obviously be an above ground process. Sand collecting, however, would arguably, and by definition, be a subsurface extraction process. It is not clear where sand deposits will be found within the strip boundaries delineated on the soil classification map, which is shown on page 59. Further, it is not evident if, within the project limits, above ground sand stockpiles in fact remain from the previous farming activity cited on page 6 of the DEA: "... stones and sand left behind from agriculture activities (sugar, seed corn) since the early 1800's."

It is possible that sand collection for this action could ultimately turn into a "following the sand" process. We note that sandy soil classification types do appear on the soils map, but considerably makai of the project strip boundaries. We also note that the DEA states on page 6, "The most important commercial sources of sand and gravel have been river channels, and flood plains similar to the proposed Kekaha site." It is not apparent from the DEA's maps nor on the soils map just where these sand and gravel rich deposits or the old river channels or flood plains would be located, at least within the delineated project strip. However, we do note this statement on page 31 of the DEA, "The area for collection is specific, and there are no plans to expand the scope of work or the site identified in this DEA." So the presumption is that if POKM LLC finds they need more sand and gravel materials than what they can obtain from collections within the strip boundary area they have delineated, then they will be submitting a new or modified project request for review to work into new areas.

3. Relationship to Governmental Controls Comments

Page 23 of the DEA states that the Rock and Aggregate Borrow Site (RABS) is "... classified as "Agriculture District" by the State Land Use Commission."

Reviewing Hawaii Revised Statutes chapters 205-2 and 205-4.5, these chapters do not show the activity proposed by the DEA being listed as permissible. However, HAR 15-15-95 does allow for the granting of special permits: "(a) Any person who desires to use land within an agricultural or rural district for other than a permissible agricultural or rural use may petition the county planning commission within which the land is located for a special permit to use the land in the manner desired. Special permits for areas greater than fifteen acres require approval of both the county planning commission and the commission." The same HAR also considers, "(b) Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted."

On the same page 23 there is also the statement with respect to the the RABS, "The project site is zoned Agricultural by the County of Kauai. The proposed action is consistent with the zoning."

Consistency with the zoning may be true. But there will likely be further review, because the Land Use Commission regulations cited above may prompt a review of the proposed action by the County Planning Commission. The County Comprehensive Zoning Ordinance (CZO) for Agricultural Districts, Sec. 8-7.2 does not list the proposed activity as being generally permitted. However, CZO Sec. 8-7.3, item 8 does state that "mineral extraction and quarries" shall require a use permit.

Although the statements on DEA page 23 may be technically correct, the declaration of permits and approvals required as shown on page 35 are not correct. Reading the regulations suggests that the activity may be subject to a Land Use Commission Review, and will most likely require a County Use Permit. And per the County Zoning Ordinance, the activity will require a zoning permit in accordance with CZO Sec. 8-7.7.

4. Figure 9 - ADC Communication / Documentation Comments

DEA pages 63 and 64 show a copy of a letter from POKM LLC, addressed to ADC, dated February 14, 2009, which states, "As you know, Pohaku 'O Kauai is presently working with the Department of Hawaiian Home Lands in establishing a rock quarry directly above the site. The proposed Hawaiian Home Land quarry site does not have a suitable level area for staging and processing. Therefore, it is extremely critical in moving this project forward that we immediately secure a Land License for this purpose. The area required is approximately 18 to 25 acres..."

The potential for this adjoining use on DHHL land is not referred to anywhere else in the DEA. It may be that POKM LLC is not currently working with the Department of Hawaiian Home Lands as stated. In any case, we presume accommodating this future activity, if it is in fact being contemplated, or if activities are expected to expand beyond the project boundaries, rather than considering expansions as being just complimentary to the scope of this DEA review, POKM LLC will be subject to submitting new proposals for review and comment.

We appreciate this opportunity to present our comments, and of course, your consideration of them.

Sincerely,



Scott Pingrey

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Director of Planning

Gary K. Heu
Managing Director

Dee M. Crowell
Deputy Director of Planning

PLANNING DEPARTMENT
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766
TEL (808) 241-4050 FAX (808) 241-6699

April 4, 2011

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

RE: Draft Environmental Assessment (DEA)
Rock Aggregate & Borrow Site (Field Rock Collection & Crushing)
Pohaku O'Kaua'i Materials, LLC
Kekaha, Kaua'i, Hawai'i; Tax Map Key(s) (TMKs) (4) 1-2-002:001, 331,
322

Dear Mr. Hooser:

The Planning Department of the County of Kaua'i reviewed the Draft Environmental Assessment (DEA) for the subject project and provides the following comments.

The Planning Department objects to assertions made in the subject DEA on that no permits are required for the proposed field rock collection and rock crushing. In particular, the Department objects to the assertions on Page 4 and Page 35 of the subject DEA that no County of Kaua'i Permits are required for field rock collection and rock crushing.

The subject land identified under Tax Map Key (4) 1-2-002:001 is located within the State Land Use Agricultural District, and it is zoned by the County of Kaua'i as Agriculture. Section 8-7.3 of the Kaua'i County Code (KCC) specifically requires "mineral extraction and quarries" in the Agriculture District to obtain a Use Permit prior to construction or operation. Section 8-7.7 of the KCC, requires a Class IV Zoning Permit for any construction or development for which a Use Permit is required.

Additionally, Page 35 of the DEA states that the only State of Hawai'i permit and/or requirement is an Environmental Review pursuant to the requirements of Section 343 of the Hawai'i Revised Statutes (HRS). However, Section 205 of the HRS does not list quarries, mineral extraction, or rock crushing as an outright permitted use in the State Land Use Agricultural District. As such, it is the Department's determination that pursuant Section 205-6 of the HRS, the subject project will also require a Special Permit. In the event that the project area is larger than 15 acres, in

An Equal Opportunity Employer

Letter to OEQC
Pohaku O'Kaua'i Materials, LLC
Tax Map Key (TMK) (4) 1-2-002:001
April 1, 2011
Page 2

addition to necessary review and action by the County of Kaua'i Planning Commission, the subject project may require review and action by the State Land Use Commission (comments from the State Land Use Commission and/or the Office of State Planning should be requested for further verification).


In sum, given the information presented in the subject DEA, it is the Department's Determination that a Use Permit, a Special Permit, and a Class IV Zoning Permit shall be required before development, construction, and operation of the subject project.

Furthermore, please be made aware that the Planning Department has no record of any properties identified under Tax Map Keys (4) 1-2-002:331 or (4) 1-2-002:322.

Please understand that the contents of this letter reflect the regulations and/or requirements that are currently in effect and being administered by this Department. These regulations are subject to change. Additionally, we recommend that you also check with other governmental agencies which may administer regulations and requirements that relate to development on this property and/or the proposed use.

Please contact Dale Cua of our Planning Department staff at 241-4053 if you have any questions or comments.

Sincerely,



MICHAEL A. DAHILIG
Director of Planning

cc: Land Strategies
Agribusiness Development Corporation

State of Hawaii

Office of Hawaiian Affairs

711 Kapi'olani blvd. Suite 500

Honolulu, HI 96813

April 5th 2011

HRD11/4844B

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha, Waimea, Kauai TMK (4) 1-2-02:01, 331,332 Kekaha, Waimea Kauai

Dear Mr. Namu'o:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). Please see below in response to your listed concerns.

1. (Paragraph 2), to address your concerns regarding TMK: 4-1-2-002:331 & 332, these portions are solely listed as access points to the project area within TMK# (4) 1-2-002:001, and are not additional part of the proposed project area.
2. (Paragraph 3), Historic properties and cultural sites we be specifically protected through the process of designing, re-designing and adjusting the project areas several times to avoid all identified protected historic and cultural sites.
3. (paragraph 4), The rocks have been out of place due to the agricultural activities (sugar & corn) from the original natural landscape, pre farming activity. The removal of above ground rock will restore the landscape to the pre-plantation condition, of the traditional landscape. Regarding the run off / heavy rains, the rock was not placed in its current locations to mitigate any drainage issues; therefore removal of these rocks will have no effects on conditions generated from runoff, floods and heavy rains.
4. (Paragraph 5), The significant cultural sacred areas and burial sites, from Kekaha to Mana, as it pertains to this proposed project area, have been identified in the AIS & CIA, and out of complete respect for the Kilauano - Aipoalani and extended 'ohana's concerns regarding the accountability of these areas, cultural Surveys Hawaii has designing, re-designing and adjusting the project areas several times to avoid any disruption of all identified protected historic and cultural sites. Furthermore, if any unidentified new sites are discovered, work will stop immediately and KPD, SHPD, DLNR and ADC will be contact for consultation and recommendation prior to any action.
5. (paragraph 6), Cultural Surveys Hawaii nor land Strategies Hawaii has received any informal or formal invitation to meet and discuss the above listed matters directly, however a representative of Cultural Surveys Hawaii, the author of the CIA & AIS who conducted all of the interviews would be happy to meet and discuss any and all

concerns regarding this proposed project. Please contact Cultural Surveys Hawaii LLC at (808) 262-9972.

6. (Paragraph 7), In compliance with OHA request, should iwi Kupuna or Native Hawaiian cultural or traditional deposits should be found during the above ground collection process, work will cease and all appropriate agencies will be contacted pursuant to the applicable law.

(Note from the president of Cultural Surveys Hawaii LLC)

The project area has been modified and adjusted several times to avoid known and potential cultural resources. As a result and in consultation with OEQC it has been agreed that this project will have no effect on cultural resources. Periodic inspections by a qualified archaeologist are recommended as a precautionary measure only since ground disturbance will be minimal and, as a result, inadvertent discoveries of cultural resources are not anticipated.

Thanks

Hal
Hallett H. Hammatt
Cultural Surveys Hawai'i
P.O. Box 1114
Kailua, HI 96734
262-9972 Office

Your letter will be attached to the Final Environmental Assessment (FEA).

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
(808) 212-4006

State of Hawaii

Department of Education

P.O. Box 2360
Honolulu, HI 96804

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
Waimea, Kauai TMK (4) 1-2-02:01, 331,332 Kekaha, Waimea Kauai

Dear Mrs. Matayoshi:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for
Pohaku O' Kauai Materials LLC (POKM). Your letter will be attached to the Final Environmental
Assessment (FEA).

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
(808) 212-4006

State of Hawaii

Department of Defense
Office of the Director of Civil defense
3949 Diamond Head Road
Honolulu, HI 96816-4495

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,

Dear Mr. Teixeira:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). POKM's cultural and/or archeological monitoring plan is to have Cultural Surveys Hawaii provide site monitoring during operations close to the identified sites listed in the CIA & AIS.

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
(808) 212-4006

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. Box 3378
Honolulu, HI 96801-3378

July 25, 2010

07009PJF.11

Dear Mr. ALEC WONG, P. E., CHIEF

SUBJECT: Draft Environmental Assessment (DEA) by Pohaku O' Kauai Materials LLC for Rock Aggregate & Sand Borrow Sites, Island of Kauai, Hawaii
TMK: (4) 1-2-002:001

Mr. Wong and the Department of Health, Clean Water Branch (CWB), thank you for your review of the subject DEA, and the comments provided herein as they pertain to the proposed project. Per your recommendation, we have reviewed the standard comments on your website at: <http://www.hawaii.gov/health/environment/env-planning/landuse/CWB-standardcomment.pdf>, and have provided the following responses to those comments listed in the document.

RESPONSE;

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. (HAR Section 11-54-1.1) The proposed project will not require water for any portion of the activities, and the project areas have been designed in order as to not disturb the existing environment as it pertains to any state waters.
 - b. Designated uses (HAR, Section 11-54-3), the proposed project will not be receiving any state waters for the activities planned in the rock collection and sand barrow process.
 - c. Water quality criteria (HAR, Section 11-54-4 through 11-54-8) have been reviewed.
2. Because the proposed project area will effectively be in the same condition it is today as it will be at its conclusion, without changes to current storm runoff patterned areas or the requirement of any discharge of water, we feel that a (NPDES) permit may not be required. However if the Department feels that the project meets the requirements necessary for such a permit, we will submit an application immediately.
 - a. It is our calculation that storm water associated with the proposed activities will not result in the disturbance of or equal to greater than one (1) acre of total land as defined in the DEA review document. There will be no clearing, grading, or excavation taking place, the process is one of selective rock and sand removal, leaving the site areas as they were, and in better condition for future agricultural uses. There is no construction base yard for related equipment, materials and waste products, processing and storage will occur off site.
 - b. Because there is no discharger associated with the proposed project, A NOI form will not be submitted at this time, however if the project has an unforeseen requirement for discharge, a NOI will be submitted prior to any activity on the site.
3. The proposed project does not have a requirement for any waste water discharging on the subject sites.
4. Pohaku O' Kauai materials will fully comply with the State's Water quality Standards, despite the fact that a NPDES permit will not be required for this proposed project.

Please contact me directly with any questions or comments

Sincerely,
Sean Combs
Office: 808-22-4006
seanls@hawaii.rr.com

State of Hawaii

Department of Land and Natural Resources
Land division
P.O. Box 621
Honolulu, HI 96809

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha, Waimea, Kauai TMK (4) 1-2-02:01, 331,332 Kekaha, Waimea Kauai

Dear Ms. Unoki:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). Your letter will be attached to the Final Environmental Assessment (FEA).

Thank you for your timely review and response.

Sincerely,
Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
(808) 212-4006

LINDA LINGLE
Secretary



ALFREDO A. LEE
Executive Director

STATE OF HAWAII
ACRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0188 Fax: (808) 586-0189

August 24, 2009

Mr. Stanley Morinaka, Sr.
Pohaku 'O Kaua'i Materials, LLC
P.O. Box 3328
Lihue, HI 96766

Dear Mr. Morinaka:

Re: Environmental Assessment

When the documents relating to the Right of Entry and Revocable Permit approved for your company at the April 8, 2009 ADC Kekaha Committee meeting were forwarded to the Attorney General's office for review, we were informed that since these permits are related to the use of state land an environmental assessment is required.

Please prepare an environmental assessment according to Chapter 343 for the affected areas. If you have any questions relating to environmental assessment, please contact Matthew Rose from my office at 586-0181.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alfredo Lee".

Alfredo Lee
Executive Director

Cc: Landis Ignacio, KAA



LINDA LINGLE
Governor



ALFREDO A. LEE
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Kalia Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

March 18, 2009

RECEIVED MAR 20 2009

Mr. Stanley Morinaka, Sr.
Pohaku 'O Kaua'i Materials, LLC
P.O. Box 3329
Lihue, HI 96766

Dear Mr. Morinaka:

Re: Old Mana Makahoa Quarry, Kekaha Ag Lands, TMK: (4) 1-2-02:1

We have reviewed your letter dated February 14, 2009 requesting use of the Old Mana Makahoa Quarry (old quarry) and permission to remove rock and boulders from the existing disturbed field boundaries. Our understanding is that you are currently working with the Department of Hawaiian Homelands (DHHL) to establish a quarry directly above the old quarry.

After doing some initial investigation we would like to have an understanding with you on the following issues before submitting our recommendations to the ADC Kekaha Committee for consideration:

1. At this time ADC could issue a 30-day revocable permit to Pohaku for about 10 acres of land at the old quarry site as a storage area for rocks and as a staging area for equipment only. No crushing and processing shall be done on this site until an environmental assessment is completed. You may request the issuance of a license to Pohaku later on when the project on DHHL land is approved. The rent for the site will be determined at the ADC Kekaha Committee meeting.
2. Our understanding is that there is a heiau in the old quarry site. The heiau and the buffer zone will not be permitted. Pohaku shall keep clear of the area and notify ADC and stop work immediately if items of archeological significance are discovered on this site or anywhere else on the property.
3. ADC will issue Pohaku a right-of-entry permit to collect rocks and boulders on the disturbed or previously farmed areas. These areas will be defined on a map or identified on location. A royalty fee based on

Page 2 of 2
Mr. Morihaka

tonnage of rocks collected will be determined by the ADC board. Pohaku will negotiate a separate agreement with the Kekaha Agriculture Association regarding access and road maintenance.

4. Pohaku will collect rocks in assigned areas only. Undisturbed area shall not be touched. Moss rocks useable for landscaping purposes are not to be harvested.
5. Pohaku agrees to install or make operational a scale on the property to weigh the rocks taken. Proper records and payments shall be submitted to ADC monthly.
6. If there are competing requests to the ADC before a permit is issued to Pohaku, ADC may have to evaluate merits of the other proposals before making a decision.

Please be informed that the next ADC Kekaha Committee meeting is tentatively scheduled for April 8 in the morning. Please check with us if this item is going to be on the agenda the week before and have a representative from your company attend the meeting.

If you agree to the above conditions, please sign below and mail back to our address or fax back to my attention at 586-0189.

Sincerely,



Alfredo Lee
Executive Director

AGREED AND ACCEPTED:

Pohaku 'O Kauai Materials, LLC


Its
Date

POHAKU 'O KAUAI MATERIALS, LLC
3-1480 KAUMUALII HIGHWAY
P. O. BOX 3329
LIHUE, HI 96766

February 14, 2009

To: Mr. Alfredo Lee, Executive Director
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205, Honolulu, Hawaii, 96813

SUBJECT: REQUEST FOR STATE LAND LICENSE
Kekaha Ag Lands. TMK :(4) 1-2-02-1
Kekaha, Kauai, Hawaii

PROPOSAL:

Pohaku 'O Kauai is requesting a Land License for the Old Mana Makahoa Quarry. (Former Grove Farm Quarry Site) TMK: (4)1-2-02:1, Kekaha Ag Lands, Kauai, Hawaii.

The purpose of this request is to utilize the identified area initially for the stockpiling of loose boulders and other reusable materials. We are also looking into bringing in a portable crushing plant to process these boulders and other materials at some point in time. The site also contains an abandoned scale house which we intend to refurbish for our scaling requirements.

As you know, Pohaku 'O Kauai is presently working with the Department of Hawaiian Home Lands in establishing a rock quarry directly above this site. The proposed Hawaiian Home Land quarry site does not have a suitable level area for staging and processing. Therefore, it is extremely critical in moving this project forward that we immediately secure a Land License for this purpose. The area that is required is approximately 18 to 25 acres. (See attached map)

On another similar note, Pohaku 'O Kauai was approached by Mr. Landis Ignacio, of the Kekaha Agriculture Association to see if we were interested in performing work that could be mutually beneficial to all parties, including the ADC. The work proposed would primarily consist of removing rock and boulders from within existing disturbed field boundaries. Mr. Ignacio indicated that these rocks and boulders were pushed out of the fields and piled along the edges by Kekaha Sugar Company, and in many areas these boulders lay directly in the pathway of planned infrastructure improvements.

Mr. Ignacio also indicated that if Pohaku 'O Kauai were interested, that we would need to negotiate and seek approval from the ADC. Let me assure you that we are excited about this proposal as it provides mutual benefits.

Pohaku 'O Kauai respectfully requests the ADC's consideration to the issuance of a Land License for the Old Mana Makahoa quarry site, along with the necessary approvals to remove rocks and boulders from disturbed areas of the Kekaha Ag Lands.

If there are any questions in regards to this matter, or if I can be of any further assistance, please don't hesitate to call me at (808) 645-7166.

Sincerely Yours


Stanley H. Morinaka, Sr.
Partner
Pohaku'O Kauai

NEIL ABERCROMBIE
GOVERNOR



BRUCE A. COPPA
COMPTROLLER

RYAN T. OKAHARA
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

(P)1073.1

APR - 6 2011

Mr. Sean Combs
Land Strategies Hawaii LLC
4200 Waileia Place
Princeville, Kaua'i, Hawai'i 96722

Dear Mr. Combs:

Subject: Draft Environmental Assessment (DEA) for
Pohaku O Kauai Materials LLC
Rock Aggregate & Sand Borrow Sites
Poipu, Koloa, Kauai, Hawaii

Thank you for the opportunity to provide comments for the subject property. The proposed project does not impact any of the Department of Accounting and General Services' projects or existing facilities, and we have no comments to offer at this time.

If you have any questions, please have your staff call Ms. Gayle Takasaki of the Planning Branch at 586-0584.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest Y. W. Lau".

ERNEST Y. W. LAU
Public Works Administrator

GT:mo

NEIL ABERCROMBIE
GOVERNOR

MAJOR GENERAL DARRYLL D. M. WONG
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

March 28, 2011

Mr. Sean Combs
Land Strategies Hawaii LLC
4200 Waialea Place
Princeville, Hawaii 96722


Dear Mr. Combs:

Draft Environmental Impact Statement
Rock Aggregate & Sand Borrow Sites

Thank you for the opportunity to comment on this proposed project. We concur with the need for cultural and/or archeological monitoring and preservation plan during project activities and defer to the Department of Land and Natural Resources on the practicality of the proposed mitigation measures. We look forward to review of the Final Environmental Impact Statement.

If you have any questions please call Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
JAN S. GOUVEIA
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STP 8.0391

April 5, 2011

Mr. Sean Combs
Land Strategies Hawaii, LLC
4200 Waileia Place
Princeville, Hawaii 96722

Dear Mr. Combs:

Subject: Rock Aggregate & Sand Borrow Sites
Draft Environmental Assessment (DEA)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project.

DOT understands that the applicant proposes to collect field stones and sand left behind from agriculture activities (sugar, seed corn) since the early 1800's. Collection of these rocks will be stockpiled and crushed on or off-site at a later date. The project is accessed from Kaumualii Highway by existing dirt roads currently used by others users to access other existing operations in the area.

Given the project's location, DOT does not anticipate any significant, adverse impacts to its transportation facilities (Kaumualii Highway). However, the applicant should be informed that a permit is required from DOT Highways Division, Kauai District Office, to transport oversized and overweight equipment/loads within the State highway facilities. Further, the applicant should also coordinate its plans to keep the State highway facilities clean of products or debris hauled or tracked from the subject project site with the DOT Highways Division, Kauai District Office.

The DOT Highways Division may have additional comments when the division is contacted by the applicant on the oversize permit and debris plan described above.

DOT appreciates the opportunity to provide comments. If you have any further questions, including a need to meet with Highway Division staff, please call David Shimokawa of the DOT Statewide Transportation Planning Office at 831-7976.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 6, 2011

Land Strategies Hawaii LLC
4200 Waileia Place
Princeville, Hawaii 96722

Attention: Mr. Sean Combs

Ladies and Gentlemen:

Subject: Draft Environmental Assessment by Pohaku 'O Kauai Materials LLC

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of State Parks, Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0414. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Administrator



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2011-SL-0195

MAR 14 2011

Mr. Sean Combs
Land Strategies Hawaii, LLC
4200 Waileia Place
Princeville, Hawaii 96722

Subject: Draft Environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
Kauai

Dear Mr. Combs:

This letter is in response to your Draft Environmental Assessment (DEA) on a rock aggregate and borrow site in Kekaha, Kauai, to be operated by Pohaku O Kauai Materials, LLC (POKM). We received the DEA on March 9, 2011. POKM proposes to collect field stones and sand leftover from agricultural activities for use in construction projects. Collection of these rocks will be done with a small loader and the rock would be stockpiled and crushed on or off-site at a later date.

We have reviewed the information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program and the Hawaii GAP Program. The federally threatened Newell's shearwater (*Puffinus auricularis newelli*) and the federally endangered Hawaiian petrel (*Pterodroma sandwichensis*) are known to occur in the vicinity of the proposed project. To minimize and avoid impacts to these species, we recommend you avoid any work at night that would involve artificial lighting.

Thank you for your efforts to conserve endangered species. If you have questions regarding these comments, please contact Rachel Rounds, Fish and Wildlife Biologist, (phone: 808-792-9400, email: Rachel_Rounds@fws.gov).

Sincerely,

FOR
Loyal Mehrhoff
Field Supervisor

State of Hawaii

Department of Accounting & General Services

P.O. Box 119

Honolulu, HI 96810-0119

Date: 9-21-2011

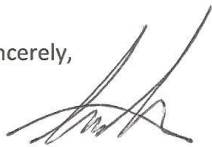
Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

Dear Mr. Lau:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for
Pohaku O' Kauai Materials LLC (POKM). Your letter will be attached to the Final Environmental
Assessment (FEA).

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC

4200 Waileia Pl.

Princeville, HI 96722

seanls@hawaii.rr.com

(808) 212-4006

State of Hawaii

Department of Education

P.O. Box 2360
Honolulu, HI 96804

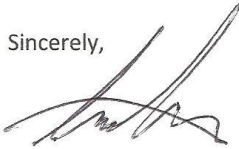
Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK (4) 1-2-02:01, 331,332 Kekaha, Waimea Kauai

Dear Mrs. Matayoshi:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). Your letter will be attached to the Final Environmental Assessment (FEA).

Again, thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

State of Hawaii

Department of Defense
Office of the Director of Civil Defense
3949 Diamond Head Road
Honolulu, HI 96816-4495

Date: 9-21-2011

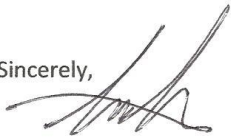
Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

Dear Mr. Teixeira:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). Addressing your concerns listed in the response letter, there will be archeological monitoring performed by Cultural Surveys Hawaii and additional Agricultural development Corporation during the duration project activities. Your letter will be attached to the Final Environmental Assessment (FEA).

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

State of Hawaii

Department of Health
PO Box 3378
Honolulu, HI 96801-3378

Date: 9-21-2011

Dear Mr. Wong:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM)

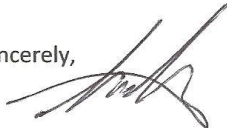
Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha, TMK [4] 1-2-002:001, Kekaha, County of Kauai.

1. Because this project does not require water usage, other than minimal use of water from a water wagon to prevent fugitive dust, the existing uses of the receiving state water will be maintained and protected.
2. The POKM activities will not require any construction, other than those identified as BMPs to protect the land from any potential and unforeseen degradation that may occur. A base yard, storage of materials and equipment will occur off site in the town of Puhi, headquarters of POKM.
3. In the view of POKM management and its consultants, the nature of the activities that will occur on the subject parcel will not trigger the requirement of a NPDES permit. Additionally the entire project will be closely monitored by Cultural surveys Hawaii Inc. through a pre-existing agreement. The Agricultural Development Corporation (ADC) will also be monitoring the project for compliance purposes. If any requirements are triggered, POKM will apply for any and all permits.

Your letter will be attached to the Final Environmental Assessment (FEA).

If you have any questions or comments, please call or email me directly.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

State of Hawaii

Department of Land and Natural Resources
Engineering Division
PO Box 621
Honolulu, HI 96809

Date: 9-21-2011

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

Dear Mr. Chang:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for
Pohaku O' Kauai Materials LLC (POKM). Your letter will be attached to the Final Environmental
Assessment (FEA).

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

State of Hawaii

Department of Education

P.O. Box 2360
Honolulu, HI 96804

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK (4) 1-2-02:01, 331,332 Kekaha, Waimea Kauai

Dear Mrs. Matayoshi:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). Your letter will be attached to the Final Environmental Assessment (FEA).

Again, thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

State of Hawaii

Department of Transportation

869 Punchbowl Street
Honolulu, HI 96813-5097

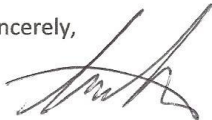
Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

Dear Mr. Okimoto:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). POKM has already coordinated with DLNR, and ADC regarding access on and off the project site. The equipment and the drivers are licensed and insured, and the management team will be in contact with Kauai County Department of transportation per your request. Again thank you for your comments; they will be attached to the Final Environmental Assessment (FEA) along with this response.

If you have any questions or comments, please call or email me directly.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

Kauai Aggregates

PO Box 366
Lawai, HI 96755
Lihue, HI 96766

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

Dear Mr. Pingrey:

Upon review of yours and all other comments submitted in response to the DEA, we have amended our draft to more accurately represent references and descriptions set forth in the original document.

Taking the position that a severe shortage may not be the case on Kauai, there is still evidence that supports a need for healthy business competition within the industry, such as grove Farm's importation of sand from neighbor islands last month. Further evidence supporting the need for our project is the Port Allen break water project one month ago which required importing rock from the Big Island because of the inability to procure rock with the specific weight and size requirements needed here on Kauai.

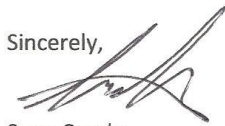
Unless there is a monopoly, competition historically drives down prices on raw materials regardless of the industry, and that reduction can be applied to any possible uses here on Kauai. To say with more competition within aggregate industry, that prices will not come down seems to be more of a leap based on hope than not.

It is our understanding that the sand we refer to was collected and dumped in various location throughout our project area during the years when the sugar plantation was in operation. POKM has no plans to expand operation outside the project areas articulated in the CIA.

All stockpiling and processing will take place off site in a warehouse in Puhi. This amendment to our original plans came about through this discovery process, and working with state and county agencies to find the least invasive method of operation.

Thank you for your response to our Draft Environmental Assessment (DEA), your comments will be attached to the Final Environmental Assessment (FEA).

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

County of Kauai, State of Hawaii

Planning department

4444 Rice Street

Suite A-473

Lihue, HI 96766

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

Dear Mr. Dahilig:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM) which was sent to Mr. Garry Hooser's office. Your comments will be attached to the Final Environmental Assessment (FEA) for the final review.

If you have any questions or comments, please call or email me directly.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC

4200 Waileia Pl.

Princeville, HI 96722

seanls@hawaii.rr.com

(808) 212-4006

County of Kauai, State of Hawaii

Department of Public Works

4444 Rice Street
Suite 275, Lihue, HI 96766

Date: 9-21-2011

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

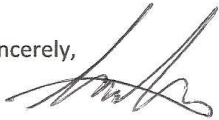
Dear Mr. Dill:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). Addressing your concerns listed in the response letter, work will not commence until the Final Impact Assessment (CIA) has been accepted by the approving agency, filed and published by the office of Environmental Quality Control (OEQC) and comments if any mitigated and addressed during the appeal period. We will be submitting a Final CIA copy to your office once complete.

POKM will comply with the recommendation as noted in the Final CIA which shall be implemented with the rock collecting, crushing, and stockpiling activities onsite and offsite. BMP's will be implemented by POKM during the entire project and will have the supervision of the approving agency. Your letter will be attached to the Final Environmental Assessment (FEA).

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waialeia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

State of Hawaii

West Kauai Soil & Water Conservation district

4334 Rice Street
Suite 104, Lihue, HI 96766

Date: 9-21-2011

Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,
TMK [4] 1-2-002:001, Kekaha, County of Kauai.

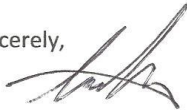
Dear Mr. Tausend:

Thank you for your review and response to our Draft Environmental Assessment (DEA), for Pohaku O' Kauai Materials LLC (POKM). POKM understands the fugitive dust concern, and in an effort to mitigate the issue, a water wagon will be used to suppress the dust during the entire project. POKM will be re-vegetating the project areas immediately after the removal process is complete. Prior to the re-vegetation process, soil will be used to fill in and even out any depressions left from the removal process.

A final notice of intent will be provided to the County Public Works Department when work will begin, included will be the hours of operation. Your letter will be attached to the Final Environmental Assessment (FEA).

Thank you for your timely review and response.

Sincerely,



Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
seanls@hawaii.rr.com
(808) 212-4006

United States Department of the Interior

Fish & Wildlife Services

Pacific Islands Fish & Wildlife Office
300 Ala Moana Blvd. Room 3-122, Box 50088
Honolulu, HI 96850

Reference # 2011-SL-0195

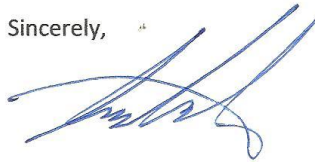
Subject: Draft environmental Assessment for Rock Aggregate and Borrow Site in Kekaha,

Dear Mr. Mehrhoff:

Thank you for your response to our Draft Environmental Assessment (DEA), in order to minimize any potential impact to the Newell's shearwater (*Puffinus auricularis newelli*) that may be in the vicinity of the site; we are following your recommendation to avoid any work at night that would involve artificial lighting. The hours of operation for the proposed project are between 7:00am & 5:00pm Monday thru Friday, and will not require the use of any artificial lighting.

Thank you for your timely review and response to our DEA

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sean Combs', with a stylized flourish at the end.

Sean Combs

Land Strategies Hawaii LLC
4200 Waileia Pl.
Princeville, HI 96722
(808) 212-4006

***Pohaku O’Kauai, LLC
Rock Aggregate & Borrow Site
Field Rock Collection & Crushing***

Addenda

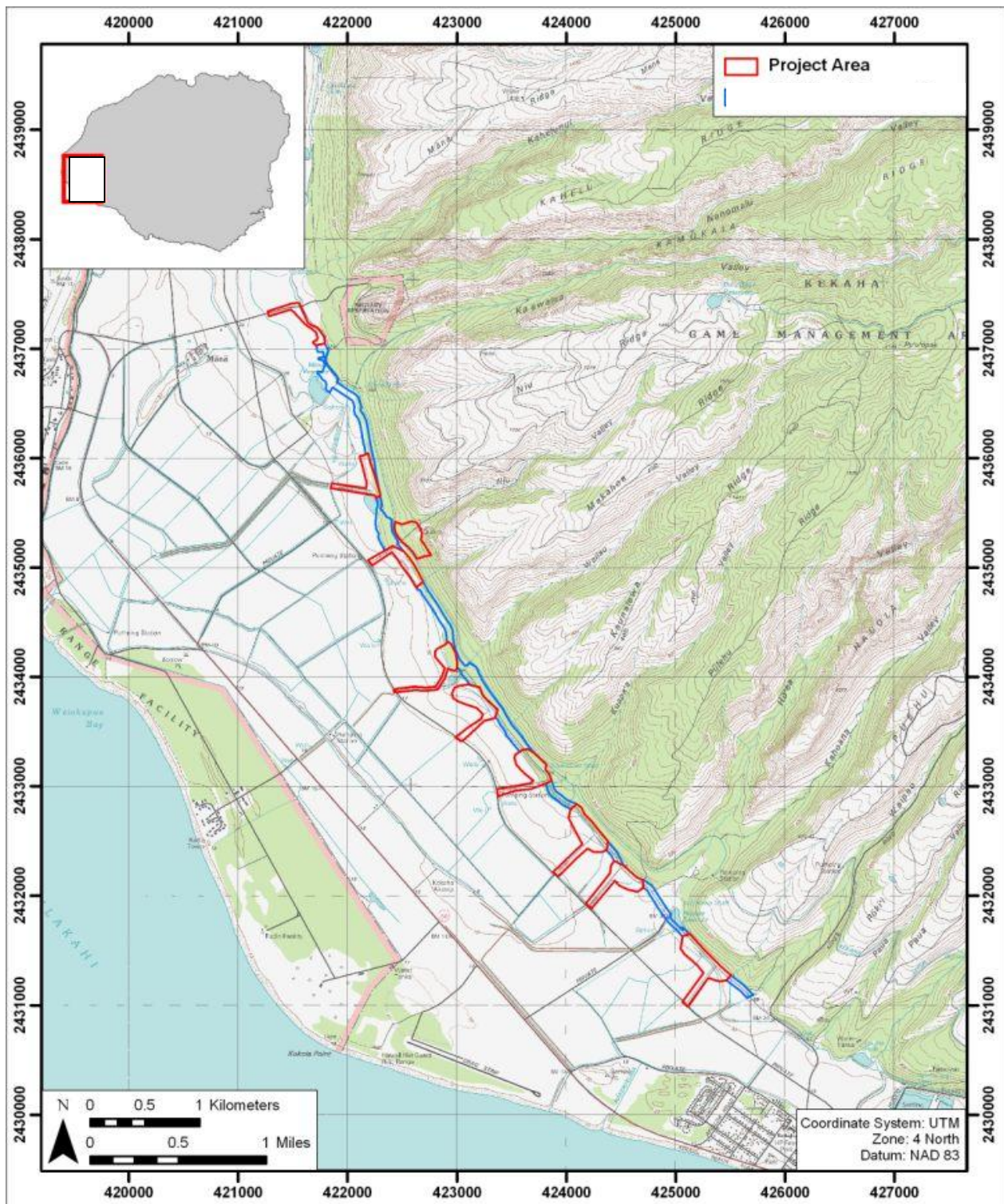
List of Figures

- Figure 1: Location Map / Project Area
Figure 2: Tax Map
Figure 3: Proposed Activity Location
Figure 4: Kekaha Flood Map
Figure 5: Zoning & Land Use Map
Figure 6: Soils Map
Figure 8: Site Pictures
Figure 9: Google Earth 2009 imagery showing the Project area
Figure 10: Previous archaeological studies in the Kekaha area

SOURCE REFERENCE

1. Stone Quarries & Beyond, <http://quarriesandbeyond.org/states/hi/hawaii.html>
2. State of Hawaii Division of Forestry and Wildlife
<http://www.state.hi.us/dlnr/dofaw/nars/narsfr.html>
3. Hawaii Department of Environmental Management www.hawaiiizerowaste.org
4. Kauai Agricultural Association, Director, Landis Ignacio
5. Archaeological Inventory Survey TMK: [4] 1-2-002:001 Prepared by Cultural Surveys Hawaii Inc.
6. Cultural Impact Assessment TMK: [4] 1-2-002:001 Prepared by Cultural Surveys Hawaii Inc.

Figure 1: Location Map / Project Area



[illegible]

Figure 3: Proposed Activity Location



Figure 4: Kekaha Flood Map

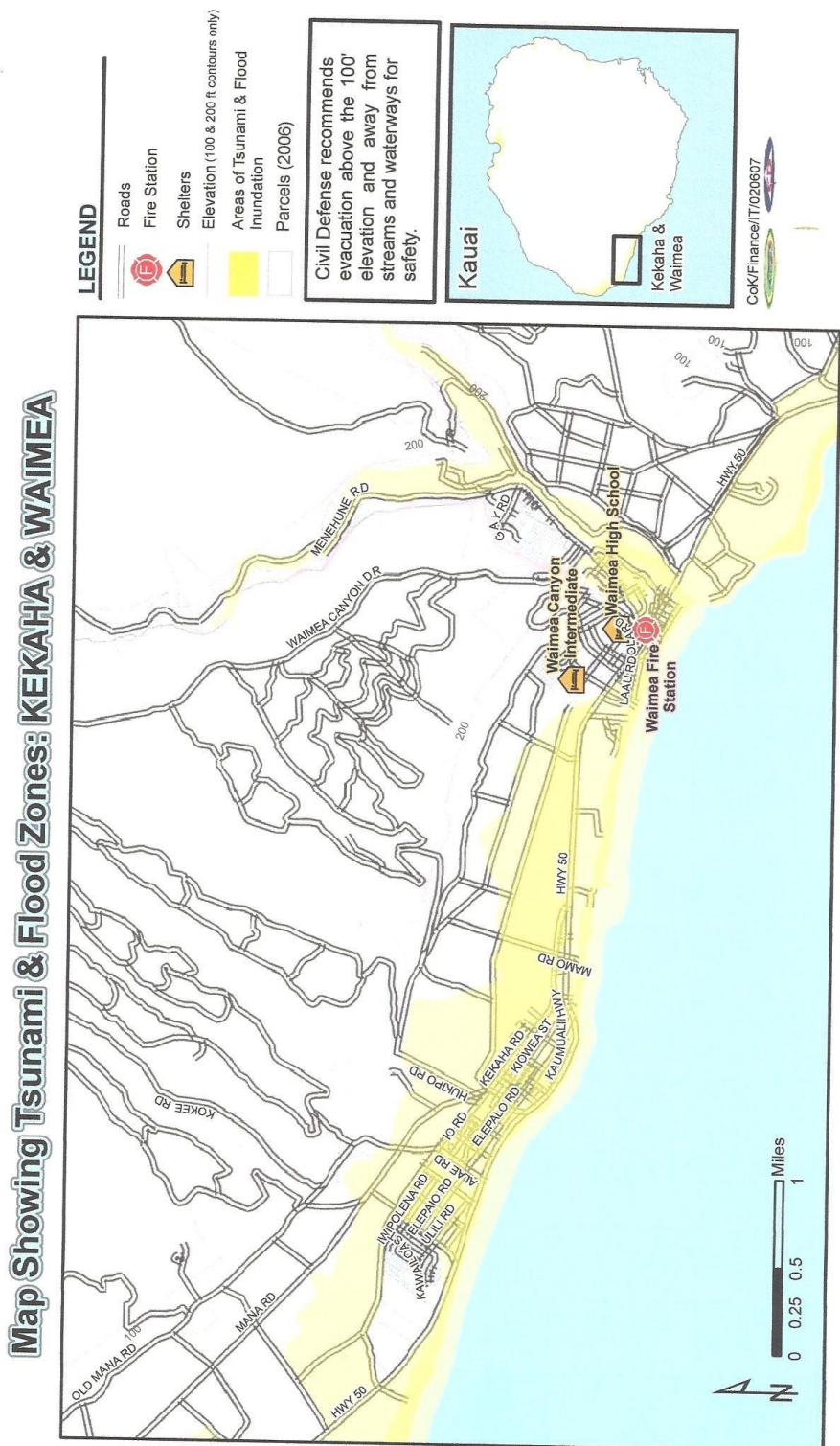


Figure 5: Zoning & Land Use Map

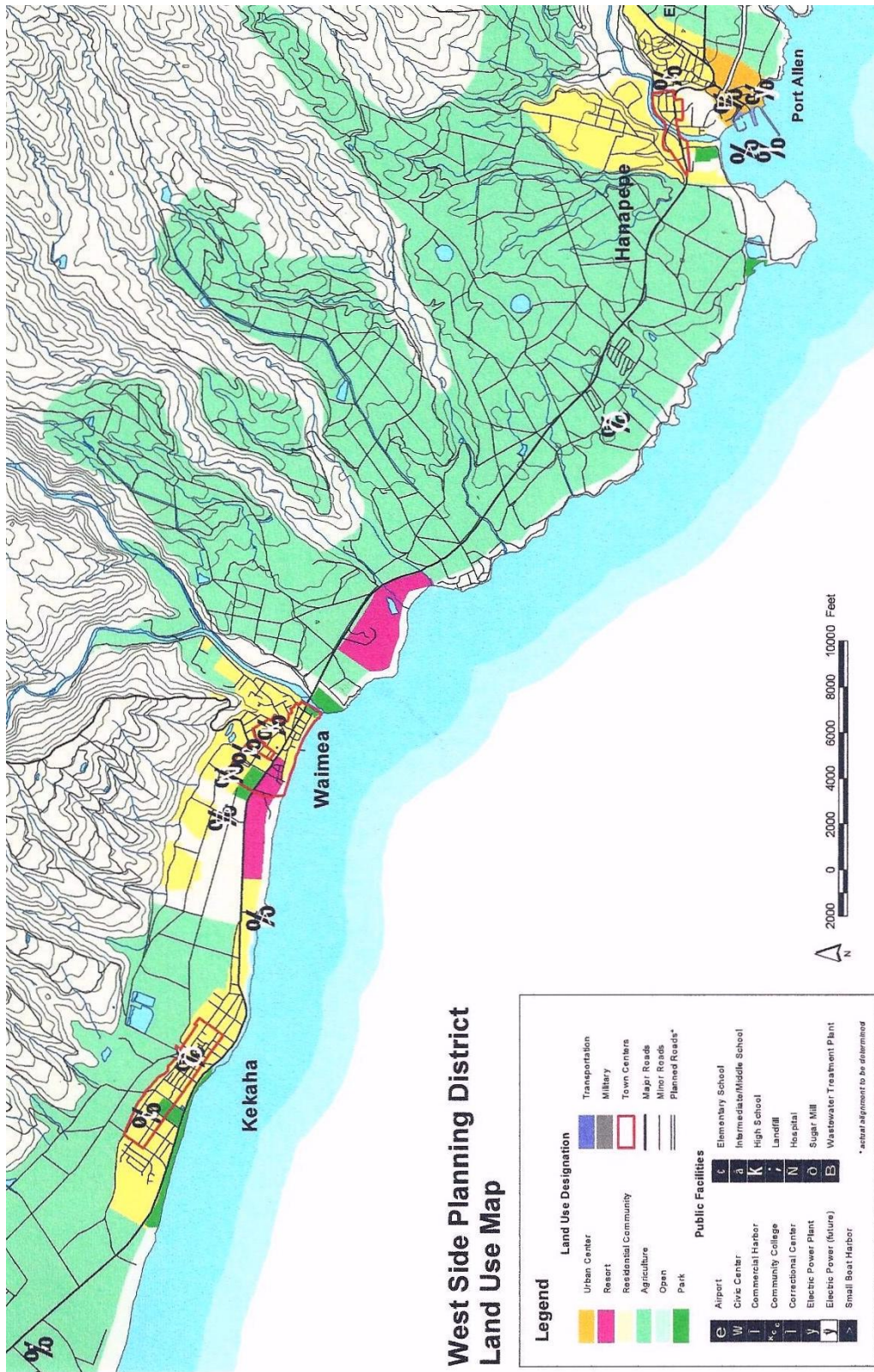


Figure 6: Soils Map

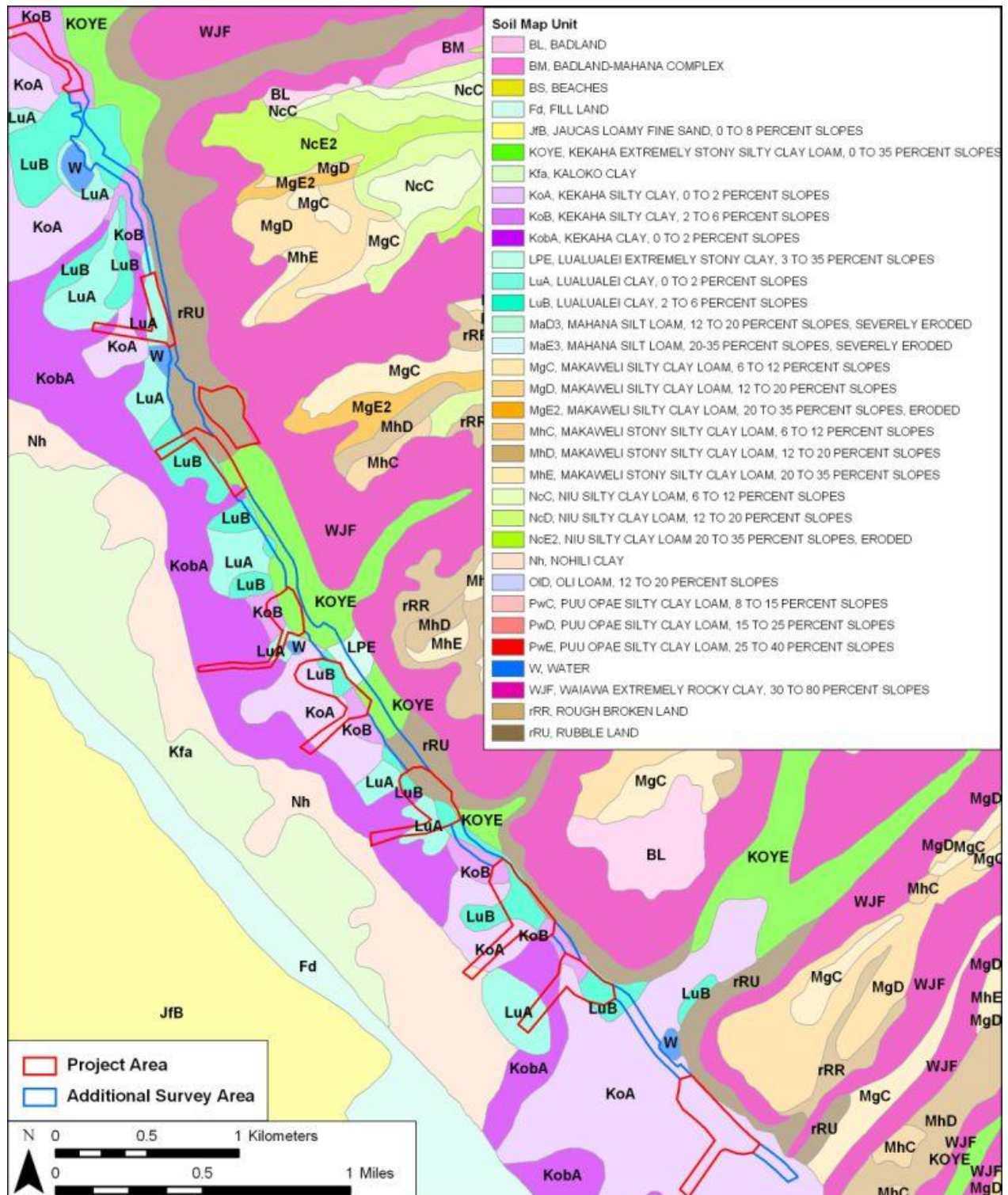


Figure 8: Site Pictures



Piled rock and debris along the cane road



Rock moved by early cane activities



Example of rock & sand pile



Mauka view of distant project site



Existing earth and rock pile



loose rock on proposed project site

Figure 9: Google Earth 2009 imagery showing the Project area



Figure 10: Previous archaeological studies in the Kekaha area

