

Exemption Notice
County of Kauai Demolition of Abandoned Single Family Residence

Pursuant to Hawaii Revised Statutes (HRS), §343-6(a)(2) and
Hawaii Administrative Rules (HAR), §11-200.1-15

AGENCY ACTION

Demolition of an abandoned single family residence located at TMK4-5-008:008-0000, street address is 1326 Inia Street, Kapaa, HI 96746, attached as EXHIBIT A. Property use and management responsibility was transferred to the County under State of Hawaii Executive Order Number 4566. This is a County of Kauai, Department of Public Works Action as defined by Section 343-5(b), HRS, and Section 11-200.1-8, HAR.

EXEMPTION TYPE

County of Kauai is declaring compliance with Chapter 343, HRS with their Comprehensive Exemption List for the County for Kauai, Department of Public Works, dated November 15, 2012 under Exemption Class 8 as described below.

The Exemption Notice for this action is based on the general types enumerated in HAR Section 11-200.1-15(c) and listed below:

- (6) Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places;

As applicable, the exemption for the action described below is also supported by the Exemption List for the County of Kauai, Department of Public Works, reviewed and concurred to by the Environmental Council on November 15, 2012.

- Exemption List Class **8**: Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89 -665, 16 U.S.C. §470, as amended, or Chapter 6E, HRS. Exemption list subitems as follows:
 1. Demolition of buildings and structures prior to or concurrent with the construction of a new or replacement building or structure, except those structures located on any historic site
 3. Demolition of old, dilapidated, unsafe or dangerous buildings or structures required by building, housing or health codes and regulations
 5. Demolition structures or facilities and appurtenances, including, but not limited to:
 - a. Steps and stairways

PROJECT INFORMATION

Proposing Agency or Applicant: County of Kauai, Department of Public Works

Project Name & Address/Location: Demolition of an Abandoned Single Family Residence, located at 1326 Inia Street, Kapaa, HI 96746.

Anticipated Start Date: 11/16/2022

Anticipated End Date: 11/23/2022

Island and District: Kauai – Kawaihau

Tax Map Key(s): (4) 4-5-008:008

All Necessary Permits and Approvals: (1) County Demolition Permit would be required for construction activities

PROJECT DESCRIPTION NARRATIVE

The County of Kauai Department of Public Works (DPW) plans to demolish an abandoned single family residence on property identified as TMK No. 4-5-008:008; Street Address: 1326 Inia Street, Kapaa, HI 96766. The wooden structure set for demolition (Ref. yellow highlighted bldg. on EXHIBIT A) has a floor mainly supported by post and pier wood construction, with a lesser portion built on a concrete slab-on-grade. This structure has become a haven for illicit activity including dealing and use of illicit drugs, and the subject of substantial community concerns and complaints to the State of Hawaii and County of Kauai.

DPW Demolition Work will remove the wooden structure and associated building construction elements above the bare ground and/or concrete slab-on-grade including plumbing elements. Debris will be hauled away to the appropriate Solid Waste Management Facilities. During demolition and loading/hauling work, best management practices will be employed to minimize negative impact to surroundings including nuisance dust and water runoff from the project.

There is a second structure located on the property, which is not included in the DPW's demolition plans.

RECEIVING ENVIRONMENT

Proposed demolition work will occur on property located at 1326 Inia Street in Kapaa Town which is situated on the southeastern corner of the intersection of Inia and Kauwila Streets, on the windward side of Kauai (TMK: 4-5-008:008). The property is located in a mesic environment, along Kauai's windward coastline. The site has flat topography with minimal landscaping.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

	Not Applicable
<input type="checkbox"/> Land Use and Zoning Conformance	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input type="checkbox"/>
<input checked="" type="checkbox"/> Social	<input type="checkbox"/>
<input checked="" type="checkbox"/> Economic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Public Beach Access	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cultural Resources and Practices	<input type="checkbox"/>
<input type="checkbox"/> Visual/Aesthetic	<input checked="" type="checkbox"/>
<input type="checkbox"/> Environmental Justice	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input checked="" type="checkbox"/> Surface and Ground Water Resources	<input type="checkbox"/>
<input checked="" type="checkbox"/> Wetlands	<input type="checkbox"/>
<input checked="" type="checkbox"/> Floodplains	<input type="checkbox"/>
<input checked="" type="checkbox"/> Riparian/Coastal Resources	<input type="checkbox"/>
<input type="checkbox"/> Other	<input checked="" type="checkbox"/>

MITIGATION

Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion:

The intent of the project is to remove building materials/elements that are above ground and/or above the concrete slab-on-grade associated with the above-described/identified abandoned wooden structure. The project will employ/observe requirements under the County of Kauai Department of Public Works (DPW) *Storm Water Runoff System Manual* (Manual) and the practices for mitigating water quality during construction is based on the *Interim Construction Best Management Practices (BMPs) for Sediment and Erosion Control* for the County of Kauai.

In the event of inadvertent discovery of cultural resources or human remains, all work will immediately stop in the vicinity of the find and the County will contact the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD).

All U.S. Fish and Wildlife Service (USFWS)-recommended mitigation measures for endangered species that could be present will be employed.

Recommendations are partly based on USFWS Animal Avoidance and Minimization Measures (USFWS-PIFWO, n.d.). Implementation of the recommendations by the DPW will minimize impacts to protected species to the maximum extent practicable.

Per the DLNR Division of Forestry and Wildlife, deleterious impacts to transiting seabirds can be avoided if construction occurs during daylight hours and all outdoor lighting installed is fully "dark sky compliant" (DLNR, 2016).

BMPs and relevant permit conditions will mitigate minimal impacts from fugitive dust, stormwater runoff, erosion, foreign object and debris (FOD), noise, and relevant construction impacts.

TRAFFIC

There will be no significant traffic increase, level of service degradation, or expected road closures resulting from the project. Although the project will prohibit beach-goer parking that currently occurs on the property, advanced notice will be provided for the temporary parking restriction. Impacts to traffic on Inia Street and Kauwila Street will be mitigated to the extent possible.

ECONOMIC

There will be short-term parking prohibition on the property during demolition work, thereby requiring area users to park elsewhere. However this period will be brief anticipated not to exceed one week. The overall impact of the project is anticipated to be favorable and result in the improvement community's well being by the elimination of a source of risk associated with illicit activity.

AIR QUALITY POLLUTANT EMISSIONS

With the implementation of mitigation measures, such as use of dust fence and other fugitive dust control measures, the construction activities are not expected to impair air quality based on levels set by state or federal air quality standards. The existing conditions for air quality are generally good near the project area due to it locations on the island and prevailing winds. Construction emissions such as fugitive dust will not be long-term due to the anticipated limited duration of the project. All construction activities will comply with HAR Chapter 11-59, Ambient Air Quality Standards, and Chapter 11-60, Air Pollution Control, to mitigate against construction-related emissions.

NOISE EMISSIONS

Construction-related noise is expected to be created from the proposed activities. Although noise will be generated, it will not be expected to exceed existing applicable noise exposure limits. Generated noise from construction activities will be mitigated by only using appropriate equipment and operating between the hours of 8am and 3:30pm.

SOLID, HAZARDOUS, AND LIQUID WASTE MANAGEMENT

The project is not expected to generate significant levels of solid waste. The proposed project will be compliant with HAR Chapter 11-58, Solid Waste Management, for proper disposal and handling of construction and demolition debris waste. All waste will be properly disposed of at a state or federal permitted facility.

HEALTH AND SAFETY

The proposed project will comply with all safety standards to ensure the safety of workers, public, and the environment. The contractor will implement safety devices and follow rules and regulations as required. There are no expected increase demands for medical, fire, or protective services. Preparations for potential accidental spills or injuries would be arranged prior to construction activities.

CULTURAL RESOURCES AND PRACTICES

County of Kauai will consult with the Department of Land and Natural Resources, will inform the State Historical Preservation Division (DLNR, SHPD) of the project, and will observe all conditions imposed by SHPD pursuant to HRS Chapter 6E. If necessary, County of Kauai will consult with SHPD and conduct archeological monitoring during the project and will cease all activities at the project site and immediately inform SHPD upon discovery of any archaeological relic(s).

RARE, THREATENED, AND/ OR ENDANGERED SPECIES

No impacts to any species listed or considered rare, threatened, or endangered under Section 7 of the Endangered Species Act are anticipated. There are no designated critical habitats in or near the project area. Federally delineated Critical Habitat is not present in the project areas (USFWS, n.d.). No equivalent designation exists under state law. Conservation Zoning in Hawaii is promulgated at the state level by state Conservation Districts. No Conservation Districts occur near the project sites. The proposed project will involve the implementation of recommendations that will minimize impacts to protected species to the maximum extent practicable.

Three native bird species were observed during the avian surveys that were conducted: *nēnē*, *ae'ō*, and *kōlea*. Both the *nēnē* and the *kōlea* are protected under federal and State of Hawaii endangered species statutes. The *nēnē* is listed as endangered under state statute and threatened under the federal statute (DLNR, 2015; USFWS, 2019).

With the large population of *nēnē* on Kauai, it is likely that they could be present at least occasionally at the proposed project site. Pacific Golden-Plover or *kōlea* is an indigenous migratory shorebird species which nests in the high Arctic during the late spring and summer months, returning to Hawai'i and the tropical Pacific to spend the fall and winter months each year. These birds usually leave Hawaii and return to the Arctic in late April or the very early part of May. *Kōlea* are commonly encountered shorebirds throughout the Hawaiian Islands during late summer through mid-spring months and it is likely that they could be present at least occasionally at the proposed project site.

Black-necked Stilt or *Ae'ō* are opportunistic visitors to any permanent or temporary body of water, even small puddles, mostly present in areas away from busy operations. However, while this waterbird could appear at the project site it is considered unlikely.

No mammalian species currently protected or proposed for protection under either federal or state endangered species programs were detected during previous site visits or are expected to visit the project site.

SURFACE OR GROUNDWATER RESOURCES:

DPW will comply with requirements of the State of Hawaii, Department of Health (HDOH) rules for Water Quality Standards, HAR Chapter 11-54, and Water Pollution Control, HAR Chapter 11-55. In addition to HDOH permit conditions, BMPs will address minimal drainage impacts during the project construction. The overall project impact to groundwater, hydrology, and surface water will be minimal.

JURISDICTIONAL WATERS:

No jurisdictional waters were found to be within the project site. An assessment of the project site included consideration of jurisdictional waters (that is, waters of the U.S.) under federal jurisdiction as authorized by the Clean Water Act and the Rivers and Harbors Act. Authority over these waters is granted to various federal agencies, including the U.S. Environmental Protection Agency (USEPA), with the U.S. Army Corps of Engineers (USACE) having permit authority for actions that impact jurisdictional waters. Jurisdictional waters include all tidal waters and a subset of streams (both perennial and intermittent), lakes, reservoirs, and wetlands as defined in the Navigable Waters Protection Rule (USACE and USEPA, 2020). A perennial or intermittent flowing ditch is jurisdictional if it is a relocated tributary or is constructed in a wetland; a wetland is jurisdictional only if it is adjacent to an otherwise jurisdictional waterbody.

RIPARIAN/COASTAL RESOURCES

All components of the project are within the jurisdictional area of the State of Hawaii Coastal Zone Management (CZM) Program. The various components of the proposed action will not degrade the manner of use or quality of land, water, or other coastal resources, or limit the range of their uses.

FLOODPLAINS

The project is located on a parcel situated in Flood Zone X which puts it outside of the Special Flood Hazard Area. This project will not have a significant impact to floodplains, and minimal to no adverse impact to life and property is anticipated.

CONSULTATION

The following parties have been consulted about this declaration exemption (name, affiliation, consultation date):

- Department of Land and Natural Resources (DLNR)

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REFERENCES

The following guidance and documents have been used in preparing this declaration exemption:

County of Kauai. 2001. *Storm Water Runoff System Manual*. Department of Public Works (DPW). July.

County of Kauai. 2020. *Interim Construction Best Management Practices (BMPs) for Sediment and Erosion Control*.

State of Hawaii Department of Land and Natural Resources (DLNR). 2015. 1 Indigenous Wildlife, Endangered And Threatened Wildlife And Plants, And Introduced Wild Birds.

Department of Land and Natural Resources. State of Hawaii. Administrative Rule §13-134-1 through §13-134-10.

State of Hawaii Department of Land and Natural Resources (DLNR). 2016. Wildlife Lighting. PDF available at URL: <http://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>; Division of Forestry and Wildlife.

U.S. Army Corps of Engineers and U.S. Environmental Protection Agency (USACE and USEPA). 2020. Navigable Waters Protection Rule.

U.S. Fish and Wildlife Service (USFWS). 2019. Undated websites (nd-a). USFWS Endangered Species. Available online at URL: <https://www.fws.gov/endangered/>; Last visited on September 4, 2019 and Environmental Conservation Online System (ECOS), online at URL: <https://ecos.fws.gov/ecp/species-reports>; last visited on September 4, 2019.

U.S. Fish and Wildlife Service (USFWS). Undated websites (nd-b). Critical Habitat Portal. Available online at URL: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>; last retrieved May 20, 2020. U.S. Fish and Wildlife Service and Pacific Islands Fish and Wildlife Office (USFWS-PIFWO). No date. Animal Avoidance and Minimization Measures.

EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawai'i Revised Statutes and Chapter 11-200.1, Hawai'i Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the requirement to prepare an environmental assessment.

Signature of Director or Delegate
Troy Tanigawa, P.E.
Acting County Engineer

Date

- This document is on file in our office and is available for public review.
- This document has been submitted to the Office of Environmental Quality Control for publication in *The Environmental Notice*.