

CONSERVATION DISTRICT USE APPLICATION



Hanalei Valley Viewpoint Kauai National Wildlife Refuge Complex

Submitted to
Department of Land and Natural Resources
State of Hawaii

11 December 2019

Application For

Conservation District Use Application

Hanalei Valley Viewpoint

Kauai National Wildlife Refuge Complex

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CONSERVATION DISTRICT USE APPLICATION (CDUA)

All permit applications shall be prepared pursuant to HAR 13-5-31

File No.:

Acceptance Date:

180-Day Expiration Date:

Assigned Planner:

for DLNR Use

PROJECT NAME Hanalei Valley Viewpoint

Conservation District Subzone: Resource

Identified Land Use: Public Purpose Use and Subdivision

(Identified Land Uses are found in Hawai'i Administrative Rules (HAR) §13-5-22 through §13-5-25)

Project Address: 5-4280 Kuhio Highway

Princeville, HI 96722

Tax Map Key(s): (4) 5-3-001-016

Ahupua'a: Hanalei

District: Halele'a

County: Kauai

Island: Kauai

Proposed Commencement Date: 5/1/2020

Proposed Completion Date: 8/1/2021

Estimated Project Cost: \$3.4 million

TYPE OF PERMIT SOUGHT **Board Permit** **Departmental Permit**

ATTACHMENTS

\$ 2500 Application Fee. 2.5% of project cost for Board Permits, but no less than \$250, up to a maximum of \$2500; \$250 for Departmental Permits (ref §13-5-32 through 34).

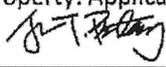
\$ 0 Public Hearing Fee (\$250 plus publication costs; ref §13-5-40)

- 20 copies of CDUA (5 hard + 15 hard or digital copies)
- Draft / Final Environmental Assessment (EA) or Draft / Final Environmental Impact Statement (EIS) or Statement of Exemption
- State Historic Preservation Division HRS 6E Submittal Form (dlnr.hawaii.gov/shpd/review-compliance/forms)
- Management Plan or Comprehensive Management Plan (ref §13-5-39) if required
- Special Management Area Determination (ref Hawai'i Revised Statutes 205A)
- Shoreline Certification (ref §13-5-31(a)(8)) if land use is subject to coastal hazards.
- Kuleana documentation (ref §13-5-31(f)) if applying for a non-conforming kuleana use.
- Boundary Determination (ref §13-5-17) if land use lies within 50 feet of a subzone boundary.

REQUIRED SIGNATURES

Applicant

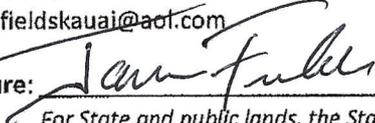
Name: Jade T. Butay
Title; Agency: Director, Hawaii Department of Transportation
Mailing Address: 601 Kamokila Blvd
Honolulu, HI 96813
Contact Person & Title: Karen Chun, Project Manager
Phone: (808) 692-7544
Email: karen.chun@hawaii.gov
Interest in Property: Applicant

Signature:  Date: Nov 6, 2019

Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization

Landowner (if different than the applicant)

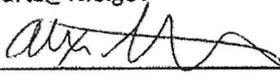
Name: Jim Fields
Title; Agency: Kalihiwai Investors, LLC; *MEMBER/MANAGER*
Mailing Address: 3762 Kelii Place
Princeville, HI 96722
Phone: (347) 804-8059
Email: jfieldskauai@aol.com

Signature:  Date: 12/5/19

For State and public lands, the State of Hawai'i or government entity with management control over the parcel shall sign as landowner.

Agent or Consultant

Agency: U.S. Fish and Wildlife Service
Contact Person & Title: Alex Schwartz, Project Manager
Mailing Address: 911 NE 11th Avenue
Portland, OR 97232
Phone: (503) 736-4723
Email: alex_schwartz@fws.gov

Signature:  Date: 11/13/19

For DLNR Managed Lands

State of Hawai'i
Chairperson, Board of Land and Natural Resources
State of Hawai'i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809-0621

Signature: _____ Date: _____

PROPOSED USE

Total size/area of proposed use (indicate in acres or sq. ft.): 5.4 acres

Please provide a detailed description of the proposed land use(s) in its entirety. Information should describe what the proposed use is; the need and purpose for the proposed use; the size of the proposed use (provide dimensions and quantities of materials); and how the work for the proposed use will be done (methodology). If there are multiple components to a project, please answer the above for each component. Also include information regarding secondary improvements including, but not limited to, grading and grubbing, placement of accessory equipment, installation of utilities, roads, driveways, fences, landscaping, etc.

Attach any and all associated plans such as a location map, site plan, floor plan, elevations, and landscaping plans drawn to scale (*ref §13-5-31*).

The U.S. Fish and Wildlife Service (Service) is proposing to develop the Hanalei Valley Viewpoint at the Hanalei National Wildlife Refuge (Refuge or NWR). The Hanalei Valley Viewpoint will be located on a site (TMK (4) 5-3-001-016) situated along the eastern ridge of Hanalei Valley near Princeville and Hanalei town, about one mile from the coastline. The 5.4-acre site is a former tree farm and landscape nursery located south of the Kuhio Highway on a high bluff overlooking Hanalei NWR. A set of figures, including a vicinity map and site plan, is provided as Attachment A. A complete set of construction drawings is provided as Attachment B.

The Kauai General Plan (2018) Land Use Map designates the steep slope on the property as Natural and the relatively flat ridgetop as Agriculture. The site is located in the Resource subzone of the Conservation District. The site is not located within the Special Management Area (SMA) of the Coastal Zone Management (CZM) program, and is not subject to coastal hazards (e.g., shoreline erosion and wave inundation).

The Hanalei Valley Viewpoint would allow the Service to deliver their mission more fully to the local community and visitors to the North Shore of Kauai, connect the public with the Refuge, provide an alternative for visitors wishing to learn more about the Refuge, and minimize traffic on the narrow Ohiki Road entrance.

An environmental assessment (EA) has been prepared pursuant to requirements of the National Environmental Policy Act (NEPA), as amended (42 U.S.C. 4321-4347), Hawaii Revised Statute (HRS) Chapter 343, as amended, and Hawaii Administrative Rule (HAR) Title 11, Chapter 200. Compliance with HRS 343 and HAR Title 11 is initiated because of the use of state funds and state right-of-way along Kuhio Highway (State Route 56). The Hawaii Department of Transportation (HDOT) is serving as the state's proposing and approving agency. The final EA is provided as Attachment C.

Any land use within any land classified as a conservation district by the state land use commission under HRS Chapter 205 also triggers compliance with the Hawaii Environmental Policy Act (HEPA). The project requires a Conservation District Use Permit from the Hawaii Department of Land and Natural Resources (DLNR). As the lead agency for the EA, HDOT is serving as the applicant for the Conservation District Use

Permit. As communicated by DLNR in an email dated July 11, 2019, the project site is located completely within the Resource subzone, and a subzone boundary determination is not required.

The viewpoint is considered a “public purpose use” under HAR 13-5-22 P-6 Public Purpose Uses (D-1), which means not-for-profit land uses undertaken in support of a public service by an agency of the county, state, or federal government. In addition to development of viewpoint, the Service will apply for a subdivision to create the 4.5-acre parcel on which the viewpoint would be constructed. Subdivision is considered a land use within the conservation district pursuant to HAR 13-5-22 P-10 Subdivision or Consolidation of Property (D-1). Public purpose uses and subdivisions are allowed uses in the Resource subzone but require board approval.

The project need and purpose, and the subdivision and viewpoint are detailed in the sections below. The project site, Refuge, and general vicinity are shown on the vicinity map (Attachment A).

Project Need and Purpose:

The purpose of the Hanalei Valley Viewpoint is to provide residents and visitors with a quality national wildlife refuge experience that includes opportunities to learn about the natural and cultural history of the Hanalei Valley and the Refuge.

The project is needed because the existing overlook (see the attached vicinity map) has inadequate parking, uncontrolled vehicular access from the Kuhio Highway, a viewing area situated too close to the Kuhio Highway that detracts from the visitor’s experience, and does not contain adequate space for informational displays or stationing of Refuge staff or volunteers to provide outreach and information to the public. The existing overlook is primarily under the jurisdiction of HDOT and neither the Service nor HDOT are proposing changes. The proposed viewpoint would function independently of the existing overlook.

The viewpoint would feature world-class scenic views of Hanalei Bay, Valley, River, and the Refuge. It would provide engaging and educational experiences for visitors of all ages and learning styles related to the Refuge’s wildlife, endangered species recovery goals, cultural resources, and the history of the area. This project would uphold the objectives and goals of the Service and the Refuge, as described below.

About the Refuge:

The Service is the primary federal agency responsible for conserving and enhancing the nation’s fish and wildlife populations and their habitats. The Service’s efforts over the last 100 years to protect wildlife and their habitats have resulted in a network of protected areas that form the National Wildlife Refuge System (Refuge System). This network of protected areas is the largest and most diverse of its kind in the world. Refuge System lands provide essential habitat for numerous wildlife species, wildlife-dependent recreational opportunities for the public, and a variety of benefits to local communities.

Established in 1972, the Refuge is the oldest of Kauai’s three national wildlife refuges and is located on the north shore of the island. The 917-acre Refuge is located in the picturesque and beautiful Hanalei Valley and is encircled by waterfall-draped mountains. The Refuge was established under the Endangered Species Act (ESA) to conserve federally listed species that today consist primarily of five endangered waterbirds

that rely on the Hanalei Valley for nesting and feeding habitat. Forty-five other species of birds also use the habitat of the Refuge at points in the year. The interior areas of the Refuge are not open to the general public.

One of the Refuge's main goals is expanding understanding, appreciation, and stewardship of the wetland and coastal ecosystems through wildlife-oriented educational opportunities. Improving and increasing educational opportunities benefits the public through enhanced visitor experiences and the advancement of cultural and ecological information. This project seeks to provide the public with a new way to experience and learn about the Refuge and its mission while protecting the integrity of the Refuge.

The Refuge is managed by the Service in accordance with the "Hanalei, Hulē'ia, and Kīlauea Point National Wildlife Refuges Comprehensive Conservation Plan" (CCP). Although outside the scope of the ongoing CCP effort, additional coordination with various county, state, and federal agencies regarding the proposed Hanalei viewpoint occurred in the context of CCP-associated activities, such as the 2011 Kauai NWR Complex alternative transportation workshop.

About the Proposed Project:

Subdivision: A subdivision is necessary to develop Hanalei Valley Viewpoint, and the Service is submitting this combined application for subdivision and development. A map of the proposed subdivision is included in Attachment A. The subdivision will involve the removal of approximately 5.4 acres from tax map key (TMK) (4) 5-3-001-016, which is owned by Kalihiwai Investors, LLC (Landowner). These 5.4 acres will be donated by the Landowner to the Service for incorporation into the Refuge. The subdivision will occur through the appropriate governmental channels.

The new 5.4-acre parcel would be bordered by Kuhio Highway to the north, private land to the east, and Hanalei Valley to the south and west. Construction of the entrance road, parking area, kiosk, and viewpoints would be funded by the Service and grants from the Federal Highway Administration, HDOT, and Kauai County.

Site Design: The viewpoint would serve to welcome and orient visitors to Hanalei Valley and Hanalei NWR. The project includes the provision of safe access to and from Kuhio Highway, parking stalls for cars and tour buses, and a quality visitor experience with short trails, overlooks, an orientation kiosk, and interpretive signage. The viewpoint would be open from 6 a.m. to 30 minutes past sunset. A complete set of the 95 percent construction drawings is provided as Attachment B.

The project includes the following program elements.

Safety and Security:

- Perimeter fencing
- Security gate
- Privacy wall at east property line
- Regulatory signage

- Formalized ingress/egress from Kuhio Hwy
- Acceleration and deceleration lanes on Kuhio Highway
- Turn lanes on Kuhio Highway

Universal Accessibility:

- Two accessible parking spaces
- Walking surfaces
- Views
- Seating

Visitor Amenities:

- Trash receptacles
- Three pre-engineered vault toilets

Welcome and Orientation:

- Entry sign
- Parking for approximately 25 cars
- Short-term parking for tour buses
- Welcome and orientation kiosk
- Wayfinding signage

Interpretation, Education, and Community:

- Interpretive displays
- Gathering space for educational programs
- Short trails to two viewpoints

Sustainability, Environment, and Viewsheds:

- Low impact development
- On-site sustainable stormwater management
- Landscape restoration
- Landscaping with native/noninvasive plants

- Vegetative screening and buffering from adjacent land uses

To facilitate safe ingress to the site, a deceleration lane would be constructed for eastbound travelers on Kuhio Highway turning right to enter the viewpoint. An acceleration lane would be constructed to facilitate a safe merge for travelers leaving the viewpoint turning right (eastbound) onto Kuhio Highway. A new left-turn lane would be added for vehicular traffic traveling westbound on Kuhio Highway to enter the viewpoint. An acceleration lane would be added to provide vehicles turning left onto the highway space to accelerate before merging into westbound traffic. HDOT would maintain all improvements within the state's right-of-way.

A wire mesh perimeter fence would be installed along the highway, the site would be secured at night with an electric rolling vehicle gate with a timer and keypad, and a privacy wall with a vegetated berm would be constructed along the east property boundary to screen nearby residences. The site would not be lighted. The gate would be powered by an on-site photovoltaic panel. The parking area would be curbed or controlled with concrete wheel stops to direct foot traffic to the paved pathways. Trees and shrubs native to Kauai would be planted along Kuhio Highway to screen the viewpoint from the highway.

Interpretive themes would highlight the unique elements of the Refuge, including the Refuge's establishment purpose and role as one of the most important sites in the state providing essential life history requirements for and aiding in the recovery of five endangered water birds that occur there; the taro fields and their importance in Hawaiian culture and in providing habitat for endangered waterbirds; the importance of the Refuge as a wintering and stopover location for migratory waterfowl and shorebirds from both North America and Asia; and the Service's management efforts related to habitat needs, invasive species, plants, fish, and wildlife. Stakeholders, partner organizations, and interested community leaders have contributed to the content of interpretive panels and other materials associated with the viewpoint and have offered to continue to provide review and feedback.

The Refuge manager would have the authority to open and close the parking area and other facilities to ensure the safety of visitors and ensure compatibility with Refuge purposes. The Service does not plan to charge an entrance fee for visitors to the viewpoint; however, commercial tour companies may be charged a fee for their use of the area, and an entrance fee could be considered in the future if necessary to maintain the site. No other commercial uses would be allowed on the site.

Accommodations for Persons with Disabilities and Universal Accessibility

The project design complies with the requirements of the Architectural Barriers Act standards for the parking area, bus parking, toilets, and welcome/orientation plaza and kiosk. The pathways from the welcome/orientation plaza to the viewpoints would follow the Outdoor Recreation Access Routes (ORAR) standards. Additional details on accommodations for persons with disabilities and universal accessibility are provided in Section 2.2 of the EA.

Viewpoints:

Two on-grade viewpoints would offer views of greater Hanalei Valley and Bay, Hanalei NWR, and the dramatic mountains of Halelea Forest Reserve. To minimize visual impacts of the viewpoints from the valley and surrounding area, the viewpoints would be built on-grade and integrated into the landscape.

The proposed viewpoints would be constructed of stone and concrete materials and would include seat-walls and interpretive signs.

On-site Utilities:

A utility plan is included in Attachment A. On-site utility improvements at the viewpoint site would be limited to stormwater improvements for the new parking area, landscape, and driveway. Surface runoff from the site and the parking area would be directed to landscape swales, which would convey stormwater to 24-inch-by-24-inch catch basins. Runoff from the site entry driveway would be collected in a curb inlet. Flows from the catch basins and the curb inlet would pass through a hydrodynamic water quality separator (CDS unit) to screen, separate, and trap debris, sediment, and hydrocarbons from the stormwater runoff. The outlet from the CDS unit connects to an underground stormwater storage system that detains peak flows. The storage system consists of an array six, 50-foot-long, 36-inch pipes that store stormwater. A 15-inch storm pipe conveys and meters the flow of the detained stormwater from the storage system to an existing outfall discharge point located on the pali. Stormwater from the pedestrian plaza area will be collected and detained in landscaped bioretention areas. Overflow drains from the bioretention areas connect to the outfall structure.

The comfort station facility consists of three pre-engineered vault toilets that would be maintained by USFWS. No other electricity, sanitary sewer, or potable water utility connections are proposed.

Utility Relocation:

Utility improvements include new and relocated utilities within the Kuhio Highway right-of-way. Four existing concrete catch basins located in the highway shoulder would be replaced to accommodate a new center turn lane and an eastbound acceleration lane. The existing catch basins, two located north of the highway and two catch basins located south of the highway, would be replaced with four new Type-D catch basins. The new catch basins would be connected to the existing 24-inch storm pipes that previously served the replaced catch basins. The project would also relocate three existing street lights and the associated junction boxes to accommodate a new deceleration lane into the site. The three relocated street lights are on the south side of Kuhio Highway and located west of the viewpoint entry. No additional utility work within the right-of-way is anticipated.

Site Preparation/Construction:

Construction of the viewpoint would clear and grub approximately 1.5 acres of degraded woodland habitat at the abandoned nursery that is now dominated by common, primarily non-native plant species. Approximately 0.5 acre would be paved for parking and approximately 0.1 acre would be paved for pedestrian trails. Approximately 0.9 acre would be landscaped with native and beneficial non-native plants and seeded to prevent soil erosion. The remaining 4 acres of the site would not be disturbed by the proposed project. All construction staging would be within the areas to be disturbed. No off-site staging is necessary.

Grading would provide enough material to construct a privacy berm along the southern property line. There would be no export of graded soils off the site. Graded soils may be stockpiled during construction.

To prevent fugitive dust and erosion, typical erosion control techniques would be employed, including the use of silt fencing, mulching, and covering stockpiled soils.

EXISTING CONDITIONS

Please describe the following, and attach maps, site plans, topo maps, colored photos, and biological or archaeological surveys as appropriate:

Existing access to site:

Existing access to the site is by an easement ("Easement O") coming from Kapaka Street, located to the southeast of the project site. The proposed viewpoint would be located along the Kuhio Highway, approximately 1/10th of a mile east from the intersection of Kuhio Highway and Kahaku Road (the main entrance to Princeville).

The Kuhio Highway is the only arterial road connecting the North Shore with the rest of Kauai, providing circulation between Haena State Park and Lihue. Throughout the North Shore, Kuhio Highway is a two-lane road. In the vicinity of the proposed viewpoint, Kuhio Highway is generally a two-lane undivided arterial roadway running east-west with a posted speed limit of 35 miles per hour.

An updated traffic study was completed for the project in 2018 (Austin, Tsutsumi & Associates, Inc., 2018, Appendix A of the EA). Traffic counts were collected in September 2016. The morning peak hour of traffic occurs from 8 to 9 a.m., the midday peak from 12:15 to 1:15 p.m., and the afternoon peak from 3:45 to 4:45 p.m. Traffic volumes in the area of the proposed viewpoint ranged from a high of 714 vehicles traveling eastbound on Kuhio Highway during the PM peak to a low of 471 traveling eastbound during the midday peak. Westbound traffic volumes ranged from a low of 549 during the AM peak to a high of 587 during the midday peak.

Existing buildings/structures:

The site was previously used as a plant nursery but that use has long ceased. There are no existing buildings or structures, although some miscellaneous nursery infrastructure debris remains on the parcel.

Existing utilities (electrical, communication, gas, drainage, water & wastewater):

The site is served by overhead power, but no other utilities are present on the parcel. An existing stormwater outfall on site will be upgraded with site development work. A water line is located northeast of Kuhio Highway and within the highway right-of-way. The site is not served with sanitary sewer with the nearest line located across Kuhio Highway.

A few utilities that are within the site development footprint would be relocated in the same general area. Utilities to be relocated consist of four concrete catch basins located in the highway shoulder and three street lights and associated junction boxes located along the south side of Kuhio Highway. No other utilities would be impacted or require relocation because of construction activities.

Physiography (geology, topography, & soils):

The 5.4-acre site is located south of the Kuhio Highway on the high bluff overlooking Hanalei NWR. The top of the ridge (where the viewpoint would be located) is approximately 300 feet above the valley floor. The project site has about a 4 percent grade sloping from east to west. The valley wall below the overlook is very steep at about a 50 percent grade.

Two soil types are mapped on the site: rough, mountainous land (mapping unit rRT) and Makapili silty clay; 0 to 8 percent slope (mapping unit MeB). Rough, mountainous land is mapped along the steep slopes leading to Hanalei Valley. Makapili silty clay is mapped in the abandoned nursery portion of the site. Makapili soils consist of very deep, well-drained soils that formed in material weathered from basic igneous rock and influenced by tropospheric dust. Permeability of this soil is moderately rapid, runoff is slow, and the erosion hazard is slight. Makapili soils are on uplands and have slopes of 0 to 40 percent. Makapili silty clay is classified as a prime farmland soil. Areas mapped as rough, mountainous land are not prime farmland soils. Neither soil type is classified as a hydric (wetland) soil.

Hydrology (surface water, groundwater, coastal waters, & wetlands):

The site contains no natural surface water bodies, floodplains, or wetlands. The National Wetlands Inventory Map does not map any wetlands or water features on the site. Wetland surveys of the area completed for the 2003 EA found no evidence of surface waterbodies, wetlands, or wetland vegetation.

Existing stormwater flow on the viewpoint site moves from east to west discharging to both the Kuhio Highway (north) and Hanalei Valley (south) sides of the project site. The section of Kuhio Highway fronting the site contains stormwater drainage facilities for stormwater runoff from the highway. Stormwater from the south side of the project site also drains to an on-site man-made retention pond before flowing to the valley through a piped outfall.

Flora & fauna (indicate if rare or endangered plants and/or animals are present):

The site is mostly overgrown with introduced and alien species with very few native Hawaiian plants present. Invasive species, such as guava (*Psidium guajava*), haole koa (*Leucaena leucocephala*), Java plum (*Syzygium cumini*), guarumo (*Cecropia peltata*), and African tulip (*Spathodea campanulata*) are present along with a groundcover of California grass (*Brachiaria mutica*), guinea grass (*Megathyrsus maximus*), and Hilo grass (*Ischaemum byrone*).

A mixed forest of trees ranging in height from 25 to 30 feet is located along the bluff overlooking Hanalei Valley. The trees are primarily Java plum with scattered African tulip (*Spathodea campanulata*), guarumo, Formosan koa (*Acacia confusa*), parasol leaf tree (*Macaranga tanarius*), and hau (*Hibiscus tiliaceus*) thickets. A dense shrub layer found between the trees is composed mostly of strawberry guava (*Psidium cattleianum*), guava, Christmas berry (*Schinus terebinthifolius*), and Koster's curse (*Clidemia hirta*).

Along Kuhio Highway is a band of mowed vegetation composed of various grasses and herbaceous species. Hilo grass, Panama paspalum (*Paspalum fimbriatum*), crabgrass (*Digitaria* sp.), ricegrass (*Paspalum scrobiculatum*), Spanish clover (*Desmodium icanum*), three-flowered beggarweed (*Desmondium trifolium*), and narrow-leaved plantain (*Plantago lanceolata*) are common. Wiregrass (*Eleusine indica*) and Indian dropseed (*Sporobolus diander*) are abundant near the edge of the highway.

Due to its location near Princeville and historic use as a plant nursery, the site supports mainly introduced mammal species, such as feral pigs (*Sus scrofa*), black rats (*Rattus rattus*), Norway rats (*R. norvegicus*), Polynesian rats (*R. exulans*), mice (*Mus musculus*), feral cats (*Felis catus*), and domestic dogs (*Canis lupus familiaris*). Introduced amphibians to the area include cane toads (*Bufo marinus*) and greenhouse frogs (*Eleutherodactylus planirostris*).

Feral chickens or red jungle fowl (*Gallus gallus*) are numerous throughout the island of Kauai. Other invasive avian species that could be present or pass through the area include cattle egret (*Bubulcus ibis*), common myna (*Acridotheres tristis*), Java sparrow (*Padda oryzivora*), chestnut munia (*Lonchura atricapilla*), nutmeg mannikin (*Lonchura punctulata*), white-rumped shama (*Copsychus malabaricus*), zebra dove (*Geopelia striata*), northern cardinal (*Cardinalis cardinalis*), red-crested cardinal (*Paroaria coronata*), Japanese white-eye (*Zosterops japonicus*), hwamei (*Garrulax canorus*), greater necklaced laughing thrush (*Garrulax pectoralis*), and western meadowlark (*Sturnella neglecta*). Barn owl (*Tyto alba*) are known to sometimes use the area.

Special Status Plant and Animal Species:

Several species listed under the federal ESA are known to occur near the proposed viewpoint on Hanalei NWR, although none of these species have been documented at the proposed viewpoint site. The Service identified the following species, listed under the ESA, as having the potential to occur in the vicinity of the project site: koloa maoli or Hawaiian duck (*Anas wyvilliana*), aeo or Hawaiian stilt (*Himantopus mexicanus knudseni*), alae keokeo or Hawaiian coot (also known as the Hawaiian gallinule) (*Fulica alai*), alae ula or Hawaiian moorhen (*Gallinula galeata sandvicensis*), nene or Hawaiian goose (*Branta sandvicensis*), opeapea or Hawaiian hoary bat (*Lasiurus cinereus semotus*), band-rumped storm petrel (*Oceanodroma castro*), and uau or Hawaiian petrel (*Pterodroma sandwichensis*). All of these species are listed as endangered.

Ao or Newell's shearwater (*Puffinus auricularis newelli*), a threatened species, was also identified as occurring nearby during the nesting season. Pueo or Hawaiian short-eared owl (*Asio flammeus sandwichensis*), are known to occur in the area of the proposed viewpoint and are state listed as endangered on Oahu but are not listed or a candidate for listing under the ESA.

No special status plant species are known to occur on lands potentially impacted by the preferred alternative. There is no designated or proposed critical habitat on the site of the proposed viewpoint.

Additional details on the flora and fauna species may be found in the EA. In accordance with the Section 7 consultation, avoidance and protective measures will be employed during construction of the site in order to mitigate potential impacts to species. A copy of the Section 7 Informal Consultation Letter is provided as Appendix C to the EA.

Natural hazards (erosion, flooding, tsunami, seismic, etc.):

Erosion: Makapili silty clay, the soil type mapped at the project site, has moderately rapid permeability, slow runoff, and its erosion hazard is slight. A National Pollutant Discharge Elimination System (NPDES) permit would be required prior to the initiation of construction activities. The permit would contain effluent limits for erosion and sediment control, pollution prevention, and site stabilization requirements

to ensure that the discharge of pollutants (including eroded soil) does not impair water quality or human health.

Flooding: The Flood Hazard Assessment Report, generated through the Flood Hazard Assessment Tool of the state of Hawaii DLNR, locates the site in Zone X. These are areas determined to be out of the 0.2 percent annual chance floodplain (i.e., a 500-year flood event). The nearest floodplain, approximately 300 feet below the site, is along the Hanalei River.

Tsunami: The project site is not located in an evacuation zone according to the Kauai Emergency Management Agency Evacuation Zone Maps.

Seismic: The Federal Emergency Management Agency Earthquake Hazard Maps identify all of Kauai as seismic design category (SDC) B. SDCs reflect the likelihood of experiencing earthquake shaking of various intensities. SDC B indicates areas that could experience shaking of moderate intensity.

Historic & cultural resources:

Cultural Surveys Hawaii conducted an archaeological inventory and survey of the area of potential effect (APE) to assist in identifying historic properties (Appendix B of the EA). The survey included a historical background survey, which included study of historic maps, archival documents, and previous archaeological and historical studies of the project area. Fieldwork was also conducted to determine the existence of undiscovered historic properties on the project site.

Based on the results of the inventory survey, it appears that there are no historic properties within the APE that would be directly affected by the project (construction and landscaping). There are some historic properties in the general vicinity of the project, but these would not be impacted by the proposed project. Additional details on cultural resources in the general vicinity of the project are included in the EA (attached).

Consultation with interested parties has been ongoing since the project was reinitiated in 2016. In coordination with the County of Kauai and HDOT, the Service held meetings to solicit input from stakeholders, including community leaders from the Hanalei Watershed Hui and the Hanalei to Haena Community Association. A stakeholder kickoff meeting in January 2016 was attended by congressional representatives; County of Kauai Parks and Recreation, Planning Department, Public Works and Engineering, and Transportation; HDOT; and the current landowner. Subsequent public meetings were held in March 2016 and August 2017, and separate meetings with specific partners and interested parties included elected officials, the County, HDOT, Hanalei taro farmers, and the Kilauea Neighborhood Association.

The project is subject to compliance with Section 106 of the National Historic Preservation Act and to historic preservation review under HRS 6E-8. In late 2018, Section 106 and HRS 6E-8 consultation memos seeking input on the historical and cultural importance of the proposed site were sent to the following organizations.

- Office of Hawaiian Affairs

- Kauai Historic Preservation Review Commission
- Kauai/Nihau Island Burial Council
- Hanalei Roads Committee
- Hui Hoomalu i ka Aina
- Pooku Heiau
- Hanalei Watershed Hui
- Waipa Foundation
- Hanalei Hawaiian Civic Club
- Department of Parks and Recreation/County of Kauai Parks Planner Nancy McMahon
- Individuals identified as possibly having a specific cultural or historic interest in the proposed project site as required by law

The State Historic Preservation Officer (SHPO) concurred with the Section 106 effect determination of "no adverse effect" in a letter dated March 1, 2019. The SHPO also concurred with the Chapter 6E effect determination of "no historic properties affected" in a letter dated November 21, 2019. These letters and other correspondence with the SHPO are provided as Appendix D of the EA.

In the unlikely event that cultural resources are encountered during construction, construction activities in the immediate vicinity of the discovery would halt and the Service's regional archaeologist would be notified to provide guidance on how to proceed.

EVALUATION CRITERIA

The Department or Board will evaluate the merits of a proposed land use based upon the following eight criteria (*ref §13-5-30(c)*)

1. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. (*ref §13-5-1*) How is the proposed land use consistent with the purpose of the conservation district?

According to HAR §13-5-22, land uses undertaken by an agency of the federal government are allowed in the Conservation District if they fulfill a mandated governmental function, activity, or service for public benefit. This proposed project will allow the Service, an agency of the federal government, to fulfil their mission to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. One of the Refuge's main goals is expanding understanding, appreciation, and stewardship of the wetland and coastal ecosystems through wildlife-oriented educational opportunities. This project presents an amazing opportunity for improved educational opportunities that will benefit visitors to the site, the North Shore community, and the state of Hawaii as a whole.

The subdivision of the property and subsequent development of a Hanalei Valley Viewpoint at the Refuge would provide residents and visitors with a quality national wildlife refuge experience that includes opportunities to learn about the natural and cultural history of the Hanalei Valley and the Refuge.

The existing overlook has inadequate parking, uncontrolled vehicular access, a viewing area too close to the Kuhio Highway that detracts from the visitor's experience, and inadequate space for informational displays or stationing of Refuge staff or volunteers to provide outreach and information to the public.

The proposed project is being designed to provide safe visual access to the Refuge to allow enhanced opportunities to interpret the Refuge's mission and purposes. Those opportunities include conserving cultural resources and endangered species, as well as providing wildlife-dependent recreational opportunities and environmental education for local families and visitors. The proposed project would provide parking, interpretive information, and wildlife observation for the Refuge that is otherwise closed to public access. Improving and increasing educational opportunities benefits the public through enhanced visitor experiences and the advancement of cultural and ecological information. This project seeks to provide the public with a new way to experience and learn about the Refuge and its mission while protecting the integrity of the Refuge.

The proposed viewpoint is intended to welcome and orient visitors to Hanalei NWR and the Hanalei Valley, present the mission and purpose of the Refuge System and the Hanalei NWR, provide educational and interpretive opportunities, and provide residents and visitors with an excellent location for photographing and enjoying views of the Hanalei Valley and Bay and the Hanalei NWR.

2. How is the proposed use consistent with the objectives of the subzone of the land on which the land use will occur? (*ref §13-5-11 through §13-5-15*)

The objective of the Resource subzone, as stated in HAR §13-5-13, is "to develop, with proper management, areas to ensure the sustained use of the natural resources of those areas." This project will

create a new area of the Hanalei NWR for the public purpose of expanding understanding, appreciation, and stewardship of the wetland and coastal ecosystems through wildlife-oriented educational opportunities. Therefore, the project purpose is in alignment with the objective of the Resource subzone.

The viewpoint is considered a "public purpose use," which means a not-for-profit land use undertaken in support of a public service by an agency of the county, state, or federal government that is an allowed use within the Resource subzone of a Conservation District (subject to board approval). The viewpoint would be entirely inside the Refuge. The Refuge System runs public facilities that are open to visitors for public benefit, such as environmental education. The viewpoint would be open to the public during daylight hours and free of charge. Therefore, the proposed action conforms to the policies that have been established for the Resource subzone of the Conservation District.

HAR §13-5-13 also states that the Resource subzone shall encompass "Lands necessary for providing future parkland and lands presently used for national, state, county, or private parks," and "Lands suitable for outdoor recreational uses, such as hunting, fishing, hiking, camping, and picnicking." Therefore, this project conforms to the established objectives of the Resource subzone.

By providing this viewpoint into the Refuge, the project will contribute to the sustained use of the natural resources of the Refuge. The Refuge's existing overlook site presents several safety and traffic concerns. Currently, the overlook does not provide ample space for visitors, and its location in proximity to the roadway creates safety and traffic concerns. This project will allow for an alternative viewpoint location that would be safer for visitors, as well as improve general traffic concerns on the North Shore. This project site will support parking and viewpoint areas that are farther from the road allowing for safer visitation and less-obtrusive traffic patterns. The project site will also accommodate more visitors than the existing overlook, increasing exposure to educational materials and wildlife observation, while avoiding physical access to the Refuge. Public benefits also include an overall improved viewing experience because the site offers a more panoramic view of Hanalei Valley from the site. The site also preserves the view up the pali from the valley floor by screening parking and viewpoint areas. Overall, the improved safety and viewing experience will provide visitors a better experience on the North Shore and highlight the cultural history and scenic beauty of Hanalei Valley and Hawaii.

3. Describe how the proposed land use complies with the provisions and guidelines contained in chapter 205A, HRS, entitled "Coastal Zone Management" (*see 205A objectives on p. 9*).

Note: The project site is not located in the Special Management Area (SMA). The nearest SMA boundary is approximately 2000 feet from the project site. A review of the project for Coastal Zone Management (CZM) consistency will be conducted by the Department of Business, Economic Development, and Tourism, the state agency administering the state's CZM program.

The objectives of Hawaii's CZM program are to protect and manage Hawaii's coastal resources. Objectives related to economic uses, beach protection, historic resources, and marine resources do not apply to the proposed viewpoint because there are no economic uses proposed, the viewpoint would be located away from the beach, and it would not affect a significant historical site or marine resources.

The project is consistent with state CZM objectives for recreational resources, scenic and open space resources, coastal ecosystems, coastal hazards, managing development, and public participation. The

project would provide a coastal recreational activity free to the public, an improved viewpoint of Hanalei Valley and Bay, and would restore native and beneficial non-native plants to an abandoned nursery site that is overgrown with non-native nursery-trade plant species. The proposed viewpoint would be located in an area not subject to tsunamis or storm waves and would generate no pollution or hazardous materials that could affect public health. The project has been through extensive public review through a series of public open houses. In addition, the project would educate the public on the importance of the Refuge, its ecosystems, and the various species that it supports. Therefore, this site will help protect, preserve, and improve the quality of coastal scenic and open space resources.

4. Describe how the proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

The nature of the proposed land use (public viewpoint of the Refuge) is one of low impact development. Once constructed, this land use would have little to no adverse impact on existing natural resources in the surrounding area, greater community, or region.

Long-term effects are not anticipated to the Hanalei River, adjacent valley wetlands, and coastal waters, including Hanalei Bay. Stormwater runoff from the parking lot and other impervious surfaces would be managed using low impact development techniques, including bioretention on-site stormwater management, where feasible. This approach would detain and infiltrate stormwater and protect habitat from erosive flows and polluted runoff. Detention basins will be installed to maintain storm flow discharge to downstream systems at or below predevelopment peak flow rates.

Wildlife inhabiting the site would be displaced during construction, though the species present are mostly invasive and non-native and would not be adversely affected in terms of local or regional abundance. Given the context of a heavily vegetated North Shore, this would represent a minor effect—detectable, but localized, small, and of little consequence to wildlife or plant communities. Restoration of the site with more native and non-native beneficial plants would have a beneficial impact to local plant and wildlife communities.

Over time, trees, shrubs, and groundcovers would grow and mature, and wildlife use of the site would resume but is expected to be mainly transitory. To reduce the possibility of wildlife habituating to the site, stormwater management would minimize standing open water. Occasional use by wildlife, such as feral chicken or red jungle fowl, cattle egret, common myna, Java sparrow, and chestnut munia would be expected.

5. Describe how the proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

The project site is located on the North Shore of Kauai in a low-density area characterized by open space and single-family residences. Per the Kauai General Plan (2018), residents of the surrounding communities “value the rural, isolated character of the North Shore and its inherent natural beauty, and the strong sense of community central to each place.” The viewpoint will serve as an extension of the existing Refuge, which serves as the west and south boundary of the project site. To the southeast, the

parcel is bounded by existing single-family residential homes, and to the north and east by Kuhio Highway, across from which is an existing golf course (Princeville Golf Course).

In addition to being a permitted use consistent with low density development, the project will be designed and landscaped to have a minimal effect on surrounding properties. Daytime use of the site would generate noise associated with vehicular use and sounds associated with public use of the site. However, against the backdrop of vehicular use of Kuhio Highway, this would be a negligible to minor effect—localized, but of little consequence beyond the immediate area. A vegetated berm and a privacy wall would be constructed along the east of the property to screen the parking area from adjacent residences, which would also partially reduce the level of sound reaching those residences.

6. Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

The proposed project would improve the natural character and resources on site. The existing natural resources on the site are limited because of its past development and use as a nursery. The site currently contains old nursery debris and is overrun with invasive plant species. The project will improve natural conditions by providing on-site sustainable stormwater management and landscape restoration with native/non-invasive plants.

There are no water resources on or near the site that would be directly impacted by the project, either during construction or after. Stormwater may erode exposed soils, and sediment could potentially be transported by stormwater runoff to the Hanalei River, the nearest water body. To prevent this, the project would employ generally accepted best management practices (BMPs), such as the use of silt curtains and silt fences, covering stockpiles of soil, mulching exposed soils, construction of dikes or diversions to avoid runoff across erodible soils, and revegetating the site as soon as possible. Once constructed, stormwater runoff from the parking lot and other impervious surfaces would be managed using low impact development techniques, including bioretention facilities and on-site stormwater treatment and detention.

Beyond construction-related impacts, only negligible long-term, post-construction effects to soils and topography are anticipated. Soils would be protected from erosive forces (wind and rain) as landscaping plants and groundcovers take hold and mature. Makapili silty clay, the soil type mapped at the project site, has moderately rapid permeability, slow runoff, and its erosion hazard is slight.

While direct effects to listed species are anticipated to be negligible to minor due to the lack of presence of these species at the project site, and because of the limited duration, area, and intensity of construction activities, the project would include a number of measures to minimize potential impacts to threatened and endangered species as previously described under existing conditions. These measures would be incorporated into construction plans and specifications.

In addition to positively impacting existing natural resources on site, the viewpoint will provide the public with a new nonintrusive way to visually experience and learn about the Refuge as access is not currently allowed in interior areas of the Refuge.

7. If applicable, describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

The proposed subdivision of the land will not be used to increase the intensity of land use in the Conservation District, as it is simply a requirement for the sale of property to the Service. Currently, the property is part of the Ulu Kapaka condominium property regime. That condominium project includes this site as Unit O and identifies that Unit O may be sold to the Service for the purpose of developing a new scenic overlook. The subdivision of the property is required for the sale and will be used to effectuate the sale only.

Once subdivided, the property will be developed and maintained as the viewpoint, which is a low-intensity permitted land use in the Conservation District.

8. Describe how the proposed land use will not be materially detrimental to the public health, safety and welfare.

The project will have a positive impact on public health, safety, and welfare. The proposed development and construction methods, as described, would not degrade existing natural conditions that influence public health. For example, there would be no significant negative impacts to the air or water quality. The project includes planned transportation improvements to ensure safe access to and from the site. The parking area would be curbed or controlled with concrete wheel stops to direct foot traffic to the paved pathways. The site would be secured at night with an electric rolling vehicle gate with a timer and keypad. Accessibility to the site has been designed in compliance with the Architectural Barriers Act and ORAR standards.

Lastly, partner and community involvement has been a hallmark of the planning for this project, and many agencies, organizations, and individuals have been given the opportunity to be involved. Project scoping and public involvement activities have included written correspondence with relevant government agencies, landowners, and community and environmental organizations; public information meetings; and individual small group meetings. Over 25 federal, state, and county agencies; environmental, civic, and community organizations; and landowners were contacted early in the planning process. Many meetings have taken place since those initial planning events providing updates, fostering discussion, gathering new ideas, and building additional partnerships. Support for this project has come from Congress, many federal agencies and state agencies, the Mayor's Office, community leaders and organizations, and individual members of the public.

CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.

Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

According to the cultural study (Appendix B of the EA, attached), there appears to have been no traditional or cultural activities historically occurring on the site. The site was once used as part of the Princeville nursery but is now mostly overgrown. The site was also part of Princeville Ranch, the predecessor to the existing resort, which was owned and operated by Lihue Plantation.

Pooku Heiau (State Site 50-30-03-139), located approximately 1,500 feet east of the site, was placed on the Hawaii Register of Historic Places in 1974 but later removed in 1980. The heiau was first identified in 1906 by T.G. Thrum, who described the site as "an enclosed heiau (place of worship) of about two acres in area, of luakini (heiau where ruling chiefs prayed) class, terraced down on all sides from the central platform." The Kauai Historic Preservation Review Commission and others have noted that historical access to Pooku Heiau may have passed through the site. However, a Cultural Surveys Hawaii archaeological inventory survey found no evidence that such a trail is still in existence.

The Hanalei National Wildlife Refuge Historic and Archaeological District (HNWRHAD) was listed on the National Register of Historic Places in 1980. The significance of the HNWRHAD is based on archaeological evidence indicating that Hanalei Valley has been continuously occupied for over 1,300 years. There are important clues in the valley that help in the understanding of early adaptation and subsistence strategies. Shortly following western contact, the valley came under the influence of foreigners, and physical evidence, such as the historic Haraguchi Rice Mill (State Site 50-30- 03-9385), remain that provide an understanding of the economy of post-contact cultures in the valley. For example, the historic Hanalei Valley is one of the few taro-producing areas in the state continuing the practice that dominated the valley for hundreds of years prior to western contact.

Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

The project will not affect traditional or customary native Hawaiian rights. A title report on file shows no indication of native Hawaiian claims to the property with the exception of a reference to the Hawaii State Constitution and the laws of Hawaii that already protect the customary or traditional Hawaiian rights, including those for access or gathering purposes.

Regarding Pooku Heiau, although the heiau boundaries are not clearly evident, the summit of the heiau is about 1,500 feet from the eastern side of the proposed subdivision. Therefore, this project is not within the heiau boundaries and, therefore, there would be no direct effect. Likewise, the HNWRHAD is predominately located in the valley below the proposed subdivision and would not be affected.

What feasible action, if any, could be taken by the Board of Land and Natural Resources in regards to your application to reasonably protect Native Hawai'i rights?

None. The project will not impact Native Hawai'i rights. In the unlikely event that cultural resources are encountered during construction, construction activities in the immediate vicinity of the discovery would halt and the Service's regional archaeologist would be notified to provide guidance on how to proceed.

OTHER IMPACTS

Does the proposed land use have an effect (positive/negative) on public access to and along the shoreline or along any public trail?

The proposed project will not affect public access to the shoreline or a public trail. The proposed viewpoint will have a positive effect on public access to the Refuge, and the proposed viewpoint includes the creation of short trails to two viewpoints, as shown on the attached site plan.

Does the proposed use have an effect (positive/negative) on beach processes?

The project site is not located near the coastline and would not have the potential to affect beach processes.

Will the proposed use cause increased sedimentation?

Cleared land would be exposed to wind and rain. Stormwater may erode exposed soils, and sediment could potentially be transported by stormwater runoff to the Hanalei River, the nearest waterbody. To prevent this, the project would employ generally accepted BMPs, such as the use of silt curtains and silt fences, covering stockpiles of soil, mulching exposed soils, construction of dikes or diversions to avoid runoff across erodible soils, and revegetating the site as soon as possible.

There would be no direct, construction-related impacts to water features, wetlands, or floodplains because none occur on the site. About 1.5 acres of mostly non-native woodland and brush would be cleared. Approximately 0.5 acre would be paved for parking and approximately 0.1 acre would be paved for pedestrian trails. The remaining area would be landscaped with native and beneficial non-native plants and seeded to prevent soil erosion.

A NPDES permit would be required prior to the initiation of construction activities. The permit would contain effluent limits for erosion and sediment control, pollution prevention, and site stabilization requirements to ensure that the discharge of pollutants (including eroded soil) does not impair water quality or human health. The project would comply with all requirements of the NPDES permit.

Will the proposed use cause any visual impact on any individual or community?

From Kuhio Highway, the project site appears as a dense thicket of shrubs and trees blocking views south of the highway. Additional trees will be planted between the site and the highway. Due to the vegetation, the valley itself cannot be viewed from the highway until viewers are in the vicinity of the existing overlook. The view from the existing overlook provides a well-known view of Hanalei Valley. As a scenic resource, Hanalei Valley is spectacular with its serene taro fields, wetlands, and majestic mountains of Halelea Forest Reserve in the background.

The proposed project would have a beneficial visual impact to the community and individuals visiting the site. The proposed Hanalei Valley Viewpoint would formalize public access to Hanalei NWR, providing views to the sensitive landscapes of the Hanalei Valley that currently have limited, informal public access. The proposed viewpoint would provide a more expansive panoramic view of the Hanalei Valley compared to that offered by the existing overlook resulting in a minor beneficial effect. The view would include the Refuge with its taro fields, managed wetlands, and dramatic mountain backdrop of Halelea Forest Reserve.

Hanalei Town and Hanalei Bay would also be visible from the viewpoint. This view is not available at the existing overlook.

During construction, activities would be visible from Kuhio Highway, a minor to intermediate direct effect to area aesthetics as the impact would be readily detectable but localized and temporary. The visual aesthetics from the Hanalei Valley floor up toward the proposed viewpoints would be minimally impacted by careful design, such as use of nonreflective material that would be set back from the slope to be shielded by vegetation. Two smaller viewpoint structures are being proposed versus one larger structure so that the number of people at each viewpoint would be lowered (15 to 20 people). Proper vegetative screening would enable these viewpoints to be minimally visible from the valley floor. Landscaping and retention of much of the existing vegetation along the bluff would provide a measure of privacy to the residences on the valley floor.

Visual impacts to Hanalei Valley will be avoided by using setbacks, landscaping, grading, and architectural methods and avoiding construction outcomes, such as bulldozer push and erosion runoff. Landscaping and retention of much of the existing vegetation along the bluff would screen the parking area from the valley floor and would provide screening of the viewpoint for residences on the valley floor. To mitigate the potential loss of privacy, the viewpoints are designed, sized, and located in such a way to minimize their presence and the presence of visitors when the top of the pali is viewed from the valley. Specifically, each viewpoint is sized to accommodate no more than 15 to 20 viewers at a time. The viewpoints would be set into the landscape (as mentioned before) and constructed with natural, local materials that are non-reflective. Vegetative screening and vegetative management would provide view portals.

Over time, as the planted trees and shrubs grow and mature, the viewpoint will become less visible from the highway except for the entrance and new signs along the highway alerting travelers to the location of the viewpoint. This permanent change would create a minor effect to the aesthetic quality of the area because it would be localized to the immediate area of the viewpoint and minor relative to the surrounding landscape.

Please describe any sustainable design elements that will be incorporated into the proposed land use (*e.g. the use of efficient ventilation and cooling systems; renewable energy generation; sustainable building materials; permeable paving materials; efficient energy and water systems; efficient waste management systems; etc.*).

Sustainable design elements to be incorporated into the project include on-site sustainable stormwater management, no site lighting, and landscape restoration with native/noninvasive plants. The motorized gate will use photovoltaic panels to actuate the gate.

Stormwater runoff from the parking lot and other impervious surfaces would be managed using low impact development techniques, including bioretention facilities and detention basins to maintain storm flow discharge to downstream systems at or below predevelopment peak flow rates. This approach would detain and infiltrate stormwater and protect habitat from erosive flows and polluted runoff.

If the project involves landscaping, please describe how the landscaping is appropriate to the Conservation District (*e.g. use of indigenous and endemic species; xeriscaping in dry areas;*

minimizing ground disturbance; maintenance or restoration of the canopy; removal of invasive species; habitat preservation and restoration; etc.)

Proposed landscaping at the project site is appropriate for the Conservation District as it will restore the natural conditions, as well as facilitate its use as a viewpoint for the Refuge. The project would clear approximately 1.5 acres of an abandoned plant nursery overrun with non-native species. Approximately 0.5 acre would be paved for parking and approximately 0.1 acre would be paved for pedestrian trails. Approximately 10 trees greater than 15 feet would be removed. The remaining area would be landscaped with native plants and seeded to prevent soil erosion.

Landscaping plants installed at the site would be native or beneficial non-native species that are not known to attract sensitive, native wildlife. Landscaping will include the installation of 100 trees, including koa (*Acacia koa*), kamani (*Calophyllum inophyllum*), hapuu (*Cibotium glaucum*), hala (*Pandanus tectoris*), and kou (*Thespesia populnea*). Shrubs to be installed include hopseed bush (*Dodonaea viscosa*) and naupaka (*Scaevola chamissoniana*). Native groundcovers and a seeded lawn would be installed over about two-thirds of one acre.

As previously described, the landscaping is also being designed to minimize visual impacts, which in turn contributes to the project upholding the purpose of the Conservation District, which is to “conserve, protect, and preserve the important natural and cultural resources of the state through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.” Landscaping and retention of much of the existing vegetation along the bluff would screen the parking area from the valley floor and would provide screening of the viewpoint for residences on the valley floor.

Please describe Best Management Practices that will be used during construction and implementation of the proposed land use.

The following BMPs would be employed in order to reduce impacts to the human environment related to constructing and operating the viewpoint site.

Operation BMPs:

- The Refuge will work with the Service in the design of the stormwater management system to limit the attraction of standing water for wildlife.
- A wire mesh perimeter fence would be installed along the highway, and the site would be secured at night with an electric rolling vehicle gate with a timer and keypad.
- A privacy wall with a vegetated berm would be constructed along the east property boundary to screen nearby residences
- To mitigate the potential loss of privacy to residences, the viewpoints are designed, sized, and located in such a way to minimize their presence and the presence of visitors when the top of the pali is viewed from the valley.

Construction BMPs:

- An NPDES permit would be required prior to the initiation of construction activities. The permit would contain effluent limits for erosion and sediment control, pollution prevention, and site stabilization requirements to ensure that the discharge of pollutants (including eroded soil) does not impair water quality or human health.
- Typical erosion control techniques would be employed, including the use of silt fence, mulching, covering stockpiled soils, construction of dikes or diversions to avoid runoff across erodible soils, and revegetating the site as soon as possible.
- To avoid disturbing opeapea (Hawaiian hoary bat), woody plants greater than 15 feet tall would not be disturbed, removed, or trimmed during the pupping season (June 1 through September 15).
- A biological monitor would survey the site prior to the initiation of clearing and grubbing, or after any subsequent delay in work of three or more days, to ensure that listed species are not present. If a listed species were found, construction would be delayed until the species leaves the site on its own accord.
- In the unlikely event that cultural resources are encountered during construction, construction activities in the immediate vicinity of the discovery would halt, and the Service's regional archaeologist would be notified to provide guidance on how to proceed.
- If a listed Hawaiian waterbird is observed within the project site, or flies into the site while activities are occurring, a biological monitor will halt all activities within 100 feet of the individual(s). Work should not resume until the Hawaiian waterbird(s) leave the area on their own accord.
- A biologist familiar with the nesting behavior of the Hawaiian goose will survey the area prior to the initiation of any work or after any subsequent delay in work of three or more days (during which birds may attempt nesting). If a nest is discovered, work will cease immediately and the Service will be contacted for further guidance. Furthermore, all on-site project personnel will be apprised that Hawaiian geese may be in the vicinity of the project at any time during the year. If a Hawaiian goose (or geese) appears within 100 feet of ongoing work, all activity will be temporarily suspended until the Hawaiian goose (or geese) leaves the area of its own accord.
- Construction activities will only occur during daylight hours and no site lighting is proposed.

Please describe the measures that will be taken to mitigate the proposed land use's environmental and cultural impacts.

Taking into account the BMPs identified above, the project is not anticipated to impact any known or possible environmental or cultural resources on the site.

CHAPTER 205A – COASTAL ZONE MANAGEMENT

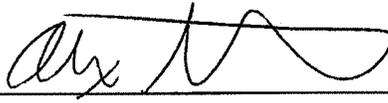
Land uses are required to comply with the provisions and guidelines contained in Chapter 205A, Hawai'i Revised Statutes (HRS), entitled "Coastal Zone Management," as described below:

- **Recreational resources:** Provide coastal recreational opportunities accessible to the public.
- **Historic resources:** Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- **Scenic and open space resources:** Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- **Coastal ecosystems:** Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
- **Economic uses:** Provide public or private facilities and improvements important to the State's economy in suitable locations.
- **Coastal hazards:** Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.
- **Managing development:** Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- **Public participation:** Stimulate public awareness, education, and participation in coastal management.
- **Beach protection:** Protect beaches for public use and recreation.
- **Marine resources:** Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

CERTIFICATION

I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attachments and exhibits is complete and correct. I understand that the failure to provide any requested information or misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, or for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Land Board.

I hereby authorize representatives of the Department of Land and Natural Resources to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 a.m. and 4:30 p.m.



Signature of authorized agent(s) or if no agent, signature of applicant

AUTHORIZATION OF AGENT

I hereby authorize Alex Schwartz to act as my representative and to bind me in all matters concerning this application.



Director of Transportation

Signature of applicant(s)