Puʻu ʻŌpae Kuleana Homestead Settlement

July 21, 2020
Background

• There are 2,555 combined agriculture and pastoral wait-listers for Kaua‘i

• Many people have been waiting for more than 20+ years

• Beneficiaries expressed a shared frustration that the wait length is too long

• The Kuleana Homesteading Program will expedite the awarding of lots in as-is condition
Kuleana
Right, privilege, concern, responsibility, title, business, property, estate, portion, jurisdiction, authority, liability, interest, claim, ownership, tenure, affair, province; reason, cause, function, justification; small piece of property, as within an ahupuaʻa

Hoʻokuleana
To entitle, give right to possess; to give a responsibility
DHHL Lands on Kauaʻi
DHHL Lands in Waimea
Beneficiary Consultation

- October 23, 2017 – Small group meeting with West Kaua‘i beneficiaries;
- November 15, 2018 – Beneficiary consultation meeting #1 with Kaua‘i Agricultural Waitlist beneficiaries and West Kaua‘i beneficiaries;
- August 8, 2019 – Beneficiary consultation meeting #2 with Kaua‘i Agricultural Waitlist beneficiaries West Kaua‘i beneficiaries;
- February 6, 2020 – Beneficiary consultation meeting #3 with Kaua‘i Agricultural Waitlist beneficiaries West Kaua‘i beneficiaries;
Proposed Puʻu ʻŌpae Lot Scheme

- Kuleana Subsistence Agricultural Lots (.5 acres each)
- DHHL and KIUC Water Lines Running in Parallel
- Supplemental Agriculture (63 acres)
- Trail One (secondary access)
- Special District for Reforestation and Agroforestry
- Community Use Areas
- Pastoral Lots (10 acres each)
- Future Kuleana Subsistence Agriculture Lots
- Niu Valley Road (primary access)
Subsistence Agriculture

Phase 1
Subsistence Agriculture

Phase 2
Due to its long history of intensive sugarcane cultivation, a biological survey found the site to be dominated by non-native vegetation, with just a few native species present in certain areas of the site.
3 Historic Properties were Identified:

- Plantation Camp
- Pu‘u ‘Ōpae Reservoir
- Military Trenches
Historic and Cultural Resources

• Lot scheme was designed to avoid impacts to cultural and historic resources
• Potential for undiscovered historic properties
• Additional identification survey may be required for future work
• Potential for community archaeology program
The project area generally slopes to the west and drains into the adjacent property through several valleys along the western property boundary.

The major discharges occur through Niu Valley.
Lot scheme planned to maximize use of existing road network

DHHL will construct some new unpaved gravel roads to provide four-wheel drive access to the Kuleana Homestead Lots

Beneficiaries will be responsible for roadway upkeep and maintenance
KIUC will improve existing Niu Valley Road to the Puʻu ʻŌpae Reservoir.

Mauka Roadway from the Puʻu ʻŌpae Reservoir to Kōkeʻe Road will also be improved, but to a lesser extent.

Improvements will include rock, crowning, grading, and constructing drainage ditches alongside.
Hydrology and Drainage
Infrastructure: Potable Water

- Rainwater Catchment System
- Haul in personal drinking water
- Responsibility of lessee
Infrastructure: Non-Potable Water

Puʻu Lua 260 MG

Puʻu Moe Divide

Kōkeʻe Ditch

Kauaikinana Diversion

Kawaiōkō Diversion

Puʻu ʻŌpae Pump House

Mānā Pump House

DHHL Lands

Irrigation to KAA

Irrigation to Kuleana Lots

Irrigation to DHHL Lands

KIUC Tank

for existing Pastoral Lots

Open Ditch to ADC Mauka lands

New Pipe

New Pipe
Infrastructure: Wastewater

- Individual wastewater systems are allowed and would be the responsibility of the lessee
Infrastructure: Wastewater

• Cluster Wastewater System

• A cooperative wastewater treatment organization that collects wastewater from a small number of homes and transports it to a pretreatment land absorption area with no surface discharge of effluent
Comments Received on Draft EA

• 30-Day Comment Period May 23rd to June 22nd.
• Substantive agency comments received from:
  • State DOH Clean Air Branch
  • State DLNR Commission on Water Resource Management
  • State DLNR Division of Forestry & Wildlife
  • State DOT
  • OHA
  • County Planning Department
  • County Department of Public Works
Finding of No Significant Impact (FONSI)

Per HAR 11-200-12, a FONSI determination must be based on the following 13 criteria:

1. Involve an irrevocable loss or destruction of any natural or cultural resources;
2. Curtail the range of beneficial uses of the environment;
3. Conflict with the state’s long-term environmental policies or goals and guidelines as expressed in HRS Chapter 344, and any revisions thereof and amendments thereto, court decisions, or executive orders;
4. Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and state;
5. Substantially affects public health;
6. Involves adverse secondary impacts, such as population changes or effects on public facilities;
Finding of No Significant Impact (FONSI)

Per HAR 11-200-12, a FONSI determination must be based on the following 13 criteria:

7. Involves a substantial degradation of environmental quality;

8. Individually limited but cumulatively have substantial adverse effect upon the environment or involved a commitment for larger actions;

9. Have a substantial adverse effect on a rare, threatened or endangered species, or habitat;

10. Have a substantial adverse effect on air or water quality or ambient noise levels;

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as flood plain, tsunami zone, beach, or erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal water;

12. Substantially affects scenic vistas and view-planes identified in county or state plans or studies;

13. Require substantial energy consumption.
Next Steps for Overall Project Implementation

1. HHC Approval of DHHL Settlement Plan/FEA FONSI
2. Topographic Survey, Staking of lots, and Recordation of Metes and Bounds
3. Road Improvements (KIUC)
4. Reservoir/Irrigation Improvements (KIUC)
5. Awards / License Agreements
6. Association CC&R's, Building Codes, Permit Processes Defined
7. Settlement
KIUC Improvements

- Former Cane Haul Roads
- Trail One From Kōkeʻe Road
- Niu Valley Road
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Settlement