
APPENDIX J:
Pre-Assessment Consultation
Correspondance



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850



DEC 21 2016

EM

In Reply Refer To:
2017-TA-0059

Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, HI 96826

Attn.: Mr. Earl Matsukawa, Project Manager

Mr. Earl Matsukawa and representatives of Wilson Okamoto Corporation:

The U.S. Fish and Wildlife Service (Service) is providing this letter in response to your request for early consultation in relation an Environmental Impact Statement (EIS) Preparation Notice for a proposed lease of State of Hawaii waters in the Nahiku, Keanae, Honomanu and Huelo license areas of Maui, Hawaii, pursuant to Hawaii Revised Statutes Chapter 343 (HRS 343). This letter has been prepared under the authority of and in accordance with provisions of the Endangered Species Act (ESA) of 1973 [16 U.S.C. 1531 *et seq.*; 87 Stat. 884]. These comments are also consistent with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*; 83 Stat. 852], as amended, and other authorities mandating the Service's review of projects and provision of technical assistance to conserve trust resources.

Proposed Action

The proposed action involves diversion of flows from 31 perennial streams on the north flank of the Haleakala volcano on the eastern section of Maui island, Hawaii (referred to subsequently as "East Maui"). These stream flows originate from four separate license areas running from east to west along the mountain as follows: Nahiku, with an area of approximately 10,111 acres; Keanae, with an area of approximately 10,768 acres; Honomanu, with an area of approximately 3,381 acres; and Huelo, with an area of approximately 8,753 acres. In aggregate, these license areas comprise approximately 33,013 acres, or 51.6 square miles, much of it covered in native rain forest vegetation and inhabited by hundreds of native species, many of them endemic to the island of Maui, and some listed as Threatened or Endangered under the ESA. The diverted stream flows will be captured by the existing East Maui Irrigation Aqueduct System (referred to

subsequently as the "EMI system"), which consists of 388 separate intake structures, 24 miles of ditches, 50 miles of tunnels, 12 inverted siphons, and numerous other small intakes, pipes and flumes. This system is owned by the East Maui Irrigation Company, Limited (EMI), a wholly owned subsidiary of Alexander & Baldwin, Inc. (A&B), and has operated in various forms since 1878 (Wilcox 1996).

This system is currently authorized to divert up to 80 million gallons of water per day (80 mgd) based on a one-year revocable permit approved by the State of Hawaii's Board of Land and Natural Resources (BLNR) on December 9, 2016. Through the proposed action, A&B now seeks to obtain a long-term 30-year lease pursuant to Hawaii Revised Statutes (HRS) 171-58c for the "right, privilege, and authority to enter, and go upon" the four lease areas noted above "for the purpose of developing, diverting, transporting and using government-owned waters." In addition, the proposed action will involve access to State of Hawaii lands in order to maintain and repair existing roads and trails used as part of the EMI system. It is proposed that the waters diverted from the 31 streams on East Maui will be used to irrigate 26,600 acres of agricultural lands in central Maui owned by A&B and formerly devoted to sugarcane plantation use through its subsidiary Hawaiian Commercial & Sugar (HC&S), as well as to maintain current service to the Maui County Department of Water Supply (which also supplies the Kula Agricultural Park). The applicant has agreed that the proposed lease will not allow diversion of water in excess of the amount allowed under a set of Interim Instream Flow Standards that are currently pending before the State Commission on Water Resource Management (CWRM).

As a condition of this lease application, A&B was instructed by the BLNR on April 14, 2016 to produce a Scope of Work for the preparation of an EIS pursuant to HRS Chapter 343, the State of Hawaii's environmental review law. This Scope of Work was submitted to the BLNR on June 9, 2016, and accepted by the Board on July 8, 2016, with a request that A&B proceed with the preparation of an EIS "in as expeditious a manner as possible." It is the notice of intent to prepare this EIS which has triggered the current request for early consultation with the Service.

Background

Construction on what would eventually become the modern EMI system began in 1876, and was basically complete by 1923. Throughout this progression of development the ditch systems were extended progressively eastward along the northern flank of Haleakala, eventually reaching their current most eastward terminus at Makapipi Stream near Nahiku. For the past 93 years, the EMI system has thus represented a highly integrated water catchment system that diverts the majority of stream runoff from the north side of Haleakala to the agricultural lands of central Maui. At this time the EMI system represents the largest privately owned water company in the United States, and its Wailoa Canal has a higher median flow than any natural river in the state of Hawaii (Wilcox 1996). The total delivery capacity of the system in its current configuration is 445 mgd, and during the period when the HC&S plantation was in operation the average daily delivery was 160 mgd. In addition to the EMI system, HC&S has also developed a set of

groundwater wells that can supply up to 144 mgd of additional water. In total, at maximum output, it appears that the water delivery system available to HC&S can therefore provide up to 590 mgd.

The EMI system was operated under long-term licenses for the four license areas mentioned previously until 1986, when the last of these leases expired. From that point onward, the State of Hawaii has issued the company one-year revocable permits for continued diversion. On May 14, 2001, A&B, the owner of the system, filed for a 30 year long-term lease in the four license areas. This action was opposed by a number of groups, who requested a contested case hearing on the matter, and establishment of Interim Instream Flow Standards (IIFS) for 27 of the 40 officially recognized streams lying within the license areas EMI is seeking to divert from. As a consequence of this, the BLNR deferred action on the long-term lease, but continued to approve the existing revocable permits in a "holdover" status on a month-to-month basis, pending resolution of the dispute, a practice that continues to the present time. The IIFS petitions, which are still pending before CWRM, have the potential to significantly influence the amount of water that the EMI system is allowed to divert from these license areas. The contested case hearing on the 30-year lease proposed by A&B has been in abeyance pending CWRM action on the IIFS petitions, and the completion of the proposed EIS under HRS 343, but will resume on January 9, 2017.

On December 9, 2016, A&B went before the BLNR for approval of their current holdover permit, asking permission to divert 100 mgd. After considerable public testimony and an executive session, the Board granted the holdover permit, but capped the allowed diversion at 80 mgd. This amount of water is half of the EMI system's historical median delivery volume when the HC&S plantatation was in operation, and only 18 percent of the system's maximum delivery capacity. Significant questions thus arise regarding the future allocation of water previously diverted by this system to instream versus off stream uses; the license areas in which future diversions will occur; the total volume of water that will need to be diverted to serve the current and reasonably projected needs of Maui in the near term; the period of time over which such future diversions will be permitted before being re-evaluated; and the ecological consequences of these decisions.

Anticipated Impacts

The EIS Preparation Notice provided to the Service indicates that EMI intends to request a 30-year long term lease to divert 100 mgd for agricultural uses in central Maui, and to continue service to the Maui Department of Water Supply, which supplies drinking water to many of the island's citizens. The Service would note that the amount of diversion proposed is 20 percent in excess of that granted to A&B in the holdover permit approved by the BLNR on December 16, 2016. It is also five times more than the amount of water that A&B is currently taking from East Maui, according to its opening brief filed in October 2016 for the resumption of the IIFS contested case hearing for the 27 streams in the four license areas under consideration. In that

document, A&B states that it is currently diverting only 20-25 mgd, primarily for basic land maintenance uses including dust control and firefighting, that no diversions are occurring in the Nahiku or Keanea license areas, and that the previously diverted flow volume is now being returned to various streams in these sectors. Therefore, resumption of diversions at a rate of 100 mgd would represent a significant increase over currently prevailing rates, with associated ecological consequences.

The long history of stream diversions by the EMI system on East Maui has created an array of impacts to trust resources, including both the native stream biota, other species which inhabit the adjacent upland forests, and nearshore marine ecosystems that rely on streams for nutrient inputs. Several native stream-associated insect species occurring on East Maui water lease areas are now listed under the Endangered Species Act, specifically the damselflies *Megalagrion pacificum*, *Megalagrion nestotes*, and *Megalagrion xanthomelas*, all three designated as Endangered. The first mentioned species breeds in stream pools and side channels, with adults patrolling the margins of the stream corridor, and therefore suffers direct impacts from loss of habitat linked to diminished stream flows. The breeding habitats of the second mentioned species are not known, but the adults also utilize the stream corridor, and are not present in areas where diversions have created dry streambeds in the place of a formerly flowing channel. The third mentioned species breeds in pools along stream terminal reaches, and although not currently known from windward East Maui, has the potential to occur there. Higher rates of diversion will therefore lead to higher rates of direct impact to all these listed species.

In addition, based on information provided in the EIS scoping packet and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Project, there are 9 listed birds, 2 listed reptiles, 1 listed mammal, 7 listed insects, and 21 listed plants with final designated Critical Habitat within or near the vicinity of the license areas proposed for diversion. These listed species are as follows:

Birds	Status
Band-rumped storm-petrel (<i>Oceanodroma castro</i>)	Endangered
Crested honeycreeper (<i>Palmeria dolei</i> , akahekohe)	Endangered
Hawaiian coot (<i>Fulvica alai</i>)	Endangered
Hawaiian duck (<i>Anas wyvilliana</i>)	Endangered
Hawaiian goose or nene (<i>Brauna sandvicensis</i>)	Endangered
Hawaiian petrel (<i>Pterodroma phaeopygia sandvichensis</i>)	Endangered
Hawaiian stilt (<i>Himantopus mexicanus knudseni</i>)	Endangered
Maui parrotbill (<i>Pseudonestor xanthophrys</i> , kiwikiu)	Endangered
Newell's shearwater (<i>Puffinus auricularis newelli</i>)	Threatened
Reptiles	Status
Green sea turtle (<i>Chelonia mydas</i>)	Endangered
Hawksbill sea turtle (<i>Eretmochelys imbricata</i>)	Endangered

Among the major threats to the survival in the wild of the two listed forest bird species is mortality caused by avian malaria, which is vectored by the introduced mosquito *Culex quinquefasciatus*. This mosquito species breeds in stagnant pools free from fish in dewatered stream beds, and is by contrast uncommon along stream channels with continuous flow and healthy fish populations. By converting continuously flowing streams into nearly dry beds with scattered small pools, the current EMI diversions thus create corridors of habitat by which *Culex* mosquitoes can penetrate uphill more deeply into the native forest, and more readily reach susceptible native forest bird populations. This represents a significant, although indirect, impact of the proposed diversions to this set of listed species.

The Service therefore has a clear interest in addressing the amount of future water diversion proposed for East Maui, the license areas in which it will occur, and the impacts to native ecosystems and species that may result from the continued operation and maintenance of the EMI system. The native forest habitat becomes progressively more extensive and of higher ecological integrity as one moves eastward from the Huelo and Honomanu license areas and into the Keanae and Nahiku areas. The native species richness in the stream communities follows a similar west-to-east progression. Therefore, diversions from the Nahiku and Keanae license areas are likely to be of higher impact to ESA-listed species, and native Hawaiian plant and animal species in general, than are diversions from the Huelo and Honomanu areas.

Discussion Points

The Service strongly recommends that the following topics, listed individually below, be thoroughly evaluated in the context of the proposed EIS.

Duration of Lease – The EIS should evaluate multiple temporal alternatives in regard to the length of the proposed lease, in relation the following:

- 1) Although A&B projects significant growth in diversified agriculture on its newly-abandoned sugarcane lands over the next 30 years, the Service would note that large expanses of former sugarcane plantation lands on Oahu that were idled over 20 years ago remain fallow, despite their close proximity to an affluent urban market that would drive demand for diversified crops. To expect a different result on Maui, where transportation costs to potential markets are higher, at least in the near term, seems unlikely. Therefore, the EIS should evaluate alternative 5, 15 and 30-year lease scenarios, in terms of their environmental costs and benefits, and consider the likely rate at which alternative agricultural enterprises are likely to become established on fallowed sugarcane lands.
- 2) Projected changes in climate over the next 30 years in the Hawaiian Islands indicate the likelihood of a drier overall precipitation regime, with rainfall occurring more episodically. Because such predictions have a modest degree of uncertainty at this time, it will best serve the interests of adaptive management for the State to grant a shorter lease

<u>Mammals</u>	<u>Status</u>	<u>Critical Habitat Unit</u>
Hawaiian hoary bat (<i>Lasiurus cinereus semotus</i>)	Endangered	Montane Wet 2
<u>Insects</u>	<u>Status</u>	<u>Critical Habitat Unit</u>
Blackburn's sphinx moth (<i>Manduca blackburni</i>)	Endangered	Montane Wet 2
Flying earwig Hawaiian damselfly (<i>Megalagrion nestotes</i>)	Endangered	Lowland Wet 1
Orangeblack Hawaiian damselfly (<i>Megalagrion xanthomelas</i>)	Endangered	Lowland Wet 1, Montane Wet 2
Pacific Hawaiian damselfly (<i>Megalagrion pacificum</i>)	Endangered	Lowland Wet 1, Montane Wet 2
Yellow-faced bee (<i>Hylaeus anthracinus</i>)	Endangered	Lowland Wet 1, Montane Wet 1, Montane Wet 2
Yellow-faced bee (<i>Hylaeus assimulans</i>)	Endangered	Lowland Wet 1, Montane Wet 1, Montane Wet 2
Yellow-faced bee (<i>Hylaeus longiceps</i>)	Endangered	Lowland Wet 1, Montane Wet 1, Montane Wet 2
<u>Plants</u>	<u>Status</u>	<u>Critical Habitat Unit</u>
<i>Bidens campylotheca</i> ssp. <i>pentamera</i>	Endangered	Montane Wet 2
<i>Bidens campylotheca</i> ssp. <i>waihoensis</i>	Endangered	Lowland Wet 1
<i>Clermontia samuelii</i>	Endangered	Lowland Wet 1, Montane Wet 2
<i>Cyanea asplenifolia</i>	Endangered	Lowland Wet 1
<i>Cyanea copelandii</i> ssp. <i>haleakalaensis</i>	Endangered	Lowland Wet 1, Montane Wet 2
<i>Cyanea divalliorum</i>	Endangered	Lowland Wet 1, Montane Wet 1, Montane Wet 2
<i>Cyanea hamatiflora</i> ssp. <i>hamatiflora</i>	Endangered	Lowland Wet 1, Montane Wet 2
<i>Cyanea horrida</i>	Endangered	Montane Wet 2, Montane Wet 2
<i>Cyanea kunthiana</i>	Endangered	Lowland Wet 1, Montane Wet 2
<i>Cyanea maritae</i>	Endangered	Lowland Wet 1, Montane Wet 1
<i>Cyanea nicedowneyi</i>	Endangered	Lowland Wet 1, Montane Wet 1, Montane Wet 2
<i>Cyperus pennatiflorus</i>	Endangered	Montane Wet 2
<i>Geranium hawaiiense</i>	Endangered	Coastal 4
<i>Geranium multiflorum</i>	Endangered	Montane Wet 2
<i>Huperzia maunii</i>	Endangered	Montane Wet 2
<i>Ischaemum byrone</i>	Endangered	Lowland Wet 1, Montane Wet 1
<i>Melicope balloui</i>	Endangered	Lowland Wet 1, Montane Wet 1
<i>Melicope ovalis</i>	Endangered	Lowland Wet 1
<i>Peucedanum sandwicense</i>	Threatened	Coastal 1
<i>Phyllostegia pilosa</i>	Endangered	Montane Wet 1
<i>Wikstroemia villosa</i>	Endangered	Montane Wet 2

period that is currently being requested, which will allow more regular assessment of evolving societal demands and ecological impacts. Once again, the Service recommends that multiple lease length alternatives be analyzed in this regard.

Amount of Water to be Diverted – The EIS should examine in detail the current level of water diversion in the EMI system, the environmental impacts of diversion, and the subsequent uses of the diverted water, including the following:

1) The degree of loss that is sustained through seepage along the system as a whole or in its various components. The EIS should identify those individual ditches or structures with the highest seepage rates, and whether these can be repaired, bypassed, or retired from service in order to render the diversion more efficient, and reserve the maximum amount of water for aquatic ecosystems and their associated native species.

2) The environmental impacts of alternative diversion volumes, including the current volume of 25 mgd as stated in the recent A&B contested case opening brief, a higher volume of 50 mgd that is double the current rate, the 80 mgd currently mandated by the BLNR, and the 100 mgd proposed by A&B. The impacts assessed should include the degree to which the diversion structures may represent barriers to upstream or downstream faunal passage of native Hawaiian fishes and other migratory stream biota.

3) The actual uses to which the diverted water is being put, and the reasonably foreseeable changes in such demand over varying time spans, as discussed above in regard to diversified agriculture. The Service maintains that proposed amounts of stream diversion should not be predicated on speculative future use at the expense of current ecosystem services and integrity, but should instead be fully justified based on robust data and economic models. If future demand justifies additional off-stream diversion, the current law allows A&B to petition CWRM for further allocations of water at any point in the future. By contrast, the Service does not support locking in excessive off-stream allocations for prolonged periods of time in advance of proven demand. The Service notes that natural resources are defined as a public trust under Article 11, Section 1 of the State of Hawaii Constitution, and that the State Water Code (HRS 174C) specifically mandates that public trust uses such as minimum instream flows for ecological integrity and traditional cultural practices must be fully addressed before off-stream allocations can be granted. The Service also notes that under HRS 174C, agricultural diversions are not considered a public trust use. As stated by the Hawaii State Supreme Court in its *Waiahole Ditch* decision of August 22, 2000: “Although its purpose has evolved over time, the public trust has never been understood to safeguard rights of exclusive use for private commercial gain.”

4) The degree to which water from other sources available to A&B, specifically pumped wells, can be substituted for water diverted from streams, thus significantly reducing impacts to stream ecosystems. With its currently installed well capacity of 145 mgd, it appears that all current and future uses projected by A&B could be served by these sources, and the use of well water should thus be considered as an alternative.

Lease Areas Subject to Diversion – The EIS should evaluate whether diversions from particular water lease areas will have higher environmental impacts than diversions from others:

1) As noted previously, on the whole the Keanae and Nahiku lease areas support a greater extent of native forest and streams with higher levels of native biodiversity than do the Huelo and Honomanu license areas. Therefore, the EIS should examine alternatives that involve curtailing diversion from either one or two of these lease areas.

2) The EIS should evaluate the comparative environmental impacts and benefits of fully restoring flow to some stream systems while completely diverting others, versus restoring some level of base flow to all streams impacted by the EMI system.

Impacts to Federally Listed Species and their Recovery – The EIS should evaluate in detail the potential direct and indirect impacts to federally listed species of plants, birds, bats and insects occurring in the four water license areas on windward East Maui, including:

1) The direct effects of stream flow reduction or restoration on native *Megalagrion* damselflies, and whether the proposed diversions will impede the recovery of these species.

2) The indirect effects of stream flow reduction or restoration on native forest birds, and whether additional diversion rates above those currently prevailing will result in additional risk to these populations.

3) The degree to which current and future maintenance activities necessary to keep the EMI system functional will impact ESA-listed plants, birds or bats.

Summary

In summary, the Service recommends that the EIS consider the following alternatives:

1) Alternative leasing periods shorter than that currently proposed, including 5, 15 and 30 years.

2) Alternative diversion volumes less than that currently proposed, including 25, 50, 80 and 100 mgd.

3) Alternative use of pumped well water in place of diverted stream water.

4) Alternative geographical diversion scenarios in regard to particular water lease areas, including termination of diversions from the Nahiku and/or Keanae water lease areas.

The Service also recommends that the EIS make specific reference to how the proposed diversions may affect federally listed plant, bird, bat and insect species occurring in the four water lease areas under consideration.

The Service also notes that if there is a federal action agency funding, permitting, or assisting in the implementation of this project, we recommend in addition to compliance under HRS 343, that the agency consult with the Service to address potential project impacts to listed species pursuant to section 7(a)(2) of the Endangered Species Act. If there is no federal action agency associated with the project, but impacts to listed species cannot be fully avoided, the project should coordinate with the Service directly pursuant to section 10 (a)(1)(B) of the Endangered Species Act.

The Service appreciates the opportunity to comment on this EIS Preparation Notice. If you have any questions regarding this letter, please contact Fish and Wildlife Biologist Dan Polhemus by telephone at (808) 792-9415 or by electronic mail at dan_polhemus@fws.gov, or alternately Fish and Wildlife Biologist Michelle Bogardus by telephone at (808) 792-9473 or by electronic mail at michelle_bogardus@fws.gov.

Sincerely,



Mary M. Abrams, Ph.D.
Field Supervisor

MMA

cc:
NMFS
EPA
DAR

References:

Bassiouni, M. and Oki, D. S. 2013. Trends and shifts in streamflow in Hawaii, 1913-2008. Hydrological Processes 27: 1484-1500.

Chu, P. S. and H. Chen. 2005. Interannual and interdecadal rainfall variations in the Hawaiian Islands. Journal of Climate 18: 4796-4813.

Hamilton, K. 2013. High resolution dynamical projections of climate change for Hawaii and other Pacific Islands. University of Hawaii, Honolulu, HI. Available from: <https://www.sciencebase.gov/catalog/file.m?54b82e9ce4b03ff52703e95c>

State of Hawaii Commission on Water Resource Management. 2016. Case No. CCH-MA 13-01. Hawaiian Commercial and Sugar Company's opening brief regarding re-opened evidentiary hearing; certificate of service. 18 pp.

Wilcox, C. 1996. Sugar Water. Hawaii's Plantation Ditches. University of Hawaii Press, Honolulu. xii + 191 pp.



10238-02
September 23, 2019

Mary M. Abrams, Ph.D.
Field Supervisor, U.S Department of the Interior Fish and Wildlife Service
300 Ala Moana Boulevard, Room 3-122
Honolulu, HI 96850

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Dr. Abrams:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. The Fish and Wildlife Service provided early consultation comments by letter dated December 21, 2016, which was prior to the publication of the EISPN on February 8, 2017. Your agency did not provide written comments on the EISPN. We acknowledge your comments and concerns, which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments and this response has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. Chapter 4 of the Draft EIS and the Agricultural and Related Economic Impacts study (Appendix I), and the Economic and Fiscal Impact Study (Appendix H), describe historical baselines in terms of a period of typical sugar operations (between 1987 and 2006), and more recent sugar operations (between 2008 and 2013). During these periods, average surface water deliveries to the Central Maui agricultural fields were approximately 156 mgd and 114 mgd, respectively.

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3. As described in the Draft EIS, after taking into account the requirements of the Interim Instream Flow Standards under the Commission on Water Resource Management's Decision and Order dated June 20, 2018 (CWRM D&O), it is estimated that the amount of water that can be diverted from the License Area is approximately 87.95 mgd, with potentially an additional 4.37 mgd available for diversion from lands outside of the Lease Area.
4. This significant reduction in surface water diversions means there will be less groundwater that can be pumped from the groundwater wells in the Central Maui fields. Contrary to your statement that the existing groundwater wells in the Central Maui fields can supply up to 144 mgd, the average groundwater pumping during the period between 1987 and 2006 was 42.5 mgd, and between 2008 and 2013 was 69.90 mgd.
5. The diversified agriculture plan proposed by Mahi Pono includes crops that are far less tolerant to brackish water than sugarcane. Taking into account the reduction in the amount of surface water diversions, the diversified agricultural plan described in the Draft EIS anticipates being able to pump only approximately 16 mgd of brackish groundwater to supplement the surface water supply provided through the EMI Aqueduct System. A discussion of sustainable yield and groundwater resources is provided in Section 4.2.2 of the Draft EIS. The use of East Maui surface water to irrigate the Central Maui fields has long supplemented the underlying aquifers, and drilling additional groundwater wells does not appear to be a feasible or environmentally sound option.
6. A discussion of the three native damselflies (Megalagrion xanthomelas, Megalagrion pacificum, and Megalagrion nesiotis) and the mosquito (Culex quinquefasciatus) can be found in Sections 4.4 and 4.2.1 of the Draft EIS and in the technical studies appended the Draft EIS. Specifically, the Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A) and the Terrestrial and Flora and Fauna Report (See Appendix C). The Terrestrial and Flora and Fauna Report also provides information on listed species and applicable areas of critical habitat (See Appendix B).
7. The Draft EIS includes in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including alternative lease duration and diversion volume. It is believed that a shorter Water Lease term would derail development of the farm plan and the conversion of the Central Maui lands to diversified agriculture because of the risk of not being able to farm for a long enough period to recover the required planned investment. Conversely, the longer the term of the Water Lease, the greater the beneficial agricultural and economic impacts because of the certainty that comes from a long-term lease, which could encourage greater investment in long-term improvements. See Draft EIS Appendix I (Agricultural and Related Economic Impacts) and Draft EIS Chapter 3.

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8. The Draft EIS provides an analysis of permitting diversions in an amount up to what is permitted under the CWRM D&O as well as lesser amounts. See Draft EIS Appendix H (Economic and Fiscal Impact Study), Appendix I (Agricultural and Related Economic Impacts), and Draft EIS Chapter 3. The farm plan for the Central Maui fields was formulated to be in compliance with the CWRM D&O. For each 1 mgd reduction in the amount of surface water permitted under the CWRM D&O, there would be a reduction of some 173 acres of land in crops in Central Maui and 24.51 acres of crops in Upcountry Maui.
9. Some key between the Proposed Action and the no Water Lease alternative (i.e., an alternative whereby water would be diverted only from private lands) would be as follows:
 - About 11,570 acres more green open space in the form of farms and irrigated pastures (20,650 acres vs 9,080 acres).
 - About three times as much food production, including greater food self-sufficiency and more exports.
 - About \$206 million per year more in direct and indirect sales (\$329.5 million vs \$123.5 million).
 - About 750 more direct and indirect jobs (1,140 jobs vs 390 jobs).
 - About \$29.7 million per year more in total payroll (\$45.3 million vs \$15.6 million).
 - About \$2.9 million per year more in State and County tax revenues (\$4.6 million vs \$1.7 million).

It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

DAVID Y. ICE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 3, 2017

Wilson Okamoto Corporation
Attention: Mr. Earl Matsukawa, AICP
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

via email: ematsukawa@wilsonokamoto.com

Dear Mr. Matsukawa:

SUBJECT: Early Consultation for the an Environmental Impact Statement Preparation Notice for Proposed Lease for the Nahiku, Keanae, Honomanu and Huelo License Areas

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

At this time, enclosed are comments from the (a) Engineering Division, (b) Division of Forestry and Wildlife, (c) Land Division Administration, (d) Maui Island Advisory Council – Na Ala Hele, Trails & Access Program, (e) Land Division – Maui District, and (f) Commission on Water Resource Management on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,



Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files



16 DEC 01 PM 10:47 ENGINEERING
STATE OF HAWAII
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF LAND AND NATURAL RESOURCES
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809
November 29, 2016

MEMORANDUM

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

From:

FROM: To: Russell Y. Tsuji, Land Administrator
SUBJECT: Early Consultation for the an Environmental Impact Statement Preparation

LOCATION: East, Central and Up-County Maui, Island of Maui; TMK: (2) various
APPLICANT: Alexander and Baldwin, Inc. and East Maui Irrigation Company, Limited

Transmitted for your review and comment is information on the above-referenced proposed lease. We would appreciate your comments on this proposed lease. Please submit any comments by **December 23, 2016**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: [Signature]
Print Name: Carty S. Chang, Chief Engineer
Date: 12/5/16

cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji
Ref: Early Consultation for an Environmental Impact Statement Preparation
Notice for Proposed Lease for the Nahiku, Keanae, Honomannu and Huelo License Areas

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a designated Flood Hazard.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaii.nfip.org/FHAT>).

Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be more restrictive. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- o Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- o Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- o Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- o Kauai: County of Kauai, Department of Public Works (808) 241-4846.

Signed: [Signature]
Date: 12/5/16
CARTY S. CHANG, CHIEF ENGINEER



10238-02
Letter to Mr. Carty S. Chang, Chief Engineer
Page 2
September 23, 2019

10238-02
September 23, 2019

Mr. Carty S. Chang
Chief Engineer, Engineering Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Mr. Chang:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. You provided early consultation comments by letter dated December 5, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISPN) on February 8, 2017. The Engineering Division did not provide written comments on the EISPN. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. Sections 3.4.7 and 4.3.3 of the Draft EIS assess the flood hazard impacts associated with the Proposed Action.
2. Chapter 4 of the Draft EIS includes an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full or partial restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix A); Terrestrial and Flora and Fauna Report (See Appendix B); Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix C), Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment

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(See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

STEPHENS B. CASE
CHAIRPERSON
COMMISSION ON WATER RESOURCES MANAGEMENT
KEONA KALUHWA
FIRST DEPUTY
JEFFREY T. PARSONS P.E.
DEPUTY DIRECTOR, WATER
RESOURCES
BUREAU OF CONSERVATION
CONSULTING ENGINEER
CONSULTING ENGINEER
CONSULTING ENGINEER
HONOLULU, HAWAII
KAROLAWA I. AND RESERVE CHAIRPERSON
STATE PARKS

RECEIVED
LAND DIVISION
2016 DEC 20 AM 10:38
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

December 19, 2016

TO: RUSSELL TSUJI
LAND ADMINISTRATOR

FROM: DAVID G. SMITH
FORESTRY AND WILDLIFE ADMINISTRATOR *DGS*

SUBJECT: EARLY CONSULTATION FOR EIS PREPARATION NOTICE FOR
PROPOSED LEASE FOR THE NAHIKU, KEANAE, HONOMANU, AND
HUELO LICENSE AREAS

Thank you for the opportunity to comment on the proposed lease for the Nāhiku, Keʻānāe, Honomanū, and Huelo License Areas by Alexander and Baldwin, Inc. and East Maui Irrigation Company, Limited (A&B). The associated application filed for the sale of lease of state lands for the purpose of delivering water from those lands to users includes the state lands managed/designated to the Division of Forestry and Wildlife comprising the Koʻolau Forest Reserve, established by governor's proclamations of 1905 and 1907, and the Hanawi Natural Area Reserve, established by executive order 3351 (1986) (hereinafter, the Reserves). Those Reserves are managed by the Division for purposes consistent with their establishment under state law, including protection of watersheds, natural resources, and public access. Further, the Reserves are public trust lands subject to constitutional and statutory provisions for public use, including hunting, gathering, recreational, subsistence and cultural use.

The Division is concerned that the proposed lease of the Reserves includes public lands well in excess of what is necessary to ensure the effective delivery of the water, and that the requested lease would unnecessarily encumber the Reserves, potentially impacting the purpose and public use of those areas. Thus the Division recommends that the areas to be conveyed for a water license be done so through a land agreement that is limited to the infrastructure required for maintenance and conveyance of water, and that the terms of any agreement established for the delivery of water ensure unrestricted public access to the reserves and any state owned roads and trails.

The Division appreciates the long-standing and productive relationship we have had with A&B and the adjacent landowners of East Maui for the responsible stewardship of watershed lands and natural resources of this region. This partnership has facilitated effective management and ensured that the natural resources of the East Maui watersheds are protected for the benefit of

Russell Tsuji, early consultation comments
Page 2

future generations. We look forward to productive discussions with A&B regarding this request and determining the appropriate land disposition for the proposed water conveyance. Please contact Scott Fretz, Maui Branch Manager, at (808) 984-8100 or by email at Scott.Fretz@hawaii.gov if you have any questions or would like to follow-up on our comments. Mahalo

cc: Kevin Moore, Scott Fretz, Irene Sprecher



10238-02
Letter to David G. Smith
Page 2
September 23, 2019

10238-02
September 23, 2019

Mr. David G. Smith
Forestry and Wildlife Administrator
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Mr. Smith:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. On behalf of the Division of Forestry and Wildlife (DOFAW), you provided early consultation comments by letter dated December 19, 2016 and January 20, 2017, which was prior to the publication of the EISPN on February 8, 2017. DOFAW did not provide written comments on the EISPN. We acknowledge your comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments and this response has been appended to the Draft EIS in Appendix J.

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.

2. Your comment was taken into consideration in the formulation of the analysis of alternatives to the Proposed Action. You expressed concerns that the land area proposed for the Water Lease, consisting of some 33,000 acres of State land, and which land includes the Hanawi Natural Area Reserve and the Ko'olau Forest Reserve, is in excess of the amount of land needed to ensure effective delivery of the water through the EMI Aqueduct System. You recommended that any land agreement with the State be limited to the infrastructure required for the maintenance and

conveyance of the water through the EMI Aqueduct System. You also recommended that there be unrestricted public access to the two Reserves and any State-owned roads and trails. The Proposed Action as described in the Draft EIS is consistent with the May 14, 2001 request for a Water Lease covering some 33,012 acres of land.

On May 14, 2001, A&B and EMI submitted a request that the BLNR offer a long-term lease at public auction for the right, privilege and authority to enter and go upon State-owned lands at Ko'olau Forest Reserve and Hanawi Natural Area Reserve, for the purposes of developing, diverting, transporting and using government-owned waters. The total lease area as described in that submittal was 33,012.91 acres (Lease Area), but was noted as being subject to review and confirmation by the Department of Accounting and General Services, Survey Division. The submittal noted, among other things, that the lessee would be required to maintain roads, trails, and the EMI Aqueduct System, and that public hunting would be allowed, subject to reasonable restrictions to be documented in the lease.

Shortly after A&B submitted the request, the Coalition to Protect East Maui Water, Maui Tomorrow Foundation, and Nā Moku Aupuni O Ko'olau Hui requested a contested case hearing on the proposed Water Lease. Pending the outcome of the contested case, which is still unresolved, the BLNR deferred action on the A&B request and granted holdover revocable permits to A&B. Since that time, the BLNR has authorized holdover and/or annual revocable permits for this land and the use of water, with the latest being approved on November 9, 2018. The revocable permits cover the proposed Lease Area of some 33,012.91 acres, and the rental amount due to the State under the November 2018 revocable permit approval is \$19,247.02 per month (\$230,964.24 annually).

3. Although A&B holds revocable permits over the proposed Lease Area, as described in Section 4.8 of the Draft EIS, hiking and hunting are permitted uses within the proposed Lease Area. Hiking access is limited to hiking clubs, and access to the Lease Area for hiking is acquired through a hiking waiver from EMI. The public hunting units within the Ko'olau Forest Reserve are within the portions of proposed Lease Area. As you know, the Division of Forestry and Wildlife administers these hunting areas. In order to hunt within those portions of the proposed Lease Area, hunters must obtain a license from the DLNR and a hunting waiver from EMI. Access to the hunting areas is managed by EMI through eight existing EMI access roads.

4. You indicated that there should be unrestricted public access within the proposed Lease Area and to any roads or trails owned by the State within the Lease Area. Although this approach differs from the Proposed Action as described in the Draft EIS, the alternative of reducing the land area under the proposed Water Lease to a smaller area reasonably necessary to operate the EMI Aqueduct System with appropriate buffers to ensure public safety and the security of the system, while not reducing access to the water under the Water Lease, has been considered in the Draft EIS. See Chapter 3. Access that includes sufficient buffers to prevent members of the public

from accessing the system could be consistent with the objectives of the Proposed Action. (objectives of the Proposed Action are discussed in Section 1.2 of the Draft EIS), as long as access to and the safety of the water source and the system is not affected and the water volume remains the same as under the Proposed Action.

5. As discussed in Chapter 3 of the Draft EIS, under this "Modified Lease Area" scenario it is assumed that access to the State lands would be managed solely by the State. Similarly, the roads and trails outside of the modified/reduced Lease Area would be managed and maintained by the State. Potential environmental impacts of this Modified Lease Area alternative was assessed in the Terrestrial Flora and Fauna Technical Report for the Proposed East Maui Water Lease (Appendix C) and the Archaeological Literature Review and Field Inspection (Appendix E), and the analysis determined that increased or unfettered public access into the Lease Area could result in the introduction and spreading of invasive species and damage to historic resources.
6. Chapter 5 of the Draft EIS addresses relationship of the Proposed Action to applicable land use plans and policies. Relevant provisions of Hawaii Revised Statutes Chapters 183 and 195 and related administrative rules are included in Chapter 5.
7. Chapter 4 of the Draft EIS includes an assessment of the existing environment and impacts of the Proposed Action, including native ecosystems, resource management, endangered species, drainage and soil management, cultural resources, public access, and climate change.
8. Various technical studies are appended the Draft EIS and provide detailed examinations or resources and potential impacts, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE B. CASE
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCES MANAGEMENT
KEROLA KALUHIWA
FIRST DEPUTY
PERMIT COLLECTION, WATER
ADVISORY SERVICES
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCES MANAGEMENT
COORDINATION AND RESOURCE PROMOTION
PROPERTY AND CULTURE
KAWAUNAOI RESERVE COMMISSION
STATE PARKS

December 16, 2016

MEMORANDUM

TO: Russell Y. Tsuji, Administrator

THROUGH: Kevin E. Moore, Assistant Administrator

FROM: Richard T. Howard, Land Agent

SUBJECT: Proposed Water Lease for the Nahiku, Ke'anae, Honomanu and Huelo License Areas — Environmental Impact Statement Preparation Notice

I have reviewed the subject Environmental Impact Statement Preparation Notice (EISP/N), which presents the goal and objective of Alexander & Baldwin's Proposed Action, i.e. a 30-year water lease for the continued right, privilege, and authority to enter and go upon State lands for the purpose of developing, diverting, transporting, and using government owned waters through the EMI Aqueduct System.

The EMI Aqueduct System, consisting of 388 separate inlakes, 24 miles of ditches and 50 miles of tunnels, as well as numerous small dams, inlakes pipes and flumes, crosses both State lands and those owned by East Maui Irrigation Company. The State lands are situated in four license areas, Nahiku, Keanae, Honomanu and Huelo, as shown on Table 1.

Russell Y. Tsuji, Administrator
December 16, 2016
Page 2

Table 1

License Area	TMK	Acres	Encumbrances
Nahiku	(2) 1-2-004:005	3,087.070	EO3351, Governor's Proclamation of 5/2/38
	(2) 1-2-004:007Por	4,745.000	EO3351, Governor's Proclamation of 5/2/38
Keanae	(2) 1-1-002:002	13,007.147	Governor's Proclamation of 5/2/38
Honomanu	(2) 1-1-001:044	3,381.000	Governor's Proclamation of 5/2/38, EO3868
Huelo	(2) 1-1-001:050	2,121.850	Unencumbered
	(2) 2-9-014:001	6,585.140	Unencumbered
	(2) 2-9-014:005	24.000	Unencumbered
	(2) 2-9-014:012	1.600	Unencumbered
	(2) 2-9-014:011	3.500	GL S-4596
	(2) 2-9-014:017	16.600	Unencumbered
		32,972.907	

A. Brief description of encumbrances follows:

- EO3351: The set aside of 7,500 acres for the NARS. Fortunately, the irrigation ditch does not pass through the NARS (see attached maps), so no approvals from the NARS Commission will be necessary.
- Governor's Proclamation of 5/2/38: Modifies the boundaries and changes the area of the Ko'olau Forest Reserve. A submittal to withdraw 1,341 acres from the forest reserve and set aside to the DOT, Highways Division for highway improvements was approved by the Board of Land and Natural Resources on November 19, 2004, item D-34. The DOT was to provide the survey maps and description according to State DAGS standards. According to the project status form entry of 6/16/11, Debra followed up with Cynthia Okinaka regarding the status of the maps and descriptions, which were outstanding.
- EO3868: The set aside of .631 acres to the DOT, Highways Division for highway improvement purposes.
- GL S-4593: Grant of term easement to Gregory and Masako Westcott for ingress and egress purposes including the right to construct, reconstruct, use maintain and repair the roadway from 10/1/78 through 9/30/43.

Section 3.10.4 Parks and Recreation Facilities of the EISP/N addresses the potential impacts the Proposed Action will have on public access to the license areas for hunting and hiking. It states:

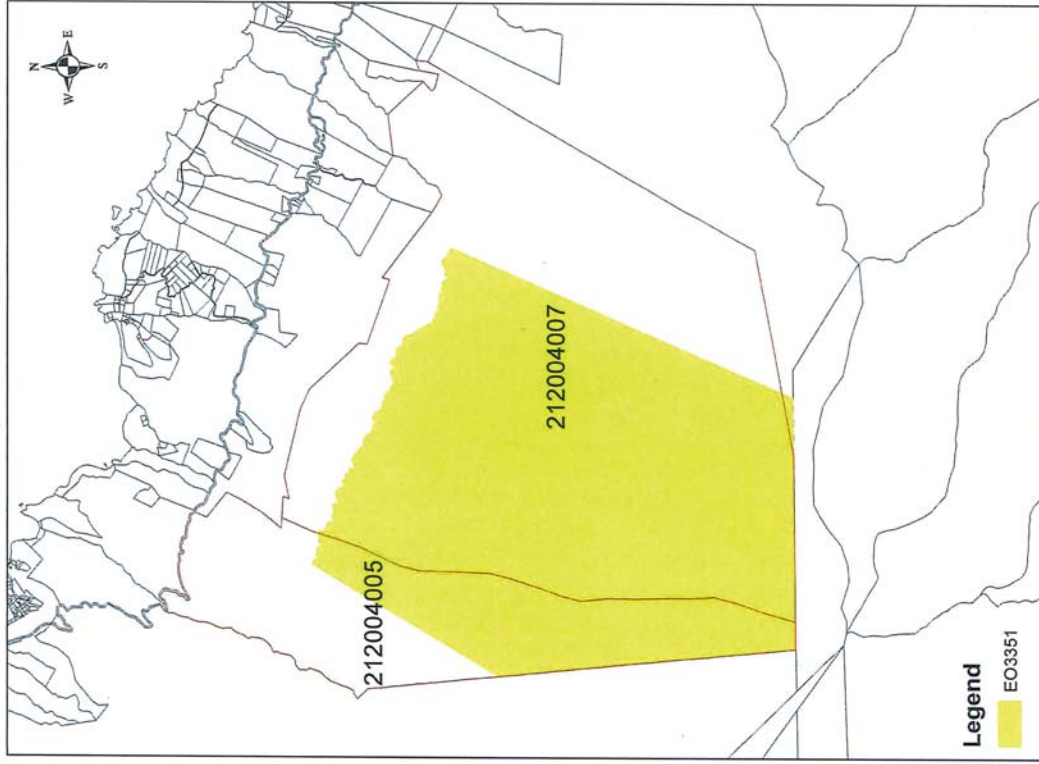
"Designated as a "Hunting Unit" by the Department of Land and Natural Resources, Division of Forestry and Wildlife, hunters with a license and an EMI permit/waiver are permitted to hunt within the Ko'olau Forest Reserve on a year-round basis. Access to hunting grounds is by 4-wheel drive vehicles over existing access roads within the License Area and is regulated by a hunting club."

With respect to hiking it says:

"Hiking on existing access roads is also permitted within the License Area, and is limited to hiking club activities to ensure the safety of individuals as well as to prevent vandalism to the existing ditch and tunnel system."

The EISPN does not anticipate any impacts on the parks and recreational facilities "as hurting and hiking access to the License area will be maintained under the issuance of a State Water Lease."

Alexander & Baldwin's preferred alternative for the Water Lease is to encumber approximately 32,972 acres of State land together with the right to divert, transport and use State owned water. A water lease and term easement for the EMI Aqueduct System is the more appropriate disposition. Pursuant to Section 171-11, a water lease and easement over the parcels located in the forest reserve will require the concurrence of the Division of Forestry and Wildlife and the Governor, in addition to Land Board approval. Finally, survey maps and descriptions of the ditch system, access roads and related facilities would be needed in order to process an easement for the system.





10238-02
September 23, 2019

Richard T. Howard
Land Agent, Department of Land and Natural Resources
Post Office Box 621
Honolulu, Hawaii 96809

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

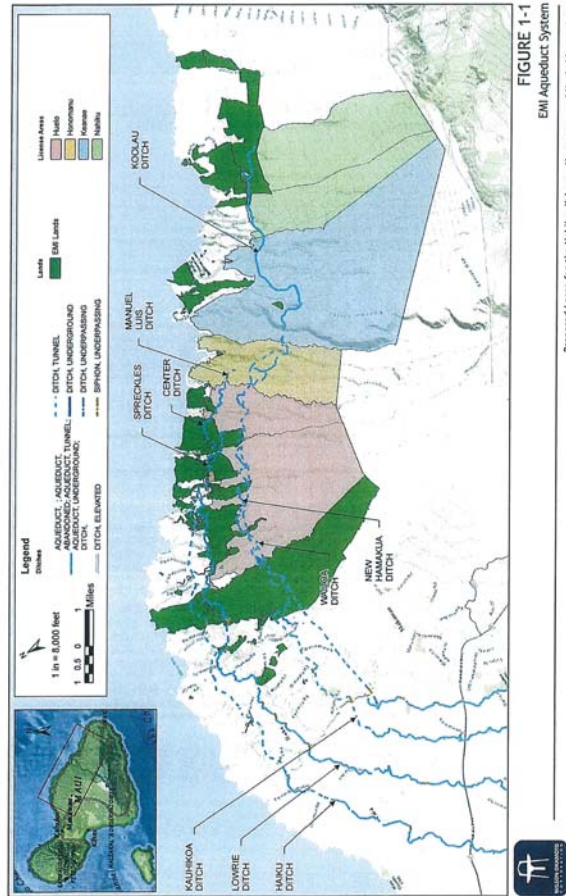
Dear Mr. Howard:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. Your office provided early consultation comments by letter dated December 16, 2016, which was prior to the publication of the EISPN on February 8, 2017. Your office did not provide written comments on the EISPN. We acknowledge your comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your early consultation comments has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. We acknowledge that the License Area includes lands set aside for the Hanawi Natural Area Reserve as well as lands within the Ko'olau Forest Reserve.
3. A description of hiking and hunting opportunities within the License Area is provided in Section 4.8 of the Draft EIS, which discusses recreational uses and park facilities located within the areas affected by the Proposed Action. The Proposed Action does not involve the curtailment of any existing hunting or hiking options within the License Area.

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10238-02
Letter to Richard T. Howard, Land Agent
Page 2
September 23, 2019

4. We acknowledge that survey maps would be needed in order to process an easement for the EMI Aqueduct System. However, an easement authorizing the EMI Aqueduct System was already granted in 1938 between the Territory of Hawai'i and A&B.
5. Section 1.3.1 of the Draft EIS describes the EMI Aqueduct System. Maps of the EMI Aqueduct System are included in Chapter 2 of the Draft EIS.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



Na Ala Hele, Trails & Access Program
Maui Island Advisory Council

December 21, 2016

Ms. Suzanne Case
State of Hawaii Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

Re: Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice Proposed Lease for the Nahiku, Keanae, Honomanu and Huelo License Areas East, Central, and Upcountry Maui, Hawaii

Dear Ms. Case:

The Na Ala Hele, Trail and Access Program's vision, goals and objectives has as its vision statement the following:

"To develop, via the Na Ala Hele program, a trail and access network and management system which:

- 1. Provides a broad range of recreational, cultural, religious, and subsistence opportunities for all of Hawaii's people and*
- 2. Helps to conserve Hawaii's cultural heritage and environment."*

In light of this vision, the Maui Island Na Ala Hele Advisory Council has the following concerns regarding the proposed lease:

1. We don't see the necessity to lease the entire Koolau Forest Reserve and Hanawi Natural Area parcels if only portions are needed for water transmission. We are deeply concerned about restriction of public access. We do recommend the license be for only delivery systems and infrastructure, including intakes, ditches, tunnels, dams, pipes and flumes. We would like to see shared use of all roads for multi-use purposes including, equestrian, hiking, biking, hunting and OHV use as appropriate.
2. We feel a 30-year lease is an inappropriate duration of time. A shorter timeframe is preferable.
3. As A&B has been leasing this land since 1886, we would like to see included in the Cultural Impact Assessment historic research and inventory on all the roads, trails and features because all such trails and roads are public access under the Highways Act of 1892.
4. We would strongly encourage the roads that go through EMI lands also be set aside as an easement for public use.

RECEIVED
LAND DIVISION

2016 DEC 21 PM 12:42

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII



10238-02
September 23, 2019

Russell Reinertson
Chair, Maui Island Advisory Council
Maui Na Ala Hele, Trails & Access Program
1955 Main Street #301
Wailuku, Maui 96793

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'ānae, Honomani
and Huelo License Areas

Dear Mr. Reinertson:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'ānae, Honomani, and Huelo License Areas and providing early consultation comments dated December 21, 2016, which was prior to the publication of the EISP on February 8, 2017 (Maui Na Ala Hele did not provide written comments on the EISP). We acknowledge those comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A copy of your letter has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'ānae, Honomani, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui. These fields are now owned by Mahi Pono. Mahi Pono's farm plan includes cultivating the fields for diversified agriculture, substantially increasing the amount of local food production.
2. The Proposed Action contemplates a lease of 30 years. A shorter Water Lease term was considered as an alternative. However, it is believed that a shorter Water Lease term would derail development of the farm plan and the conversion of the Central Maui lands to diversified agriculture because of the risk of not being able to farm for a long enough period to recover the required planned investment. Conversely, the longer the term of the Water Lease, the greater the beneficial agricultural and economic impacts because of the certainty that comes from a long-term lease, which could encourage greater investment in long-term improvements. See Draft EIS Appendix I (Agricultural and Related Economic Impacts) and Draft EIS Chapter 3.

5. What is proposed in the lease is not consistent with the statutory purpose of the forest reserve system and the protection of natural resources including aquatic stream life and riparian ecosystems.

6. Streams in Hawaii have traditionally been used as linear open spaces for connecting recreational, educational, cultural and natural areas and therefore fit the definition of a greenway. Our concern is that these pathways are accessible to the public for the above uses and subsistence opportunities.

Sincerely,
Russell Reinertson
Russell Reinertson, Chair
Maui Island Advisory Council

Cc: Scott Fretz
David Smith
Jeffery Pearson
Meredith Ching
Garret Hew
Earl Matsukawa
Department of Land and Natural Resources
Commission on Water Resources Management
Alexander & Baldwin
East Maui Irrigation Company
Wilson Okamoto Corporation

DAVID Y. ICE
GOVERNOR OF HAWAII



SUZANNE E. CASE
CHAIR
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 29, 2016

MEMORANDUM

TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Maui District
- Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Early Consultation for the Environmental Impact Statement Preparation Notice for Proposed Lease for the Nahiku, Keanae, Honomahu and Huelo License Areas

LOCATION:

East, Central and Up-County Maui, Island of Maui; TMK: (2) various

APPLICANT:

Alexander and Baldwin, Inc. and East Maui Irrigation Company, Limited

Transmitted for your review and comment is information on the above-referenced proposed lease. We would appreciate your comments on this proposed lease. Please submit any comments by **December 23, 2016**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:

Print Name:

Daniel Ornelas

Date:

12/23/16

cc: Central Files

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277

3. The Draft EIS includes in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action. On such alternative assessed is a reduction to the geographic extent of the proposed Lease Area to an area reasonably necessary to operate the EMI Aqueduct System with appropriate buffers to ensure public safety and the security of the system. Fully unrestricted public access is seen as a safety risk to the public and to the integrity of the EMI Aqueduct system. However, access that includes sufficient buffers to prevent members of the public from accessing the system could be consistent with the objectives of the Proposed Action. Objectives of the Proposed Action are discussed in Section 1.2 of the Draft EIS). Potential environmental impacts of this Modified Lease Area alternative was assessed in the Terrestrial Flora and Fauna Technical Report for the Proposed East Maui Water Lease (Appendix C) and the Archaeological Literature Review and Field Inspection (Appendix E). Sections 3.4.14 and 4.8 of the Draft EIS discuss recreational resources, as well as access to such resources within the proposed Lease Area.

4. Cultural Surveys Hawai'i, Inc. prepared an archaeological report as well as a cultural impact assessment, which are summarized in Sections 4.5 and 4.6 of the Draft EIS, respectively. These reports are also appended in the Draft EIS (Appendices E and F, respectively).

5. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, terrestrial flora and fauna, and invasive mosquitoes. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix B and Appendix C). Impacts to natural resources are discussed throughout Chapter 4.

Your letter and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

Ornelas 12/23/16 342p



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

54 High Street, Room 01
Honolulu, Hawaii 96793
PHONE: (808) 984-8103
FAX: (808) 984-8111

December 23, 2016

RP S-7368, RP S-7263
RP S-7264, RP S-7265
RP S-7266

Memorandum

To: Russell Tsuiji, Land Administrator
From: Daniel Ormelias, Maui District Land Agent
Subject: Early Consultation, Environmental Impact Statement Preparation Notice (EISP/N), Proposed Lease of Government Lands of East Maui, 33,000 acres (more or less); Nahiku, Keanae, Hoomanu, Huelo, Maui; TMK (2) 1-2-004:005 & 007, (2) 1-1-002:002, (2) 1-1-001:044 & 050, and (2) 2-9-014:001

This memo serves to document comments from the Maui District Land Office (MDLO) in response to review of the subject draft report received by memo dated November 29, 2016. Please be advised that comments are limited to current priority projects and does not reflect the broad range of responsibilities MDLO administrators in regards to the disposition and management of government lands.

Recently, MDLO has been involved in the formulation of a development plan for 285 acres of government lands at Pulehunui, central Maui, situate at TMK (2) 3-8-008:001 por. The development plan, which includes the proposed Kakanilua Business Park, is intended to guide the use and development of parcel 001 amongst multiple stakeholders in the best interest of the State.

Currently, parcel 001 is under Revocable Permit S-7368 to Alexander and Baldwin, Inc. A portion of these lands were recently included into the Maui County Urban Growth Boundary which opens the opportunity to expand the range of authorized land uses from solely agriculture uses to M-1 and M-2 commercial and industrial uses.

A key to expanded use and successful development of the Kakanilua Business Park is the acquisition of suitable water resources. It is noted that there is an existing ditch onsite at parcel 001 that is fed by surface waters originating out of government lands in east Maui being considered for long term water lease.

As a result, the department may request from the Board of Land and Natural Resources (Board), that as a condition of any water lease being issued for government lands in east Maui, a sufficient amount of water be reserved to service the proposed Kakanilua Business Park.

Furthermore, the Land Division needs to ensure that it advises the DLNR Engineering Division of the need for water resources as they update the State Water Projects Plan that is scheduled for public hearings to be held on Maui island in mid-January, 2017.

Finally, please be advised that, MDLO has received comments from both the Maui Division of Forestry & Wildlife and the Maui Division of Aquatic Resources. Pursuant to review of their written concerns, there is a need for the applicant to provide a more in-depth discussion of current management activities related to road and ditch system use and maintenance, ongoing access agreements with third parties, and reasons for the request to lease all 33,000+ acres as opposed to a disposition of a license / easement for just the ditch and related road system. In other words, what are ongoing uses, costs, benefits, processes and impacts involved with leasing over 33,000 acres of government lands in east Maui.

Mahalo for allowing this opportunity to consider this request. If you have any questions, please call me at the Maui District Land Office at (808) 984-8103.

Enc.

Cc: Maui Board Member, J. Gomes
Ian Hirokawa, Special Projects Coordinator
Lydia Morikawa, Development Specialist
Central/District Files



10238-02
September 23, 2019

Mr. Daniel Ornellas
Maui District Land Agent
Department of Land and Natural Resources
54 High Street, Room 101
Wailuku, Hawaii 96793

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Mr. Ornellas:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. Your office provided early consultation comments by letter dated December 23, 2016, which was prior to the publication of the EISP on February 8, 2017. Your office did not provide written comments on the EISP. We acknowledge your comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your early consultation comments and this response has been appended to the Draft EIS in Appendix J.

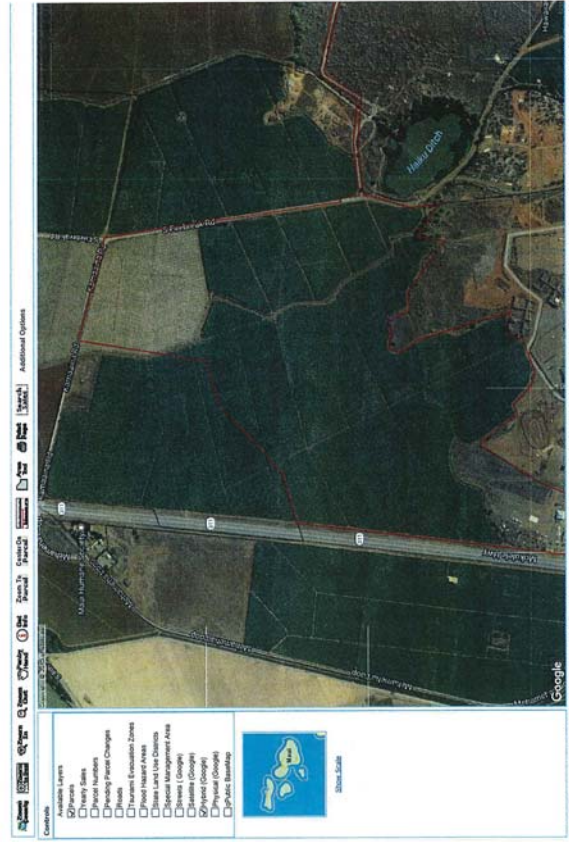
We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.

2. TMK No. (2) 3-8-008:001 (por.) is not within the License Area of the Proposed Action.

3. RP S-7368 has been terminated.

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http://qpublic9.qpublic.net/qpmmap4/map.php?county=hi_maui&layers=parcels+gststreets&mapmode

12/23/2016

10238-02
Letter to Mr. Daniel Ornellas
Page 2
September 23, 2019

4. We acknowledge your comment that the Department of Land and Natural Resources may request that the BLNR impose a condition on the Water Lease that the lessee provide water to the proposed Kakamilua Business Park. The diversified agriculture farm plan presented in the Draft EIS was formulated to utilize the amount of water expected to be available for diversion after compliance with the Commission on Water Resources Management's Interim Instream Flow Standards Decision and Order, which was issued in June 2018, and after providing an estimated 7.1 million gallons a day to the County of Maui Department of Water Supply for the Upcountry Maui and Nahiku communities.
 5. Regarding comments from the Maui Division of Forestry & Wildlife and the Maui Division of Aquatic Resources, Chapter 4 of the Draft EIS includes an assessment of the existing environment and impacts of the Proposed Action. Various technical studies are also appended the Draft EIS and provide detailed examinations, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix A); Terrestrial and Flora and Fauna Report (See Appendix B); Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).
 6. Chapter 3 of the Draft EIS includes an evaluation of the reasonable alternatives to the Proposed Action, including discussion of a Water Lease with a more limited geographical scope.
- It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

DAVID Y. KOR
Commissioner of Natural



RECEIVED
LAND DIVISION
2016 DEC 27 PM 2:01

DEPT. OF LAND &
NATURAL RESOURCES
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 601
HONOLULU, HAWAII 96809

November 29, 2016

MEMORANDUM

TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division - Maui District
- Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Early Consultation for an Environmental Impact Statement Preparation Notice for Proposed Lease for the Nahiku, Keanae, Honomahu and Huelo

LOCATION:

License Areas

APPLICANT:

East, Central and Up-County Maui, Island of Maui; TMK: (2) various Alexander and Baldwin, Inc. and East Maui Irrigation Company, Limited

Transmitted for your review and comment is information on the above-referenced proposed lease. We would appreciate your comments on this proposed lease. Please submit any comments by **December 23, 2016**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: /s/ Lenore N. Ohye

Print Name: Acting Deputy Director
Date: December 22, 2016

cc: Central Files

RFB 4531.6
14371

SIYANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT
2016 DEC -1 AM 10:44



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
HONOLULU, HAWAII 96899

SUZANNE D. CASE
Commissioner
WILLIAM D. BALFOUR, JR.
MAYOR
MICHAEL G. BUCK
MEL J. HANNANS
JAMES H. HOGAN
VIRGINIA PRESSLER, M.D.
JEFFREY T. PEARSON, P.E.
COUNCILMEMBER

December 22, 2016

REF: RFD-4531.6

TO: Mr. Russell Tsuji, Administrator
State of Hawaii, DLNR Land Division Oahu, DLNR-LD

FROM: Jeffrey T. Pearson, P.E., Deputy Director *Jeffrey T. Pearson*
Commission on Water Resource Management

SUBJECT: Early Consultation for an Environmental Impact Statement Preparation Notice for Proposed Lease for the Nahiku, Keanae, Honomanu and Huelo License Areas

FILE NO.: RFD-4531.6
TMK NO.: (2) various

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrm>.

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/lead>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czmi/initiatives/low-impact-development/>
- 6. We recommend the use of alternative water sources, wherever practicable.
- 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at

Mr. Russell Tsuji
Page 2
December 22, 2016

- 9. http://www.hawaii.gov/water/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- 11. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
- 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

OTHER: The Commission on Water Resource Management (Commission) is requiring Stream Diversion Works Permit Applications be filed for all diversions that East Maui Irrigation Company (EMI) is planning to abandon. The Commission has also reopened Contested Case Hearing CCH-MA13-01 to address the end of sugar farming on Maui and its impact upon the interim instream flow standards for East Maui. Information on CCH-MA13-01 can be found on the Commission's website at: <http://dlnr.hawaii.gov/cwrm/newsevents/cch/cch-ma13-01/>.
Additionally, the Commission had previously attempted to set interim instream flow standards through an administrative process that involved the compilation and analysis of best available information on specific East Maui streams. The historical record of that process is captured on the Commission's website at: <http://dlnr.hawaii.gov/cwrm/surfacewater/ifs/eastmaui/ifs/>.

If you have any questions, please contact Dean Uyeno of the Commission staff at 587-0234.



10238-02
September 23, 2019

Dean D. Uyeno, Acting Deputy Director
Commission on Water Resource Management
Post Office Box 621
Honolulu, HI 96809

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Deputy Director Uyeno:

Thank you for the Commission on Water Resource Management's (CWRM) participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. CWRM provided early consultation comments by letter dated December 22, 2016, which was prior to the publication of the EISP on February 8, 2017. CWRM did not provide written comments on the EISP. We acknowledge your comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your early consultation comments has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. We acknowledge that a Stream Diversion Works Permit may be required before any stream diversions are constructed. We understand that a petition to amend the Interim Instream Flow Standard is required for any new or expanded diversion of surface water.
3. We acknowledge that Stream Diversion Works Permit Applications must be filed to abandon diversions.

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10238-02
Letter to Mr. Dean D. Uyeno, Acting Deputy Director
Page 2
September 23, 2019

4. By Findings of Fact, Conclusions of Law, & Decision and Order in CCH-MAI13-01, dated June 20, 2018, CWRM set Interim Instream Flow Standards (IIFS) for numerous East Maui streams. The Proposed Action is in compliance with the IIFS requirements thereunder.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
KAPOLA KALUHIWA
DEAN D. UYENO
DIRECTOR
AQUATIC RESOURCES
DIVISION
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE MANAGEMENT
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCES ENFORCEMENT
FORESTRY AND WILDLIFE
KAPOLA ARI IKA AND RESERVE COMMISSION
STATE PARKS

January 25, 2017

Russell Y. Tsuji, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Tsuji:

**SUBJECT: Chapter 6E-7 and 6E-42 Historic Preservation Review—
Environmental Impact Statement Preparation Notice for Proposed Lease for the
Nahiku, Keanae, Honomanu and Huelo License Areas
East, Central and Up County Maui (EMI Aqueduct System)
Keanae, Ko'olau, Honomanu, East Makaiewa, Honopu, Papa'a'ea, Waipionui, Waipiioiki Ahupua'a,
Ko'olau, Hanakaloa, Honopu, Makapapa, and West Makaiewa District, Island of Maui**
TMKS: (2) 1-1-001-0444, 050, 1-1-002-002, 1-2-004; 005, 007

Thank you for the opportunity to comment on the proposed Environmental Impact Statement Preparation Notice (EISP) (Wilson Okamoto Corporation, January 2017) for the proposed lease of the Nahiku, Keanae, Honomanu, and Huelo License Areas by Alexander and Baldwin, Inc. and East Maui Irrigation Company, Limited (A&B). SHPD received this submittal on December 2, 2016 (Log No. 2016.02785) and again on January 5, 2017 (Log No. 2017.00026). The proposed water lease will encompass approximately 33,000 acres of State owned lands spanning through the Ko'olau Natural Area Reserve, Conservation lands and undeveloped lands. The applicant, A&B, seeks a long-term 30-year lease for the right, privilege, and authority to enter and go upon State owned lands (Nahiku, Keanae, Honomanu and Huelo license areas) for the purpose of developing, diverting, transporting, and using government-owned waters; including the right to maintain and repair existing access roads and trails used in connection with the privately owned water aqueduct system. The submittal indicates that the purpose and need for the water lease is to continue service for agricultural and domestic purposes, and to continue cultivation of naturally non-arable lands in Central Maui.

According to the submittal there are 39 identified streams within the Nahiku, Keanae, Honomanu, and Huelo License Areas and one waterfall on the Waihuani Stream. Of these 39 streams and 1 waterfall, A&B has historically operated diversions on 36 streams, and is in the process of abandoning all of its diversions on 5 of those 36 streams. These five streams include East and West Waihuani, Palahuahu, Pi'ina'au, Pualoa/Hanehoi and Honopou Streams.

A SHPD records review indicates that numerous archaeological and cultural sites were identified in A *Cultural Landscape Study of Keanae and Waihuani for the County of Maui, Planning Department* (Group 70 International, Cultural Surveys Hawaii, Inc., Davianna McGregor, PhD, July 1995) and in *East Maui Resource Inventory* (NPS, Rivers Trails, and Conservation Assistance Program, February 1998). The East Maui Irrigation Company Ditches (SHIP 50-50-07-1508) includes 24 miles of ditches, 50 miles of tunnels, various flumes, weirs, aqueducts, small dams, and intakes. The construction of these ditches, tunnels and aqueducts began in 1876 and was completed in 1923. The Hāmākua Ditch completed in 1878; Ha'ikū Ditch constructed in 1879; Manuel Luis Ditch completed in 1900; Ko'olau Ditch completed in 1904; New Ha'ikū Ditch completed in 1914; and the Wailoa Ditch which was the last ditch to be completed, in 1923.

Mr. Tsuji
January 25, 2017
Page 2

At this time SHPD is unable to make a determination on the potential impact to historic properties by the requested issuance of a long-term lease.

Pursuant to HAR §13-284-5(b)(5)(A and C), SHPD requests the following prior to issuance of the lease:

- 1) An archaeological inventory survey, and
- 2) An architectural inventory survey

Pursuant to HAR §13-284-5(c), SHPD also requests the following due to the expansive size of the project area and the complexity of the irrigation system:

- (1) An inventory plan for the archaeological inventory survey, and
- (2) An inventory plan for the architectural inventory survey

The archaeological inventory survey shall be conducted by a qualified archaeologist in order to adequately identify and document any archaeological historic properties that may be present, to assess their significance, to determine the potential impacts of this project on any identified archaeological historic properties, and to identify and ensure appropriate mitigation is implemented, if needed. A list of permitted archaeological firms is provided on the SHPD website at: <http://dlnr.hawaii.gov/shpd/about/branches/archaeology/>.

The architectural inventory survey shall be conducted by a qualified architectural historian or historic architect in compliance with the Secretary of the Interior's Professional Qualifications Standards.

SHPD also requests the landowner, project proponent and/or representative, archaeological firm, and architectural firm consult with our office regarding development of the AIS plans.

SHPD will notify you when the required reports and/or plans have been reviewed and accepted and permit issuance may proceed.

Please contact Anna Broverman, Architectural Historian, at (808) 692-8208 or at Anna.E.Broverman@hawaii.gov for questions regarding architectural resources. Please me at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 for any questions regarding archaeological resources or this letter.

Aloha,

Susan A. Lebo, PhD
Archaeology Branch Chief

cc: Dean D. Uyeno, Dean.D.Uyeno@hawaii.gov
Lydia M. Morikawa, Lydia.M.Morikawa@hawaii.gov
Keola Cheng, WOC@wilsonokamoto.com



10238-02
September 23, 2019

Ms. Susan Lebo, Ph.D.
Archaeology Branch Chief
State Historic Preservation Division
Kakuhihewa Building
601 Kamokila Blvd, Suite 555
Kapolei, Hawaii 96707

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Dr. Lebo:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. Your office provided early consultation comments by letter dated January 25, 2017, which was prior to the publication of the EISP on February 8, 2017. Your office did not provide written comments on the EISP. We acknowledge your comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your early consultation comments has been appended to the Draft EIS in Appendix J.

In your early consultation comments, you requested that an archaeological inventory survey and an architectural inventory survey be prepared prior to the issuance of the proposed Water Lease. Additionally, you requested inventory plans for both of the surveys. However, by letter dated October 6, 2017, from Dr. Alan Downer (Log No. 2017.00026, Doc No. 1706MBF11), based on the understanding that issuance of the proposed Water Lease does not involve any ground disturbance and that the potential impact of flooding from abandoning diversions on five of the streams will not be greater than periodic naturally occurring events, SHPD determined that no archaeological inventory survey and no archaeological inventory survey plan was required.

10238-02
Letter to Susan Lebo, Ph.D.
Page 2
September 23, 2019

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. Chapter 4 Section 4.5 of the Draft EIS includes a discussion of historic and archaeological resources within the proposed License Area. Technical studies appended to the Draft EIS include a Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); and a Cultural Impact Assessment (See Appendix F). The analysis of these reports is provided in Chapter 4 of the Draft EIS.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



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

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

EM

In reply, please refer to:
EPO/CWB

12005PNN.16

December 5, 2016

Mr. Earl Matsukawa
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826



Dear Mr. Matsukawa:

SUBJECT: Comments on the Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice for the Proposed Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas East, Central, and Up-Country, Island of Maui, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated November 23, 2016, requesting comments on your Environmental Impact Statement Preparation Notice. The DOH-CWB has reviewed the document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: <http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

Mr. Earl Matsukawa
December 5, 2016
Page 2

12005PNN.16

2. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).

For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee (\$1,000 for an individual NPDES permit or \$500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.

3. If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and HAR, Chapter 11-54.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.
5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:
 - a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked

is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.

- b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g., minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.
- c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.
- d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.
- e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

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

Sincerely,



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

NN

c: DOH-EPO [via e-mail Noella.Narimatsu@doh.hawaii.gov only]



10238-02
September 23, 2019

Mr. Alec Wong
Chief of Clean Water Branch
PO Box 3378
Honolulu, HI 96801-3378

Subject: Environmental Impact Statement Preparation Notice
Proposed Lease (Water Lease) for the Nāhiku, Kē'anae, Honomāni
and Huulo License Areas

Dear Mr. Wong:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Kē'anae, Honomāni, and Huulo License Areas. You provided an early consultation comment letter dated December 5, 2016, prior to the publication of the EISP on February 8, 2017, and also provided written comments on the EISP dated February 17, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to the early consultation letter) and Appendix M (as to your EISP comments).

Your early consultation comments have been incorporated in to the Draft EIS as relevant to the Proposed Action. As suggested by your early consultation comments, the Proposed Action will implement appropriate BMPs which is discussed in Chapter 4 of the Draft EIS. As discussed in Chapter 4 of the Draft EIS, the Proposed Action will comply with the relevant regulations related to Water Quality Standards, HAR Chapter 11-54, and Water Pollution Control, HAR Chapter 11-55.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

DEC 19 2016

RODERICK K. BECKER
Comptroller
AUDREY HIRANO
Deputy Comptroller

(PI)431.6



Mr. Earl Matsukawa, Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

Dear Mr. Matsukawa:

Subject: Early Consultation for the Preparation of an
Environmental Impact Statement Preparation Notice (EISPN)
Proposed Lease for the Nāhiku, Ke'anae, Honomanu, and
Huelo License Areas
East, Central, and Up-Country Maui, Hawaii
TMK: Nāhiku (2) 1-2-004:05, 07 (por); Ke'anae (2) 1-1-002:02 (por);
Honomanu (2) 1-1-001-44;
Huelo (2) 1-1-001:050, (2) 2-9-014:01, 05, 11, 12, 17

Thank you for the opportunity to comment on the subject project. We have no comments to offer at this time as the proposed project does not impact any of the Department of Accounting and General Services' projects or existing facilities.

If you have any questions, your staff may contact Ms. Dora Choy of the Public Works Division at 586-0488.

Sincerely,

Roderick K. Becker
RODERICK K. BECKER
Comptroller

c: Mr. Wade Shimabukuro, DAGS-Maui District Office



10238-02
September 23, 2019

Mr. Curt Otaguro
Comptroller
State of Hawai'i, Department of Accounting and General Services
P.O. Box 119
Honolulu, HI 96810-0119

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanu
and Huelo License Areas

Dear Mr. Otaguro:

Thank you for the Department of Accounting and General Services' (DAGS) participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanu, and Huelo License Areas. DAGS provided early consultation comments dated December 19, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISPN) on February 8, 2017; DAGS did not provide written comments on the EISPN. We acknowledge that DAGS did not have any comments to offer as the Proposed Action does not impact any of DAGS' projects or existing facilities.

Your letter and this response will be reproduced in Appendix J of the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

DAVID Y. IGE
Governor
SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture
PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

EM

December 22, 2016



Wilson Okamoto Corporation
Attention: Mr. Earl Matsukawa, Project Manager
1907 South Beretania Street, Suite 400
Honolulu, HI 96826

Dear Mr. Matsukawa:

Re: Early Consultation for the Preparation of an
Environmental Impact Statement Preparation Notice
Proposed Lease for the Nāhiku, Ke'anae, Honomanu,
and Huelo License Areas
East, Central, and UpCountry Maui, Hawaii

Thank you for the opportunity to comment on the proposed lease for the Nāhiku, Ke'anae, Honomanu, and Huelo License Areas on Maui. The Hawaii Department of Agriculture has no comments at this time but respectfully requests to be kept on your correspondence list as we are closely monitoring this subject.

We would appreciate being kept abreast of this project's progress and status and thank you for future opportunities to provide comments. Should you have any questions, please contact Mrs. Janice Fujimoto, P.E. of our Agricultural Resource Management Division, at 973-9493.

Sincerely,

BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management
Division



10238-02
September 23, 2019

Mr. Brian Kau, P.E.
Administrator and Chief Engineer, Agricultural Resource Management Division
State of Hawaii, Department of Agriculture
1428 South King Street
Honolulu, HI 96814-2512

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanu
and Huelo License Areas

Dear Mr. Kau,

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanu, and Huelo License Areas. The Department of Agriculture provided an early consultation letter dated December 22, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISP/N) on February 8, 2017. Department of Agriculture did not provide written comments on the EISP/N. We acknowledge the Department's early consultation comments, which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17.

We acknowledge that the Department of Agriculture did not have any comments in response to our request for early consultation.

Your letter and this response will be reproduced in Appendix J of the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



**OFFICE OF PLANNING
STATE OF HAWAII**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

DAVID Y. IGE
GOVERNOR
LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Telephone: (808) 587-2646
Fax: (808) 587-2647
Web: <http://planning.hawaii.gov/>

Ref. No. P-15388

December 8, 2016

Mr. Earl Matsukawa, AICP
Project Manager
Wilson Okamoto Corporation
1907 S. Beretania Street, Suite 400
Honolulu, Hawaii 96826

Dear Mr. Matsukawa:

Subject: Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice for the Proposed Lease of the Nahiku, Keanae, Honomanu, and Huelo License Areas; East, Central, and Upcountry Maui, Hawaii

TMKS: (2) 1-2-04:05, 07 (por); (2) 1-1-02:02 (por); (2) 1-1-001:044; and
(2) 1-1-001:005, 2-9-014:01, 05, 11, 12, 17

Thank you for the opportunity to provide comments on this early consultation request for the preparation of an Environmental Impact Statement Preparation Notice (EISP/N) on the proposed lease for the Nahiku, Keanae, Honomanu, and Huelo license areas on the Island of Maui. The early consultation review material was transmitted to our office via letter dated November 23, 2016.

It is our understanding that Alexander and Baldwin, Inc. is organizing the preparation of an EISP/N for the issuance of a potential long-term (30 year) water lease from the Board of Land and Natural Resources. This water lease will be granted via auction for the "right, privilege, and authority to enter and go upon" the Nahiku, Keanae, Honomanu, and Huelo license areas for the purpose of developing, diverting, transporting, and using government owned waters. The water lease will also require the Lessee to use lands owned by the State of Hawaii to maintain and repair existing access roads and trails used as part of the East Maui Irrigation Company aqueduct system.

The water lease will allow for the continued operation of the aqueduct system to deliver potable water to the County of Maui. Department of Water Supply for the domestic and agricultural water needs for the Island of Maui.

The Office of Planning (OP) has reviewed the transmitted material and has the following comments to offer:

Mr. Earl Matsukawa, AICP
Project Manager
Wilson Okamoto Corporation
December 8, 2016
Page 2

1. Pursuant to Hawaii Administrative Rules § 11-200-17(h) – relationship of the proposed action to land use plans, policies, and controls for the affected area – the proposed action must demonstrate that it is consistent with state environmental, social, and economic goals and land use policies. OP provides technical assistance to State and county agencies in administering the statewide planning system in Hawaii Revised Statutes (HRS) Chapter 226, the Hawaii State Planning Act. The Environmental Impact Statement (EIS) should include an analysis of the proposed action to continue the diversion of upcountry Maui streams for domestic and agricultural uses. The EIS should analyze the continued leasing of Maui surface water resources and its compatibility with the themes of the Hawaii State Planning Act or clarify where it is in conflict with them.

If any of these themes are not applicable to this action, the EIS should affirmatively state such determination. The most efficient method is summarizing these in tabular form, followed by discussion paragraphs.

2. The coastal zone management (CZM) area is defined as "all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and management authority, including the U.S. territorial sea" (see HRS § 205A-1, the definition of "coastal zone management area").

HRS Chapter 205A-5(b) requires all state and county agencies to enforce the CZM objectives and policies. The EIS should include an assessment as to how the proposed action conforms to the goals and objectives of the Hawaii CZM program as listed in HRS § 205A-2. Compliance with HRS § 205A-2 is an important component for satisfying the requirements of HRS Chapter 343.

Of these objectives and policies, the proposed action should address HRS § 205A-2(4)(C) and (D) - Coastal Ecosystems. Within the analysis of HRS § 205A-2, the EIS should include an in-depth discussion related to the proposed project activities by exploring planning and water management issues related to this 30-year water lease, and examining the long-term water needs for the residents of Maui.

3. A program focus of our Land Use Division (LUD) is the conservation of state agricultural land resource base to assure the long-term availability of agricultural lands for agricultural use, as listed in HRS § 205-41. LUD reserves comment on this

Mr. Earl Matsukawa, AICP
Project Manager
Wilson Okamoto Corporation
December 8, 2016
Page 3

proposed action until an EISPN is submitted for its review.

If you have any questions regarding this comment letter, please contact Josh Hekeka of our office at (808) 587-2845.

Sincerely,



Leo R. Asuncion
Director



10238-02
September 23, 2019

Ms. Mary Alice Evans, Director
Office of Planning, State of Hawai'i
P.O. Box 2359
Honolulu HI, 96804

Subject: Environmental Impact Statement Preparation Notice
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Ms. Evans:

Thank you for the Office of Planning's participation in the scoping process for the subject Environmental Impact (EIS) Statement pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. Office of Planning provided early consultation comments dated December 8, 2016, which was prior to the publication of the EISPN on February 8, 2017. Office of Planning also provided written comments dated March 2, 2017, in response to the EISPN. We acknowledge your agency's comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to the early consultation comments) and M (as to the EISPN comments).

We have taken your agency's comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.

10238-01
Letter to Ms. Mary Alice Evans
Page 2
September 23, 2019

DAVID V. ICE
GOVERNOR
STATE OF HAWAII

SHANE T. KATANI
GOVERNOR
STATE OF HAWAII



JORIE M. K. MASAGATAN
CHAIR
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

December 22, 2016

EM

- Pursuant to HAR § 11-200-17(h), the Draft EIS discusses the Proposed Action's consistency with various plans and policies in Chapter 5 of the Draft EIS, specifically the Hawai'i Coastal Zone Management Program in Section 5.1.5, the Hawai'i State Plan in Section 5.1.1, and the State Functional Plans in Section 5.1.2. As you suggested, the analysis is provided in tabular form, followed by discussion paragraphs.
- The Draft EIS discusses impacts to soils associated with the Proposed Action in Section 4.1.2 of the Draft EIS.
- The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); and Terrestrial and Flora and Fauna Report (See Appendix C).
- The Draft EIS includes in Section 4.7 an assessment of the impacts of the Proposed Action to socio-economic characteristics including the agricultural economy. Various technical studies will be appended the Draft EIS and provide detailed examinations, including an Agricultural and Related Economic Impacts Report (See Appendix I) and an Economic and Fiscal Impact Analysis Report (See Appendix H).

Your agency's written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

RECEIVED
DEC 29 2016
WILSON OKAMOTO CORPORATION

Earl Matsukawa, Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawai'i 96826

Dear Mr. Matsukawa:

Subject: Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice Proposed Lease for Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, East, Central and Up-Country Maui, Hawai'i.

Mahalo for transmitting your November 23, 2016 request for early consultation on the Preparation of an Environmental Impact Statement Preparation Notice Proposed Lease for Nāhiku, Ke'anae, Honomanū, and Huelo License Areas, East, Central and Up-Country Maui, Hawai'i (EISPN) to the Department of Hawaiian Home Lands (DHHL). We understand Alexander & Baldwin, Inc. and the East Maui Irrigation Company (collectively, A&B) have applied for a thirty-year water lease for government waters from the Nāhiku, Ke'anae, Honomanū, and Huelo license areas through the existing East Maui Irrigation (EMI) aqueduct system, subject to section 178-58(c), Hawaii Revised Statutes (HRS) and DHHL's rights to reserve water under section 221 of the Hawaiian Homes Commission Act (HHCA). While we appreciate the early consultation, we note that due to the complexity of the issues raised by the proposed lease, the comments we offer here are not necessarily our final comments on these matters.

We note at the outset of these comments that because A&B may be only one entity to bid on the proposed lease, we respectfully question the appropriateness of A&B preparing this EIS, rather than the state Board of Land and Natural Resources (BLNR), which shall award the lease. Other management options for these diversions are conceivable and perhaps offer other benefits to the legal beneficiaries of these public trust resources. Having

one possible bidder responsible for identifying and analyzing alternatives may bias the states consideration of all appropriate management options.

With that noted, DHHL has reviewed your November 23, 2016 request for comments on this EISPN. As requested, DHHL provides the following comments. We begin with a brief discussion of DHHL and related native Hawaiian interests in these waters and then offer three specific particular comments that we believe will need to be addressed in this EIS.

Background: DHHL interests in East Maui Waters

The East Maui Irrigation (EMI) system draws water from approximately 56,000 acres of watershed lands.¹ The four subject license areas cover approximately 17,000 acres that are privately owned by EMI, while the other 33,000 acres are owned by the State and comprise the four license areas described in the EISPN: Huelo (8,752.69 acres), Honomanū (3,381 acres), Ke'anae (10,768 acres), and Nāhiku (10,111.22 acres). The EMI ditch system captures from the four license area lands an average of approximately 165 million gallons per day (mgd),² and up to increase to up to 445 mgd.³ Leasing these lands and the waters that flow from them to allow the continued delivery of water out of these areas may have significant ecological, aesthetic, historic, cultural, economic, social, and health impacts on Maui's communities, including especially DHHL beneficiaries.⁴

¹ Hearing Officer's Proposed Findings of Fact, Conclusions of Law, Decision & Order in Petition to Amend Interim Instream Flow Standards, Commission on Water Resource Management, CCH-MA13-01, at 9 (Jan. 15, 2015) (Minute Order No. 16) ("2015 CWRM Proposed FOFs/COLs").

² Long term average delivery of the EMI ditch is 165 mgd, but A&B claimed average delivery between 2004 through 2013 was 126 mgd.

³ See S.B. Gingerich & D.S. Oki, Ground Water in Hawaii: U.S. Geological Survey, Fact Sheet 126-00 (2000).

⁴ See HAR §11-200-2 ("Effects" and "impacts" are synonymous and include ecological, aesthetic, historic, cultural, economic, social, or health effects).



Fig. 1. DHHL Maui Land Inventory, Maui Island Plan, at 1-10.

DHHL and our native Hawaiian beneficiaries have a series of critical relationships with East Maui's diverted waters. These waters sustain the traditional and customary practices of native Hawaiians, including DHHL beneficiaries who live in and around DHHL's approximately 241 acres at Ke'anae and Waipahoehoe. DHHL also owns and holds in trust lands elsewhere in Maui at Keōkea-Waiōhuli, Pūlehunui, and Kahikinui; these lands currently use and or may require in the future the use of East Maui waters. Finally, through state Constitutional and statutory provisions, DHHL is entitled to revenues that derive from any water license receipts received by the state of Hawai'i.

Adequate disclosure of the environmental impacts of leasing East Maui waters for A&B's diversions the rights and interests of DHHL and its beneficiaries is needed. This will require careful attention to, among other matters, the specific locations and quantified needs of DHHL's planned and existing developments in Ke'anae, Waipahoehoe, Keōkea-Waiōhuli, Pūlehunui, and Kahikinui. It will also require an analysis of how different alternatives may affect water-licensing rates.

We now offer five broad comments for your use in preparing this EIS.

Comment No. 1: Assessment of the environmental impacts of A&B's diversions must develop a broad, historical perspective, inclusive of effects on the water rights of native tenants and native Hawaiians affected by the diversions.

Environmental effects and impacts of the general lease must be assessed in light of the historical context in which the EMI ditch was developed and from the perspective of native tenants of the lands and native Hawaiians affected by the ditch. With the passage of a Reciprocity Treaty between the United States and the Hawaiian Kingdom on January 30, 1875, sugar planters' plans to water the kula lands of Maui for growing sugar cane became economically feasible. On September 13, 1876, four days after the treaty went into effect, King Kalākaua granted issuance of the first Water License for construction of the "Haiku Ditch," which drew water from Hāmākua Loa District streams. The Kingdom of Hawai'i first approved construction of the East Maui ditch system to promote prosperity for all the people of the Kingdom.⁵ The pono wai (water rights) of native tenants of the respective lands through which the ditch system was developed were protected through provisions in the original water licenses, which stated:

PROVIDED NEVERTHELESS and the continuance of the right here before granted is upon this condition . . . that existing rights or present tenants of said lands or occupiers along said streams shall in no wise be lessened or affected injuriously by reason of anything hereinbefore granted or covenanted⁶

The Hawai'i Supreme Court continued to recognize that diversion of surface water was permissible "only if it does not violate the requirement of the well established rule that such diversion shall be without injury to the rights of others." *Hawaiian Commercial & Sugar Co. v. Wailuku Sugar Co.*, 15 Haw. 675, 689

⁵ Keopā Maly & Onaoma Maly, *Wai o ke Ola: He Wahi Mo'olelo No Maui Hikina*. A Collection of Native Traditions and Historical Accounts of the Lands of Hāmākua Pōko, Hāmākua Loa, and Kō'olau Maui Hikina (East Maui), Island of Maui, No. MaHikina 59-011702b, Vol. 1, chap. 5, at 443 (Jan. 17, 2001) ("Maly & Maly 2001") citing Section 42 of the Kingdom of Hawai'i Civil Code of 1859.

⁶ Maly & Maly 2001 at 444 (emphasis in original quotation) citing Letter dated September 13, 1876 William L. Mochonua, Minister of the Department of the Interior, Kingdom of Hawai'i; to J.M. Smith, President Haiku Sugar Company, et al.; 2015 CWRM Proposed FOFs/COLs at 10, ¶55.

(1904) (A&B claimed harm from the Wailuku Sugar Co.'s diversions in 'Iao aquifer and was granted an injunction against Wailuku Sugar). More than a century later, it is the impacts of A&B's surface water diversions on others, particularly native Hawaiian beneficiaries, should be a significant focus of A&B's environmental impact statement.

Comment No. 2: DHHL's rights to East Maui surface waters must be appropriately considered in assessing the impacts of the proposed general lease and in formulating alternatives to the proposed action.

DHHL's interests in water resources, and the DHHL developments they may support should be fully addressed in assessing the impacts of the proposed general leases. The State and its subdivisions (including the State Commission on Water Resource Management (CWRM)) and BLMR have duties to protect DHHL's rights in water resources as enumerated in the Hawaiian Homes Commission Act, 1920, as amended, §§ 101(4), 220, 221; the Hawai'i Constitution, article XI, §§ 1 and 7; and HRS Chapter 174C, also known as the State Water Code, and in other legal provisions. Our environmental impact review law, HRS Chapter 343 requires environmental impact disclosure documents to examine the impacts of proposed actions on Hawaiian rights, including those of DHHL and its beneficiaries.

The State's has a broad mandate to provide "adequate amounts of water and supporting infrastructure" for Hawaiian home lands. This duty certainly applies to the BLMR and this policy directive must be considered in assessing impacts of the general leases. *Id.* In addition, there are related legal provisions that need to be considered as guidance for how the impacts of proposed leasing alternatives are considered.

For instance, under the State Water Code, HRS § 174C-101(a), the CWRM is directed to incorporate and protect adequate reserves of water for Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.⁷

⁷ The clear intent of HHCA section 221 was that the Department should have a priority claim to water above any private users in accordance with the Act's mandate. See e.g., HHCA § 221(b) (stating that all water licenses issued shall be subject to the condition that DHHL is entitled to use, without charge any water that DHHL deems necessary in order to "adequately to supply the livestock, aquaculture operations, agriculture operations, or domestic needs of individuals upon any tract"); HHCA § 221(c) (stating that the Department may use without charge water not covered by a water license, or covered by a water license issued after passage of the HHCA in order "adequately

Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

HRS § 174C-101(a) (emphases added). DHHL reservations and water uses are also public trust uses,⁸ as described in a series of significant Hawai'i Supreme Court cases including: *In re Water Use Permit Applications*, 94 Hawai'i 97, 9 P.3d 409 (2000) ("*Waiohale I*"), *In re Water Use Permit Applications*, 105 Hawai'i 1 93 P.3d 643 (2004) ("*Waiahohe II*"), *In re Kukui (Moloka'i) Inc.*, 116 Hawai'i 481, 486, 174 P.3d 320, 325 (2007) ("*Kukui*"), *In re 'Iao Ground Water Mgmt. Area High-Level Source Water use Permit Applications*, 128 Hawai'i 228, 287 P.3d 129 (2012) ("*Mā Mai 'Ehā'*"), and *Kauai Springs, Inc. v. Planning Comm'n of County of Kauai*, 133 Hawai'i 141, 173-75, 324 P.3d 951, 982-85 (2014) ("*Kaua'i Springs*"). Thus, the Hawai'i State Constitution, Water Code, the HHCA, and case law protect and affirm DHHL's water rights for its beneficiaries.⁹ In the context of preparing for a possible lease of such broad significance, these rulings should be guidance on how to identify alternatives and analyze how different alternatives may positively or negatively affect the rights of DHHL and its beneficiaries.

DHHL's uses of and potential future needs from diverted East Maui waters in Pūlehunui, Keōkea-Waiōhuli, and Kahikinui are

to supply the livestock, aquaculture operations, agriculture operations, or domestic needs of individuals upon any tract[.].¹⁰

⁸ Other public trust purposes include (1) water resource protection, (2) domestic water use, and (3) the exercise of Native Hawaiian and traditional and customary rights. Public trust uses do not include private commercial uses. *Kūkuu*, 116 Hawai'i at 791 n.6, 174 P.3d at 330 n.6; see also *Waiahohe I*, 94 Hawai'i at 136-37, 9 P.3d at 448-49.

⁹ See *In re Wai'ōla o Moloka'i*, 103 Hawai'i 401, 431, 83 P.3d 664, 694 (2004) (recognizing home land water entitlements as a public trust purpose), HRS §§ 174C-101(e), -49(a), -49(i), -31(q); HHCA §§ 101(b)(4), 220(d); see also HAR §§ 13-171-60 to -63.

public trust uses. However, DHHL rights and interests extend beyond its uses of East Maui water in MDWS systems. Complete apprehension of rights and interests is necessary to assess the proposed action's significance under HAR §11-200-12. Significance assessment under HAR §11-200-12(3) concerns: "conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders." Hawai'i's Environmental Policy Act, Chapter 344, HRS (HEPA) includes conserving natural resources by safeguarding "natural environmental characteristics in a manner which will foster and promote the general welfare, create and maintain conditions under which humanity and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of the people of Hawai'i." HRS §344-3(1). Consideration of DHHL water requirements for its proposed land uses is necessary to support a determination that the proposed general leases of the four license areas are consistent with HEPA.

DHHL also has interests in public trust in-stream uses for its tracts in Ke'āne and Waiiua, including native Hawaiian traditional and customary uses. Disclosure of the environmental impacts of the four license area leases strongly implicates the State's duty to analyze "[t]radition[al] and customary native Hawaiian practices and appurtenant rights and the public trust obligations emanating from the Hawai'i Constitution and case decisions construing it[.]."¹⁰ Alerting decision makers to significant environmental impacts on public trust uses of instream and diverted waters accords with the purpose of Hawai'i's environmental review law.¹¹ The prioritized water uses of DHHL and other public trust users, including native Hawaiian traditional and customary practitioners, must be appropriately considered in assessing the impacts of the proposed general lease and in formulating alternatives to the proposed action.

¹⁰ *Mani Tomorrow v. State, Bd. of Land & Nat. Res. of State of Hawaii*, 110 Hawai'i 234, 243, 131 P.3d 517, 526 (2006) (affirming the circuit court's finding that BLNR breached its duty).

¹¹ HRS §343-1; see also *Keohole Def. Coal., Inc. v. Bd. of Land & Nat. Res.*, 110 Hawai'i 419, 441, 134 P.3d 585, 607 (2006), as amended (May 26, 2006) (considering whether State failed to prepare a new or revised EIS under a claim to breach of the public trust).

Comment No. 3: *DHHL's general, island, regional, and water policy plans should be consulted in assessing the significant, cumulative, and secondary impacts of the proposed action.*

The EISPN should consider DHHL's general, island, regional, and water policy plans in discussing direct, cumulative, and secondary impacts and alternatives in the general lease of the Nāhiku, Ke'anae, Honomanū, and Huelo license areas. First, DHHL develops and maintains a general plan providing for the development and use of land needed for fulfilling the purposes of the Hawaiian Homes Commission Act of 1920, as amended (HHCA).¹² DHHL developed a Maui Island Plan (Sep. 2004), which identifies DHHL land use designations of its Maui lands that function similarly to county land-use zoning. DHHL also developed several pertinent regional plans, which identify land use development factors, issues, opportunities, and each region's top priority projects for implementation within three years of regional plan development. Most pertinent to the proposed EISPN are DHHL's Maui Island Plan, Water Policy Plan (Jul. 2014),¹³ Keōkea-Waiōhuli Regional Plan (Jun. 2010), and the Kahikinui Regional Plan (Jul. 2011). As discussed below, DHHL is considering use of DWS waters delivered via the EMI system for its Keōkea-Waiōhuli lots and Kahikinui developments. Keōkea-Waiōhuli Regional Plan at 20; Kahikinui Regional Plan at 21.

Comment No. 4: *DHHL's rights and interests, including reservations of water, in East Maui surface waters and potential development needs for those water resources must be considered in determining impacts of long-term leases for the Nāhiku, Ke'anae, Honomanū, and Huelo License areas.*

CWRM is obligated to reserve adequate water for DHHL's foreseeable needs in undesignated aquifer system areas and recently did so when it approved a reservation request by the HHC for 3.398 mgd of ground water pursuant to HRS § 174C-101(a) in the Keaouhu Aquifer System Area (KASA) on Hawai'i Island.¹⁴

¹² HAR §10-4-2; see "Department of Hawaiian Home Lands General Plan," (approved Feb. 26, 2002).

¹³ See The Hawaiian Homes Commission Water Policy Plan, adopted July 22, 2014 available at: <http://dhhl.hawaii.gov/wp-content/uploads/2013/09/HHC-Water-Policy-Plan-140722.pdf>.

¹⁴ The CWRM Staff Submittal for that action noted, "Due to the interest in the KASA petition to designate the area as a ground water management area, DHHL filed the petition for reservation request." CWRM Staff Submittal, item No A-2 (Aug. 17, 2015). Staff noted DHHL's "proposed buildout water reservation . . . will be consistent with the [Hawai'i Water Plan (HWP)] for the KASA" and granting the reservation would promote

Currently, DHHL is developing a water reservation request for East Maui aquifer system areas, inclusive of the Ko'olau aquifer in which the four license areas lie. DHHL has also updated its current and foreseeable water needs for Maui, and they are included in a draft update to the State Water Projects Plan ("SWPPP"), which is to be considered by the CWRM in the near future. Planned water needs provided in the SWPP will be one basis upon which DHHL will determine further requests for reservations of water, as well as other considerations.

a. DHHL interests in diverted EMI system waters.

DHHL owns approximately 831 acres of lands at Pūlehuunui, also known as Pu'unene, in Central Maui. DHHL's Pūlehuunui lands were designed by the Hawaiian Homes Commission (HHC) as agricultural, industrial, commercial, and energy development zones. DHHL does not currently hold allocations or reservations of water for these lands. Although Pūlehuunui lands overlie the Kahului Aquifer, DHHL's right to water is not limited to this aquifer. DHHL is required to investigate development of diverse sources of water, including East Maui irrigation waters, and related infrastructure, to ascertain the means of providing water service to these lands. DHHL emphasizes the need to plan for accommodations for DHHL rights and interests. Since 2004, DHHL has had a pending water reservation request for 0.6 mgd for 100 acres of industrial use in Pūlehuunui. DHHL's current foreseeable needs at Pūlehuunui are 1.734 mgd of potable and 1.8564 nonpotable water resources.¹⁵

DHHL's Keōkea-Waiōhuli mixed-use tract that currently uses 0.096 mgd of potable water and will increase its use to 0.8097 mgd of potable and 0.5780 mgd of nonpotable water resources by 2031. DHHL has a Water Credits Agreement with MDWS, signed on December 9, 1997, under which MDWS will deliver 0.5 mgd of potable water to DHHL for homesteading use in exchange for DHHL improvements to the water system.¹⁶ The non-potable water resources will be used to irrigate Keōkea-Waiōhuli subsistence agricultural lands and will be supplied by the Upcountry Maui Irrigation System.

CWRM's approach to "managing the resource and protecting the public trust through the collaboration and consistency framework provided by the HWP." *Id.* at 5.

¹⁵ Draft SWPPP at 4-26.

¹⁶ Draft SWPPP at 4-23, -24.

DHHL is considering extending the MDWS Kula water system to its Kaikini tract for pastoral land uses, which will require 0.0765 mgd, some of which will be met through fog drip catchment systems.¹⁷ Finally, DHHL's tract at Ulupalakua may foreseeably require 0.0034 mgd of potable water resources from East Maui irrigation ditches.¹⁸

b. DHHL interests in in-stream uses of East Maui waters.

DHHL's Wailua tract will be used for general agriculture and lo'i kalo. Fifteen (15) acres of lands designated for subsistence agriculture are allocated for lo'i kalo on the Wailua tract. DHHL also plans for house lots to have lo'i kalo cultivated on adjoining lots. MIP at xvii. The nearby Ke'anae tract will include thirty-two (32) three-acre subsistence agricultural lots on 57 acres located on the mauka portion of the property.¹⁹ Ke'anae's mauka lands include two perennial streams, Pāiauhulu and Pi'ina'au streams, which are diverted by EMI's Ko'olau ditch (east of and flowing into the Wailoa Ditch).²⁰ Of the 57 acres at Ke'anae, thirty (30) acres will be set aside for lo'i kalo.²¹ The lo'i kalo uses included in Ke'anae and Wailua subsistence agriculture are estimated to require 150,000 gallons per acre per day.²² General agricultural uses can be met through ambient rainfall irrigation, but Wailua lo'i kalo will require 2.2802 mgd in nonpotable stream water and Ke'anae lo'i kalo will require 4.5878 mgd in nonpotable stream water.

Environmental impact disclosure documents should assess adverse impacts on DHHL's rights and interests in these waters, and provide alternatives that will prevent such impacts to DHHL and its beneficiaries, which include practitioners of traditional and customary lo'i kalo cultivation and other uses of Ko'olau streams.

¹⁷ Draft SWPP at 4-27; Kahikinui Regional Plan at 21.
¹⁸ Draft SWPP at 4-28.

¹⁹ Maui Island Plan, at 6-24.

²⁰ Maui Island Plan at 6-19; 2015 CWRM Proposed FOFs/COLs, at 30.

²¹ Maui Island Plan at 6-19, -24.

²² See Stephen B. Gingerich, Chiu W. Yeung, Tracy-Joy N. Ibarra, and John A. Engott, "Water use in wetland kalo cultivation in Hawai'i," USGS Open File Rpt. No. 2007-1157 (2007) available at <http://pubs.usgs.gov/of/2007/1157/>.

Comment No. 5: We highly encourage you to consult directly with Hawaiian Homestead community associations and other (N)ative Hawaiian organizations when preparing this EIS in order to better assess potential impacts to cultural and natural resources, access and other rights of Native Hawaiians.

Conclusion:

Mahalo nui for transmitting and requesting pre-consultation comments on the proposed EISPN for proposed general leases for Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. DHHL requests that the publicized EISPN version fully and expressly address impacts of A&B's proposed general leases on DHHL's reasonably foreseeable rights, plans for water and land development, and its beneficiaries, including native Hawaiian traditional and customary practitioners. Please direct any questions to me at (808) 620-9501, or your staff may contact Kaleo Manuel in our Planning Office at (808) 620-9485 or at Kaleo.L.Manuel@hawaii.gov.

Aloha,



Jobie M. K. Masagatani, Chair
Hawaiian Homes Commission

Cc: Pua Canto, Maui Commissioner
Mona Kapaku, Maui District Office Supervisor
Maui Homestead Associations
Kamana'opono Crabbe, Ka Pou Hana, Office of Hawaiian Affairs



10238-02
September 23, 2019

William Ailā, Jr.
Interim Director
State of Hawai'i
Department of Hawaiian Home Lands
91-5420 Kapiolani Parkway
Kapolei, HI 96707

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Director Ailā:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. Your office provided early consultation comments by letter dated December 22, 2016, which was prior to the publication of the EISPN on February 8, 2017; your office did not provide written comments on the EISPN. We acknowledge your comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your early consultation comments has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are now owned by Mahi Pono and planned for diversified agriculture.
2. Section 1.4 of the Draft EIS explains that in 2016, the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also considers a proposed diversified agriculture farm plan by Mahi Pono, which purchased A&B's Central Maui lands agricultural lands in December 2018.

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277

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Letter to William Ailā, Jr., Interim Director
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September 23, 2019

- The Draft EIS also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) that has been studied.
3. Chapter 3 of the Draft EIS includes an evaluation of the reasonable alternatives to the Proposed Action.
 4. As suggested by your comments, the Draft EIS includes a broad, historical perspective, and it also takes into account the Decision and Order issued by the Commission on Water Resource Management dated June 20, 2018, which ordered the restoration of certain streams for kalo cultivation. A discussion of DHHL's rights to reserve water sufficient for current and future homestead needs and DHHL's planning system is provided in Chapter 2 of the Draft EIS. Chapter 2 also describes the beneficiary consultation meeting on the proposed Water Lease that was held on January 14, 2019 at the Paukūkalo Community Center on Maui.
 5. Chapter 4 of the Draft EIS discusses the existing environment, impacts of the Proposed Action, and mitigation measures.
 6. Various technical studies are appended the Draft EIS and provide detailed examinations of impacts on various resources, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I). The analysis of these reports is provided in Chapter 4 of the Draft EIS.
 7. Cultural Surveys Hawai'i, Inc. prepared an archaeological report as well as a cultural impact assessment, which are summarized in Section 4.5 and 4.6 of the Draft EIS, respectively. These reports are also appended in the Draft EIS (Appendices E and F, respectively).

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Letter to William Aila, Jr., Interim Director
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September 23, 2019

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



DAVID Y. IBE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:
EPO 16-399

December 21, 2016

Mr. Earl Matsukawa
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826
Email: woc@wilsonokamoto.com



EM

Dear Mr. Matsukawa:

SUBJECT: Early Consultation for Preparation of an Environmental Impact Statement (EC EISPN)
Proposed Lease for Nahiku, Keanae, Honomanu, and Huelo License Areas, East Central, and Up-Country Maui, Hawaii

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your EC EISPN to our office on November 28, 2016.

In the development and implementation of all projects, EPO strongly recommends regular review of State and Federal environmental health land use guidance. State standard comments and available strategies to support sustainable and healthy design are provided at: <http://health.hawaii.gov/epollanduse>. Projects are required to adhere to all applicable standard comments.

EPO has recently updated the environmental Geographic Information System (GIS) website page. It now compiles various maps and viewers from our environmental health programs. The eGIS website page is continually updated so please visit it regularly at: <http://health.hawaii.gov/epolegis>.

EPO also encourages you to examine and utilize the Hawaii Environmental Health Portal at: <https://eha-cloud.doh.hawaii.gov>. This site provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings.

We suggest you review the requirements of the Clean Water Branch (HAR, Section 11-54-1.1, -3, 4-8) and/or the National Pollutant Discharge Elimination System (NPDES) permit (HAR, Chapter 11-55) at: <http://health.hawaii.gov/cwb>. If you have any questions, please contact the Clean Water Branch, Engineering Section at (808) 586-4309 or cleanwaterbranch@doh.hawaii.gov. If your project involves waters of the U.S., it is highly recommended that you contact the Army Corps of Engineers, Regulatory Branch at: (808) 835-4303.

You may also wish to review the draft Office of Environmental Quality Control (OEQC) viewer at: <http://eha-web.doh.hawaii.gov/oeqc-viewer>. This viewer geographically shows where some previous Hawaii Environmental Policy Act (HEPA) (Hawaii Revised Statutes, Chapter 343) documents have been prepared.

In order to better protect public health and the environment, the U.S. Environmental Protection Agency (EPA) has developed a new environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you

Mr. Earl Matsukawa
Page 2
December 21, 2016

to explore, launch and utilize this powerful tool in planning your project. The EPA EJSCREEN tool is available at: <http://www.epa.gov/ejscreen>.

The Department of Health encourages the application of sustainability strategies and principles early in the planning, review and funding of projects. We also request that you consider conducting a Health Impact Assessment (HIA). More information is available on line at:

- World Health Organization (WHO) HIA information: <http://www.who.int/hia/en>
- U.S. Centers for Disease Control (CDC) HIA information: <https://www.cdc.gov/healthyplaces/hia.htm>
- U.S. Environmental Protection Agency (EPA) HIA information: <https://www.epa.gov/healthresearch/health-impact-assessments>

We request that you utilize all of this information on your proposed project to increase sustainable, innovative, inspirational, transparent and healthy design. Thank you for the opportunity to comment.

We request a written or electronic response confirming your receipt of this DOH EPO comment letter. You may mail your response directly to EPO at 919 Ala Moana Blvd., Suite 312, Honolulu, Hawaii 96814. However, we would prefer an electronic reply to DOH.EPO@doh.hawaii.gov. We hope that our letter(s) and your response(s) will be included in the final document. If you have any questions, please contact me by calling (808) 586-4337.

Mahalo nui loa,

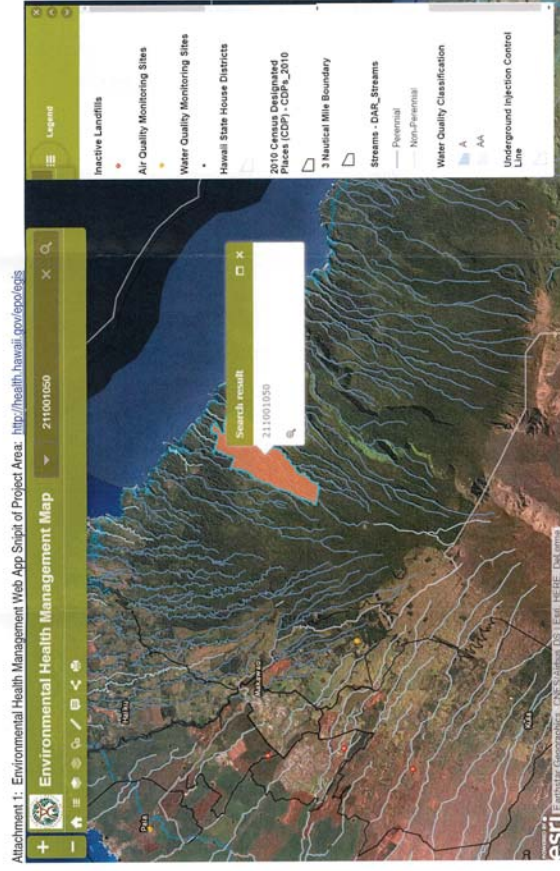


Laura Leialoha Phillips McIntyre, AICP
Program Manager, Environmental Planning Office

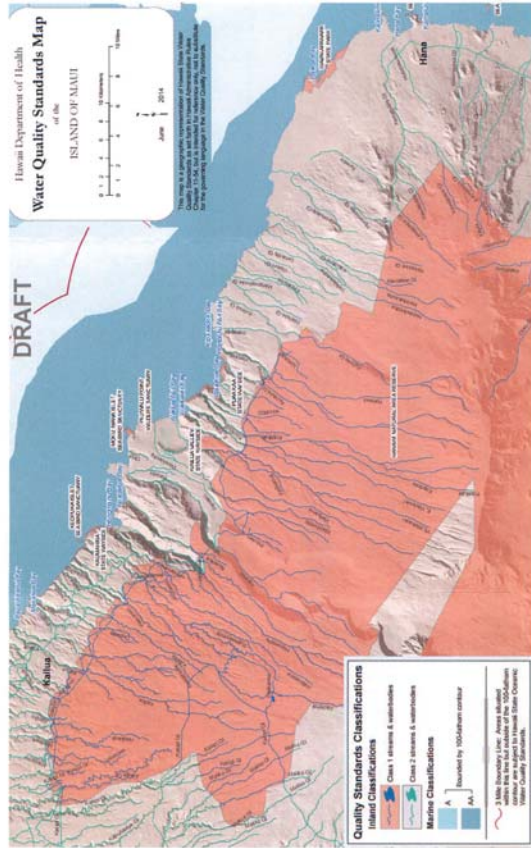
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- Attachment 1: Environmental Health Management Web App Snipit of Project Area: <http://health.hawaii.gov/epo/egis>
Attachment 2: Clean Water Branch: Water Quality Standards Map - Maui
Attachment 3: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snipit of Project Area
Attachment 4: Wastewater Branch: Recycled Water Use Map of Project Area
Attachment 5: Clean Water Branch Project Letter dated December 5, 2016

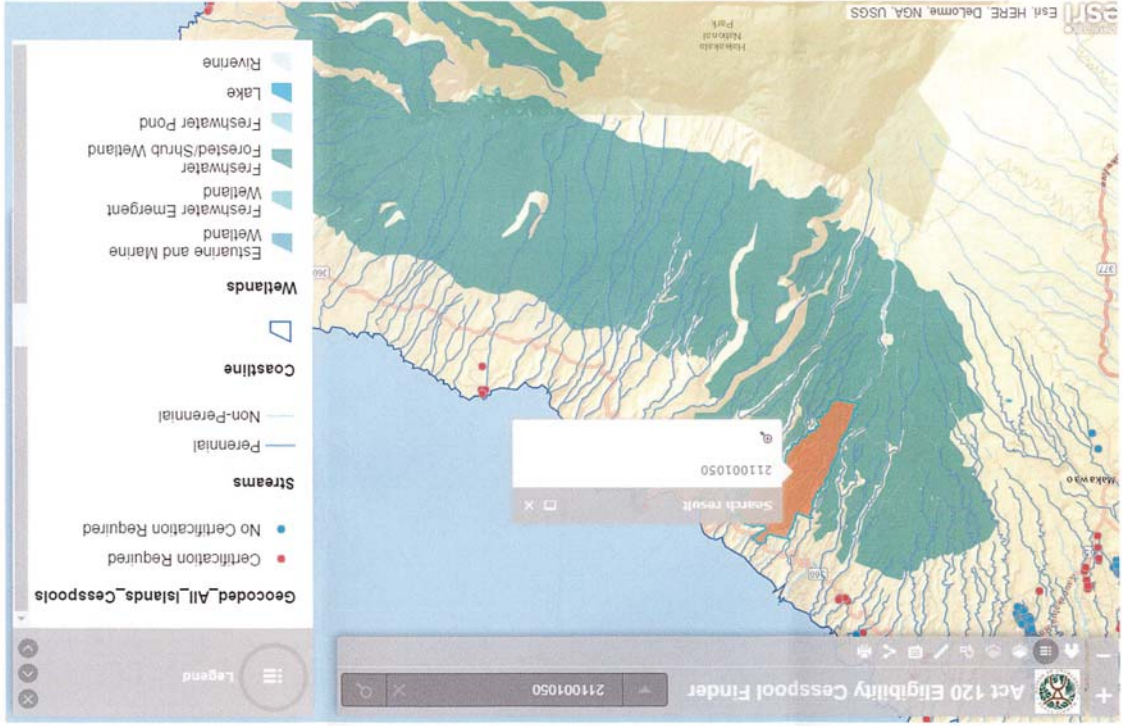
c: Suzanne Case, DLNR
Jeffrey Pearson, Commission on Water Resources Management
Meredit Ching, Alexander & Baldwin
Garret Hew, East Maui Irrigation Company
DOH: DHO Maui, DDEH, EMD, SDWB, CWB (via email only)



Attachment 2: Clean Water Branch: Water Quality Standards Map - Maui



Attachment 3: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snpit of Project Area



DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
EMDCWB

12005PNN.16

December 5, 2016

Mr. Earl Matsukawa
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

Dear Mr. Matsukawa:

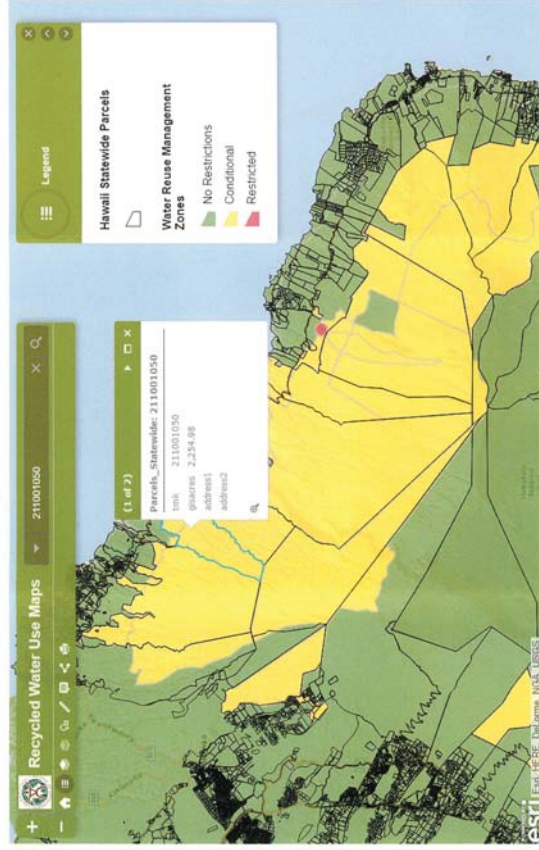
SUBJECT: Comments on the Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice for the Proposed Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas East, Central, and Up-Country, Island of Maui, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated November 23, 2016, requesting comments on your Environmental Impact Statement Preparation Notice. The DOH-CWB has reviewed the document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:

- a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
- b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
- c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

Attachment 4: Wastewater Branch: Recycled Water Use Map of Project Area



2. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).
For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee (\$1,000 for an individual NPDES permit or \$500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.
3. If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) regarding their permitting requirements.
Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and HAR, Chapter 11-54.
4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.
5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:
 - a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked

- is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water planning must recognize storm water as an asset that sustains and protects natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.
- b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g., minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.
 - c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.
 - d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.
 - e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

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

Sincerely,



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

NN

c: DOH-EPO [via e-mail Noella.Narimatsu@doh.hawaii.gov only]



10238-02
September 23, 2019

Bruce S. Anderson, PhD
Director, Department of Health
State of Hawai'i
1250 Punchbowl Street
Honolulu, HI 96813

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Dr. Anderson:

Thank you for the Environmental Planning Office's (EPO) participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. Because the EPO permanently closed on May 2, 2018, we are directing this response to you in your capacity as director of the Department of Health. EPO provided early consultation comments by letter dated December 21, 2016, which was prior to the publication of the EISP/N on February 8, 2018. EPO did not provide written comments on the EISP/N. We acknowledge EPO's early consultation comments and concerns, which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of EPO's comments has been appended to the Draft EIS in Appendix J.

We acknowledge that EPO suggested that the applicant consider a number of resources in preparing the Draft EIS. We have taken EPO's comments into consideration in preparing the Draft EIS, and offer the following responses:

The Draft EIS takes into utilized the relevant resources suggested by EPO, including GIS information from several sources. *See* Chapters 1 and 3 of the Draft EIS. The Department of Health's Clean Water Branch was also consulted as part of the early consultation and Draft EIS process. *See* Appendix J (Pre-Assessment Consultation Correspondence) and Appendix M (Scoping Meeting and EISP/N Comments and Responses). Compatibility of the Proposed Action with the State's functional plans is considered in Chapter 5 of the Draft EIS.

EPO's written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

10238-02
Letter to Dr. Bruce S. Anderson
Page 2
September 23, 2019

We appreciate EPO's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

LORIN W. FANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

December 23, 2016

Mr. Earl Matsukawa
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

RECEIVED
DEC 27 2016
WILSON OKAMOTO CORPORATION

Dear Mr. Matsukawa:

Subject: Early Consultation for the Preparation of an Environmental Impact Statement
Preparation Notice Proposed Lease for the Nahiku, Keanae, Honomau and Huelo
License Areas
East, Central and Up-Country Maui, Hawaii

Thank you for the opportunity to review this project. We have no comments to offer. It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski
District Environmental Health Program Chief

c EPO



10238-02
September 23, 2019

Ms. Patti Kitkowski
Maui District Environmental Health Program Chief
Department of Health
54 High Street
Wailuku, HI 96793-3378

Subject: Environmental Impact Statement Preparation Notice
Proposed Lease (Water Lease) for the Nāhiku, Keānae, Honomānū
and Huelo License Areas

Dear Ms. Kitkowski:

Thank you for your agency's participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Keānae, Honomānū, and Huelo License Areas. You provided an early consultation letter dated December 23, 2016, which was prior to the publication of the EISPN on February 8, 2017, and you also provided written comments dated February 23 and March 22, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to the early consultation comments) and Appendix M (as to your comments on the EISPN).

We acknowledge that the Department of Health, Maui District Health Office, in early consultation did not have comments but recommended that the applicant review the Standard Comments on the Department of Health's former Environmental Planning Office's (EPO) website. The EPO submitted early consultation comments, a copy of which is included in Appendix J to the Draft EIS.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7335
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

December 13, 2016

Earl Matsukawa, AICP
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, HI 96826
Fax: (808) 946-2253

Re: Proposed Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas
Dear Mr. Matsukawa,

Thank you for offering my client the opportunity to comment on the preparation of the Environmental Impact Statement Preparation Notice for the Proposed Lease for the Nahiku, Keanae, Honomanu and Huelo License Areas. The Maui County Department of Water Supply does not have any comments at this stage of the EIS process

Sincerely,

Caleb P. Rowe
Deputy Corporation Counsel

cc: Suzanne Case, Department of Land and Natural Resources
Jeffrey Pearson, Commission on Water Resources Management
Meredith Ching, Alexander & Baldwin
Garret Hew, East Maui Irrigation Company

RECEIVED
DEC 15 2016
WILSON OKAMOTO CORPORATION



10238-02
September 23, 2019

Mr. Caleb P. Rowe, Esq.
Deputy Corporation Counsel
County of Maui, Department of the Corporation Counsel
200 South High Street, 3rd Floor
Wailuku, HI 96793

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Mr. Rowe:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. On behalf of the County of Maui Department of Water Supply (DWS), you provided a letter dated December 13, 2016, in response to our request for early consultation comments. That was prior to the publication of the Environmental Impact Statement Preparation Notice (EISP) on February 8, 2017. You did not provide written comments on the EISP.

We acknowledge that you indicated your client, DWS, did not have any early consultation comments. However, we note that DWS subsequently sent two early consultation communications to us on December 13, 2016 and December 20, 2016. A copy of your letter, DWS' letters, and responses to those communications will be appended to the Draft EIS in Appendix J.

It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
HOUSING DIVISION
COUNTY OF MAUI

35 LUNALILO STREET, SUITE 102 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7351 • FAX (808) 270-6284

ALAN M. ARAKAWA
Mayor
CAROL K. REIMANN
Director
JAN SHISHIDO
Deputy Director

November 29, 2016

Mr. Earl Matsukawa
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

CSC: 11.5 2016
Approved by Board/Commission

Dear Mr. Matsukawa:

Subject: Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice (EISP) for the Proposed Lease for the Nāhiku, Ke'anae, Honomanū and Huelo License Areas, Maui, Hawaii TMs: (2)11-2-04:05, 07(por.), (2)11-02:02(por.), (2)11-1-001:44, (2)11-1-001:050, (2)2-9-014:01, 05, 11, 12 & 17

The Department has reviewed the request for Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice (EISP) for the above subject project. Based on our review, we have determined that the subject project is not subject to Chapter 2.96, Maui County Code. The Department has no additional comments to offer.

Please call Mr. Veranio Tongson Jr. of our Housing Division at (808) 270-1741 if you have any questions.

Sincerely,

BUDDY A. ALMEIDA
Housing Administrator

cc: Director of Housing and Human Concerns

TO SUPPORT AND EMPOWER OUR COMMUNITY TO REACH ITS FULLEST POTENTIAL
FOR PERSONAL WELL-BEING AND SELF-RELIANCE

PRINTED ON RECYCLED PAPER



ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

10238-02
September 23, 2019

Ms. Lori Tshako
Director
County of Maui, Department of Housing and Human Concerns
35 Lunaliilo Street, Suite 102
Wailuku, HI 96793

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Director Tshako:

Thank you for the Department of Housing and Human Concerns (DHHC) participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. DHHC provided early consultation comments dated November 29, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISPN) on February 8, 2017. DHHC did not provide written comments on the EISPN. We acknowledge DHHC's comments and concerns, which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A copy of DHHC's letter has been appended to the Draft EIS in Appendix J.

We acknowledge the DHHC's determination that the Proposed Action is not subject to Chapter 2.96 of the Maui County Code, and that DHHC had no additional comments to offer.

Your letter and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

December 9, 2016

RECEIVED
DEC 15 2016
WILSON OKAMOTO CORPORATION

Mr. Earl Matsukawa, Project Manager
WILSON OKAMOTO CORPORATION
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

Dear Mr. Matsukawa:

SUBJECT: EARLY CONSULTATION FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE PROPOSED LEASE FOR HE NAHIKU, KEANAE, HONOMANU AND HUELO LICENSE AREAS EAST, CENTRAL, AND UPCOUNTRY MAUI, HAWAII

We reviewed your early consultation request and have no comments at this time.

If you have any questions regarding this memorandum, please call Rowena Dagdag-Andaya at (808) 270-7845.

Sincerely,

DAVID C. GOODE
Director of Public Works

DCG:RMDA:da

Xc: Engineering Division

S:\DSEA\Engr\GZMI\DraftComments\11001044_050_11002002_12004005.007_29014001.055.011.012.017_prop_wtr_lease_els.rtf

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

LESULL OTANI, P.E., L.S.
Highways Division



10238-02
September 23, 2019

Ms. Rowena Dagdag-Andaya
Director of Public Works
County of Maui, Department of Public Works
200 South High Street, Room No. 434
Wailuku, HI 96793

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Director Dagdag-Andaya:

Thank you for the Department of Public Works' (DPW) participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. DPW responded to our request for early consultation comments by letter dated December 9, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISPN) on February 8, 2017. DPW did not provide written comments on the EISPN.

We acknowledge that the County of Maui, Department of Public Works did not have any comments in response to our request for early consultation.

Your letter and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277

ALAN M. ARAKAWA
Mayor



DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauwater.org

December 20, 2016

Mr. Earl Matsukawa, Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

RECEIVED
DEC 27 2016
WILSON OKAMOTO CORPORATION

EM

Re: Proposed Lease for the Nāhiku, Ke'anae, Honomanu, and Huelo License Areas -
Early Consultation for the Preparation of an Environmental Impact Statement

Dear Mr. Matsukawa:

Thank you for the opportunity to comment on the early consultation for the Preparation of an Environmental Impact Statement (EIS) for the Proposed Lease for the Nāhiku, Ke'anae, Honomanu, and Huelo License Areas.

The Proposed Action requests the issuance of a 30-year Water Lease from the Board of Land and Natural Resources (BLNR) for the "right, privilege and authority to enter and go upon" the stated license areas for the "purpose of developing, diverting, transporting, and using government owned waters" via the East Maui Irrigation (EMI) system, allowing operation of the EMI system and delivery to Department of Water Supply (DWS) and agricultural users, not to exceed diversion of more water that allowed by the pending Interim In Stream Flow Standards (IIFS) decision.

Legal Issues

The relationship of the IIFS and contested cases to potential constraints on water diversion and delivery by the EMI system are germane to the proposed action to issue a 30-year lease. The EIS should comprehensively discuss the status of CWRM's efforts to amend IIFS for certain East Maui streams, including estimated timelines. A full disclosure of a range of potential outcomes, and their relationships to the Proposed Action, should be evaluated.

The Final EIS Scope of Services preliminary identifies those parameters for which the CWRM's decision to amend the IIFS is deemed needed and states that the completion of the Draft EIS will be deferred for those elements. However, in the Re-opening of Hearing for Limited Purposes, the Hearings Officer identified specific areas for which additional evidence is anticipated: 1. HC&S Co./A&B's current and future use of surface waters and the impact on the groundwater sources for its central Maui fields of HC&S cessation of sugar operations; 2. the

"By Water All Things Find Life"

impact on DWS's use of surface water; 3. Maui County's position on the future use of the central Maui fields; and 4. how EMI is managing the decrease in diversions, the interim restorations and issues concerning the integrity of the EMI system. Data and evidence for the following elements below are available and not dependent on a CWRM Decision on IIFS for full disclosure in the Draft EIS:

Hydrogeology

The EIS should fully address Groundwater Interaction in the License Areas, as the Re-opening of Hearing for Limited Purposes will consider impact on groundwater sources for Central Maui fields but not revisit impacts on groundwater resources in License Areas.

Economic Impacts

The costs of the EMI system management, capital improvement, system operation and maintenance are important in assessing the future viability of the system and should be disclosed by the applicant. Relevant information include:

- The current and projected costs of the EMI system management, capital improvements, system operation and maintenance.
- Projected revenues and alternative scenarios that might occur after 2016 in the event of reduced and geographically altered IIFS and water demands by various water users. Alternative scenarios based on disclosed assumptions should be developed in consultation with the appropriate parties.
- Although the non-consumptive use of water involved in hydroelectric uses is likely difficult to appraise, the EIS should describe the extent to which hydroelectricity is generated, including the associated costs and revenues.

Changing Economic Conditions

The transition of A&B's lands to an alternative agricultural model, with variations in crop types, geographic distribution, timing, and associated future water demands, and water availability are uncertain. The EIS should address potential impacts directly or indirectly related to the Proposed Action in the event that:

- Permitted diversions under the IIFS are inadequate to sustain the economic viability of the EMI System in whole or in part.
- Alternative agricultural uses are inadequate to sustain the economic viability of the EMI System over the transition period or longer term.

In the event the EMI system is not economically viable, "at risk" or compromised due to the above cited issues or state of infrastructure, lack of capital to upgrade, etc., the EIS should assess alternative solutions that might be considered to mitigate the impacts. Examples might include County or State acquisition, lease, management; or other collaborative arrangements.

County of Maui Plans

The EIS should address how the proposed project could affect the following provisions of the *County of Maui 2030 General Plan Countywide Policy Plan* (Policy Plan) strategies, goals, objectives and policies relevant to water use, delivery and conservation. Policy Plan Key Strategy I states: "1. Improve Physical Infrastructure - New and old sustainable approaches for the delivery, use, and conservation of water and energy resources..." (<http://www.co.maui.hi.us/DocumentCenter/Home/View/11132>)

The EIS should address how the Proposed Action could affect the following provisions of the *County of Maui General Plan 2030, Maui Island Plan* (www.mauicounty.gov/1503/Maui-Island-Plan), which includes the following goals, objectives, and policies.

- Goal: 6.3 Maui will have an environmentally sustainable, reliable, safe, and efficient water system.
- Objective: 6.3.2 Increase the efficiency and capacity of the water systems in striving to meet the needs and balance the island's water needs.
- Policies: 6.3.2.a Ensure the efficiency of all water system elements including well and stream intakes, water catchment, transmission lines, reservoirs, and all other system infrastructure.
- Objective: 6.3.3 Improve water quality and the monitoring of public and private water systems.
- Policies: 6.3.3.a Protect and maintain water delivery systems.

With regard to efficiency, capacity, and monitoring of systems, the EIS should describe the percent transmission efficiency and how the optimization of the system would affect capacity, monitoring, maintenance and overall management.

We hope you find this information useful. Should you have any questions, please contact staff planner Alex Buttaro at (808) 463-3103 or alex.buttaro@mauicounty.gov.

Sincerely,


David Taylor, P.E.
Director

DT:EB:bab
S:\PLANNING\Permit_Review\Projects Review\planning review\EA-EIS\EMI system Lease BLNR



10238-02
September 23, 2019

Mr. Jeffrey T. Pearson
Director

County of Maui, Department of Water Supply
200 South High Street
Wailuku, HI 96793-2155

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Mr. Pearson:

Thank you to the County of Maui Department of Water Supply (MDWS) for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. MDWS provided early consultation comments by letter dated December 20, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISPN) on February 8, 2017. MDWS did not provide written comments on the EISPN. We acknowledge MDWS's early consultation comments and concerns, which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A copy of your letter has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui that are now owned by Mahi Pono and planned for diversified agriculture.
2. We acknowledge that at the time of MDWS' letter, the Commission on Water Resource Management (CWRM) had not yet issued its final decision in the Interim Instream Flow Standards (IIFS) contested case proceeding. CWRM has since issued its Findings of Fact, Conclusions of Law, & Decision and Order (D&O) on June 20, 2018. For the purposes of this EIS, diversion quantities allowable under the CWRM D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area.
3. Since your early consultation letter, Hawaiian Commercial & Sugar Co. (HC&S) has ceased all operations and the Central Maui agricultural fields have been sold to Mahi Pono. A description of the Proposed Action is discussed in Chapter 2 of the Draft EIS. Section 2.1.4 of the Draft EIS provides a description of Mahi Pono's farm plan for the agricultural fields in Central Maui. The farm plan is based on the water available after compliance with the CWRM D&O.

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10238-02
Mr. Jeffrey T. Pearson, Director
Page 2
September 23, 2019

4. Chapter 4 of the Draft EIS includes an assessment of the existing environment, impacts of the Proposed Action and mitigation measures, including the modification or removal of diversion structures in streams designated for full or partial restoration by the CWRM D&O, including discussion of groundwater hydrology in Section 4.2.2 and Appendices A and C of the Draft EIS.
5. Economic impacts of the Proposed Action and alternatives, including a scenario where no Water Lease is issued, are analyzed in the various technical studies appended the Draft EIS, including an Economic and Fiscal Impact Study (See Appendix H) and an Agricultural and Related Economic Impacts report (See Appendix I). These economic, fiscal, and agricultural impacts are also addressed in Sections 4.7.3 and 4.7.4. of the Draft EIS and also in Chapter 3 of the Draft EIS.
6. Chapter 3 also discusses alternative ownership of the EMI Aqueduct System.
7. Pursuant to HAR § 11-200-17(b), the Draft EIS in Chapter 5 discusses the Proposed Action's consistency with various plans and policies, including the County of Maui land use plans and policies in Section 5.4, including the Countywide Policy Plan and Maui Island Plan, and the community plans relevant to the Proposed Action in Section 5.7.
8. As described in Chapter 3 of the Draft EIS, Mahi Pono's plan includes designing a high-efficiency irrigation system to reduce water usage.

Your letter and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



10238-02
September 23, 2019

Ms. Pamela Townsend, Planner VI
Water Resource & Planning Division
County of Maui, Department of Water Supply
Pam.Townsend@co.maui.hi.us

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Ms. Townsend:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. You provided an early consultation comment by email dated December 15, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISP/N) on February 8, 2017. The Department of Water Supply did not provide written comments on the EISP/N. We acknowledge those comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A copy of your letter and this response has been appended to the Draft EIS in Appendix J.

We acknowledge that you requested a clean copy of Figure 3 that was included in the early consultation notice. Figure 3 to the consultation notice has been reproduced in the Draft EIS as Figure 2-2. Please note that Mr. David Taylor on behalf of your Department provided early consultation comments dated December 20, 2016. A copy of our response to Mr. Taylor's comments has been appended to the Draft EIS in Appendix J.

It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.
Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

From: Pam Townsend [mailto:Pam.Townsend@co.maui.hi.us]

Sent: Thursday, December 15, 2016 2:10 PM

To: Wilson Okamoto Corporation

Subject: A&B/EMI Water License EISP/N

Please direct this email to Earl Matsukawa.

Aloha Mr. Matsukawa:

We will be commenting on the EISP/N.

However, is possible to get a clean copy of Figure 3 in the consultation notice? It may be useful to include in our Water Use and Development Plan.

Mahalo, Pam

Pamela Townsend, Planner VI
County of Maui Dept. of Water Supply
Water Resources & Planning Division
2200 Main St. Suite 102 (One Main Plaza), Wailuku, HI 96793
808-463-3101
pam.townsend@co.maui.hi.us

<http://mauicounty.gov>

Office Hours: M-F 8:00 a.m. - 4:30 p.m.



ALAN M. ARAKAWA
MAYOR
OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



TIVOLI S. FAAUMU
CHIEF OF POLICE
DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

December 21, 2016

EM

Mr. Earl Matsukawa
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, HI 96826

Dear Mr. Matsukawa:

SUBJECT: Early Consultation for the Preparation of an Environmental Impact Statement Preparation Notice, Proposed Lease for the Nahiku, Ke'anae, Honomanu, and Huelo License Areas, East, Central, and Up-Country Maui, Hawaii

Thank you for your letter of November 23, 2016, requesting comments on the above subject.

We have reviewed the information submitted and have no comments or recommendations to make at this time. Thank you for giving us the opportunity to comment on this project.

Very truly yours,

Acting Assistant Chief Sterling Kiyota
for:
Tivoli S. Faauuu
Chief of Police



WILSON OKAMOTO
CORPORATION
INNOVATORS - PLANNERS - ENGINEERS

10238-02
September 23, 2019

Mr. Tivoli S. Faauuu
Chief of Police
County of Maui, Police Department
55 Mahealani Street
Wailuku, HI 96793

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nahiku, Ke'anae, Honomanu
and Huelo License Areas

Dear Chief Faauuu:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nahiku, Ke'anae, Honomanu, and Huelo License Areas. On behalf of the Police Department of the County of Maui (MPD) you responded to our request for early consultation comments by letter dated December 21, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISPN) on February 8, 2017. MPD did not provide written comments on the EISPN.

We acknowledge that the County of Maui Police Department did not have any comments or recommendations in response to our request for early consultation.

Your letter and this response will be reproduced in Appendix J of the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process. Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI

DEPARTMENT OF PLANNING

December 22, 2016



Wilson Okamoto Corporation
Attention: Mr. Earl Matsukawa, Project Manager
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

Dear Mr. Matsukawa:

SUBJECT: "PROPOSED LEASE FOR NAHIKU, KEANAE, HONOMANU, AND HUELO LICENSE AREAS," RESPONSE TO EARLY CONSULTATION FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT (RFC 2016/0218)

The Department of Planning (Department) is in receipt of your request for comments in preparation of an Environmental Impact Statement for the above subject proposed water lease, which has been applied for by Alexander and Baldwin, Inc. and the East Maui Irrigation Company, Limited. From your letter request of November 23, 2016 the Department understands that "the application seeks a long-term lease pursuant to Hawaii Revised Statutes (HRS) Section 171-58(c) for the right, privilege, and authority to enter and go upon," the Nahiku, Keanae, Honomanu, and Huelo license area "for the purpose of developing, diverting, transporting and using government-owned waters."

As it is particularly pertinent to this response letter, the Department further understands the Proposed Action and Purpose and Need for the action to be as follows, as described in the "Early Consultation Summary" dated November 23, 2016 and included with your letter.

Proposed Action

The proposed action constitutes the issuance of one long term (30 years) Water Lease from the Board of Land and Natural Resources (BLNR) for the "right, privilege, and authority to enter and go upon" the Nahiku, Keanae, Honomanu, and Huelo license areas for the "purpose of developing, diverting, transporting, and using government owned waters," through the existing EMI Aqueduct System which supplies water to domestic and agricultural water users. The Water Lease will also require the Lessee to continue to go on lands owned by the State in order to maintain and repair existing access roads and trails used as part of the EMI Aqueduct System. The Water Lease will allow continued operation of the EMI Aqueduct System to deliver water to the Maui County Department of Water Supply

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634

CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7255

EM

Mr. Earl Matsukawa, Project Manager
December 22, 2016
Page 2

(DWS) for domestic and agricultural water needs in Upcountry Maui, including agricultural users at the Kula Agricultural Park. It will also allow the continued provision of water to approximately 26,600-acres of agricultural lands (formerly in sugarcane) in Central Maui owned by A&B and farmed and managed by Hawaiian Commercial & Sugar Company, a division of A&B (See Figure 3). The Water Lease will not allow more water to be diverted than allowed by the IFS decision that is currently pending before the CWRM.

The terms of the long term Water Lease will be subject to all applicable requirements under HRS § 171-58(c), and will also be subject to the Department of Hawaiian Home Lands' (DHHL) rights to reserve water sufficient to support current and future homestead needs as provided by Section 221 of the Hawaiian Homes Commission Act.

Purpose and Need

Existing domestic and agricultural water demands in Central and Upcountry Maui are currently served by the EMI Aqueduct System. The purpose and need for the Water Lease is to continue service for agricultural and domestic purposes, as well as to ensure that future water demands, such as those considered for DHHL, may be met.

Moreover, the proposed Water Lease will ensure that the EMI Aqueduct System that enabled the cultivation of naturally non-arable lands in Central Maui will be maintained to continue to serve the community, continue Maui's rich agricultural heritage, and to enhance the sustainability and diversity of Maui's economy.

Based on the foregoing, the Department provides the following comments as pre-consultation in preparation of the (EIS/OEIS):

1. As stated in the Maui County Charter, as amended in 2002:

"The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council (Council) on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine (9) Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future.

Please address how the Proposed Action could affect the following provisions of the *County of Maui 2030 General Plan Countywide Policy Plan* (Policy Plan) that can be found at <http://www.co.maui.hi.us/DocumentCenter/Home/View/1132>.

- Policy Plan Key Strategy I states: "I. **Improve Physical Infrastructure** - New and old sustainable approaches for the delivery, use, and conservation of water and energy resources, along with new ways of thinking about the recycling and disposal of waste, are among the opportunities upon which Maui County can capitalize."

The Policy Plan also includes the following relevant combinations of goals, objectives, and policies:

I. Improve Physical Infrastructure

Goal: Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Objective:

1. Improve water systems to assure access to sustainable, clean, reliable, and affordable sources of water.

Policy:

- a. Ensure that adequate supplies of water are available prior to approval of subdivision or construction documents.
- c. Ensure a reliable and affordable supply of water for productive agricultural uses.
- h. Seek reliable long-term sources of water to serve developments that achieve consistency with the appropriate Community Plans.

2. The Maui Island Plan was adopted by the Council on December 28, 2012. The Plan provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The Plan looks

comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the Plan also identifies and addresses key environmental, housing, and economic development issues relevant to Maui's current and future generations. The Plan is intended by the Council, Department, and Maui Planning Commission (Commission) as a policy foundation for day to day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

Please address how the Proposed Action could affect the following provisions of the *County of Maui General Plan 2030 Maui Island Plan* (Island Plan), which includes the following relevant combinations of goals, objectives, and policies. The Island Plan can be found at <http://www.maui-county.gov/15037/Maui-Island-Plan>.

Goal:

- 6.3 Maui will have an environmentally sustainable, reliable, safe, and efficient water system.

Objective:

- 6.3.2 Increase the efficiency and capacity of the water systems in striving to meet the needs and balance the island's water needs.

Policies:

- 6.3.2.a Ensure the efficiency of all water system elements including well and stream intakes, water catchment, transmission lines, reservoirs, and all other system infrastructure.

Objective:

- 6.3.3 Improve water quality and the monitoring of public and private water systems.

Policies:

- 6.3.3.a Protect and maintain water delivery systems.

3. Please address how the Proposed Action could affect the following provisions of the *Pala-Haiku Community Plan*, which includes the following relevant combinations of goals, objectives, and policies. This community plan can be found at <http://www.maui-county.gov/423/Community-Plans>.

Water

Goal:

An adequate supply of potable and irrigation water to meet the needs of the region.

Objective:

2. Ensure that adequate water capacity is available for domestic and agricultural needs of the region.
5. Improve the existing potable water distribution system and develop new potable water sources prior to further expansion of the State Urban District boundary or major subdivision of land in the State Agricultural or Rural Districts.
4. Please address how the Proposed Action could affect the following provisions of the *Hana Community Plan*, which includes the following relevant combination of goal, objective, and policy. This community plan can be found at <http://www.mauicounty.gov/423/Community-Plans>.

PHYSICAL INFRASTRUCTURE

Goal:

Timely and environmentally sensitive development and maintenance of infrastructure systems which protect and preserve the safety and health of the Hana region's residents and visitors, including the provision of domestic water, utility and waste disposal services, and effective transportation systems which meet the needs of residents and visitors while protecting the region's rural character.

Objectives and Policies

Water:

7. Improve water sources and delivery facilities to ensure that water supplied to the region's residents and visitor is of the highest quality.

Thank you for the opportunity to comment. Should you require further clarification, please contact Current Planning Supervisor Jeffrey Dack by e-mail at jeffrey.dack@mauicounty.gov or by telephone at 270-6275.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Dave Taylor, Director, Department of Water Supply
Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Jeffrey P. Dack, Current Planning Supervisor (PDF)
Project File
General File
WRS:JPD:ela

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10238-02
September 23, 2019

Michelle Choteau McLean
Director, Planning Department
County of Maui
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Maui 96793

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Director McLean:

Thank you for your agency's participation in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. The County of Maui Planning Department provided early consultation comments from William R. Spence dated December 22, 2016, which was prior to the publication of the EISP on February 8, 2017. Your agency did not provide written comments on the EISP. We acknowledge the early consultation comments and concerns which were considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A copy of the Planning Department's early consultation letter has been appended to the Draft EIS in Appendix J.

We have taken your agency's comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Pursuant to HAR § 11-200-17(b), the Draft EIS discusses the Proposed Action's consistency with various plans and policies in Chapter 5 of the Draft EIS, including the County of Maui land use plans and policies in Section 5.4, including the Countywide Policy Plan and Maui Island Plan, and the community plans relevant to the Proposed Action in Section 5.7.

10238-02
Letter to Michelle Choteau McLean, Director
Page 2
September 23, 2019

Your agency's written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your agency's interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



From: **Leina Wender** waokila@gmail.com
 Subject: **Proposed Lease for the Nāhiku, Keānae, Honomanū, and Huelo License Areas**
 Date: **December 26, 2016 at 1:40 PM**
 To: woc@wilsonokamoto.com
 Bcc: Leina waokila@gmail.com, alan.murakami@nhichi.org, camille.kalama@nhichi.org, summer.sylvia@nhichi.org, dthall@maui.net, laiz@maui.net, wailuanui@exede.net, skippy.hai@hawaii.gov, dickmayer@earthlink.net

The following comments are submitted for the early consultation phase for the preparation of an Environmental Impact Statement Preparation Notice (EISP/N) for the above-named proposed lease.

The residents of Keānae-Wailuanui have been demanding that an EIS be prepared for 35 years. As I assume that representatives of East Maui residents and communities will also be submitting comments, I will address only some important issues which I believe need more attention than they have been given in the past. I will not discuss the absence of legal basis for granting these leases nor the devastating effects that the water diversions have caused, and would continue to cause, if a new lease were granted, as I believe others will address these issues. I will discuss some of the effects of the recent, wholly inadequate, so-called "restoration" of streamflow.

The Early Consultation Summary of November 23, 2016 states that Waioakilo Stream was "fully restored in 2007", and that several other streams are "planned for full and permanent restoration." The dictionary definitions of "restore" include "to return...something to a former condition..."; "to repair or renovate...so as to return it to its original condition"; and "to give something previously stolen, taken away, or lost back to the original owner or recipient." EMI has not restored Waioakilo or any other stream.

EMI apparently no longer utilizes water from Waioakilo. But this is not the same as restoration. EMI formerly diverted water not only from the main flume at Kīkōkiko, but also from numerous tributaries of various sizes which, before the existence of the ditch, eventually found their way into Waioakilo Stream. This water was collected via about two dozen diversions consisting primarily of concrete catchment basins with pipes. EMI has cut these pipes so that the water no longer goes into the ditch. Instead, it now drips or flows onto the ditch road, creating a muddy mess and additional habitat for invasive plants. Most of this water never makes its way off of the road, much less back into the stream. When they were built, the ditch and the ditch road cut into and altered the natural terrain. Nothing has been done to return this terrain to its original condition or to ensure that the water not diverted actually gets into the stream.

In addition, EMI has abandoned and no longer maintains the ditch road in the Waioakilo area, resulting in its present hazardous condition. They also no longer monitor the area for miconia, which I have frequently encountered there in recent years. EMI has abandoned any responsibility for stewardship of the watershed areas they no longer utilize. Even in the areas they still use, banyan trees, didyma and other invasive plants grow unlettered.

The EIS should discuss the alternative solutions. One could be to restore the area to its pre-diversion landscape without causing additional environmental damage. If that is not feasible, an alternative could be to allow the ditch road to remain, and to require that it be maintained, and also that a means be provided to ensure that the previously diverted water finds its way to the stream.

On some streams which EMI no longer uses, a continuous mauka/makai flow has still not been reestablished. For instance, at West Wailāiki the water is diverted and then put back into the stream so that the flow is interrupted at the ditch road. None of the massive, ugly concrete infrastructure has been removed. In short, the streams and their surroundings have not truly been restored.

If any new lease is considered, first restoration of the abandoned areas should be completed, and the lease should contain strict provisions requiring true watershed restoration, not simply

cessation of water diversion at the end of the lease period. There should also be a requirement that a bond be posted in a sufficient amount to carry out this work.

All of these issues must be discussed in the subject EIS.

I have one additional comment regarding Figure 1 of the preconsultation request, "EMI Aqueduct System". The key indicates that the areas colored green are "EMI lands." This would lead one to believe that EMI wholly owns these lands, which is untrue. I am familiar only with the lands in the Keānae-Wailuanui area, which are hui lands, obtained from the Kingdom of Hawai'i in the 19th century by groups of owners and never partitioned or subdivided. EMI claims an interest in these hui, but so do scores or even hundreds of other people, including myself. Such deceptive images and labels should not be permitted.

Thank you for this opportunity to comment.

Sincerely,

Elaine Wender



10238-01
February 8, 2017

Ms. Elaine Wender
waiokila@gmail.com

Subject: Early Consultation for the Preparation of an
Environmental Impact Statement Preparation Notice
Proposed Lease for the Nāhiku, Ke'ānae, Honomanū,
and Huelo License Areas

Dear Ms. Wender:

Thank you for your comment letter on the subject Early Consultation for the Environmental Impact Statement Preparation Notice (EISPN) pertaining to the Proposed Lease for the Nāhiku, Ke'ānae, Honomanū, and Huelo License Areas. Your comments will be considered and a copy of your comment letter will be appended to the EISPN.

Public scoping meetings in conjunction with the thirty-day public review and comment period on the EISPN will be conducted on the island of Maui. The purpose of the meetings is to provide an overview of the EIS process and solicit input pertaining to the scope of the Draft EIS. The meetings will be held on: Wednesday, February 22, 2017 from 5:00 p.m. to 7 p.m. at the Maui Electric Company Community Meeting Room (210 W. Kamehameha Avenue), and Thursday, February 23, 2017 from 5:00 p.m. to 7 p.m. at the Hatikū Park and Community Center (2830 Hāna Highway - Hāna Highway at Pilioloa Street).

We appreciate your interest in this environmental review process and will continue to invite your participation.

Sincerely,

Earl Matusukawa, AICP
Project Manager

Enclosures

cc: Suzanne Case
Jeffrey Pearson
Daniel Yasui
Garret Hew
Department of Land and Natural Resources
Commission on Water Resources Management
Alexander & Baldwin
East Maui Irrigation Company

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277



10238-02
September 23, 2019

Ms. Elaine Wender
waiokila@gmail.com

Subject: Environmental Impact Statement Preparation Notice
Proposed Lease (Water Lease) for the Nāhiku, Ke'ānae, Honomanū
and Huelo License Areas

Dear Ms. Wender:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'ānae, Honomanū, and Huelo License Areas. During the EISPN comment period, you provided oral comments at the February 23, 2017 EIS Scoping Meeting, and written comments dated March 9, 2017. We also appreciate your early consultation comments provided by email dated December 26, 2016. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting and content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to your early consultation comments) and Appendix M (as to your comments at the public scoping meetings and your written comments in response to the EISPN).

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'ānae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui that are now owned by Mahi Pono and planned for diversified agriculture.
2. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277

3. CWRM, pursuant to the D&O issued in June 2018, stated that its intention was to allow for the continued use and viability of the EMI Aqueduct System and that it would not require the complete removal of diversions unless complete removal was necessary to achieve the IIFS.
4. Trutta and SWCA prepared reports in support of the DEIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, and terrestrial flora and fauna. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the DEIS (See Appendix A and Appendix C).
5. The Chapter 4 of the Draft EIS includes an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). The CWRM D&O considered objectives and management strategies in setting the IIFS. Chapter 1, Section 1.3.3 and Chapter 4 of the Draft EIS discusses diversions and restoration related to Waiokamilo Stream, which was ordered for full restoration by the CWRM D&O.
6. Various technical studies are appended the Draft EIS and provide detailed examinations or resources and potential impacts, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)
7. Chapter 3 of the Draft EIS includes an evaluation of the reasonable alternatives to the Proposed Action.
8. The EMI Aqueduct System Collection Area is shown on Figure 1-1 of the Draft EIS. This figure, which is not to scale, also indicates broadly the lands owned by the State of Hawai'i within the Collection Area and the lands owned by A&B and/or Mahi Pono within and adjacent to the Collection Area.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

ISAAC DAVIS HALL
ATTORNEY AT LAW
2087 WELLS STREET
WAILUKU, MAUI, HAWAII 96793
(808) 244-9017
FAX (808) 244-6775

December 27, 2016

Via Email and U.S. Mail
woc@wilsonokamoto.com
Mr. Earl Matsukawa
Project Manager
Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

Re: Early Consultation for the Preparation of an EISPN for Proposed Lease for the Nahiku, Keanae, Honomanu, and Huelo License Areas, East, Central and UpCountry Maui, Hawaii

Dear Mr. Matsukawa:

This letter is written on behalf of the Maui Tomorrow Foundation, Inc. ("Maui Tomorrow"). Maui Tomorrow joins in and incorporates by reference the contents of the comment letter written to you by the Native Hawaiian Legal Corporation dated December 26, 2016.

Thank you for your attention to these important matters.

Sincerely,

Isaac Hall

IH/gr
Cc: Clients



10238-02
September 23, 2019

Mr. Albert Perez, Executive Director
Maui Tomorrow Foundation
55 North Church Street, Suite A-4
Wailuku, HI 96793

Subject: Environmental Impact Statement Preparation Notice
Proposed Lease (Water Lease) for the Nāhīkū, Keʻānae, Honomanū,
and Huelo License Areas

Dear Mr. Perez:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhīkū, Keʻānae, Honomanū, and Huelo License Areas, by providing your written comments on the EISPN, dated March 10, 2017, and your oral comments at the February 22, 2017 scoping meeting. We also appreciate Maui Tomorrow Foundation's early consultation comments provided by letter dated December 27, 2016 from Mr. Isaac Hall, Esq., on behalf of Maui Tomorrow Foundation, wherein he stated that Maui Tomorrow Foundation joined in the early consultation comments made by Native Hawaiian Legal Corporation (NHLC) dated December 26, 2016. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments and the NHLC comments have been appended to the Draft EIS in Appendix J (Pre-Assessment Consultation Correspondence) and Appendix M (Scoping Meeting and EISPN Comments and Responses). We have also enclosed a copy of our response to NHLC's comments.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhīkū, Keʻānae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.

2. Section 1.4 of the Draft EIS explains that in 2016, the BLNR ordered A&B to prepare an EIS for the proposed Water Lease. The Proposed Action under the Draft EIS is the issuance of a Water Lease by the BLNR which will enable the lessee of the proposed Water Lease the rights mentioned above. The Draft EIS also studies a proposed long term farm plan by Mahi Pono who purchased A&B's Central Maui agricultural lands, but also acknowledges that the proposed Water Lease will be put out for public auction. For purposes of HRS Chapter 343 review, regardless of who the applicant is, it is the Proposed Action (i.e., the issuance of a long-term Water Lease) and the environmental effects of the Proposed Action and all reasonable alternatives which are being studied. In accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Section 11-200-4(b), the BLNR, as the executive board of the DLNR, is the accepting authority for the EIS. The DLNR is also the agency that will be issuing the proposed Water Lease for public auction.
3. Chapter 1 of the Draft EIS discusses the purpose and need of the Proposed Action.
4. Chapter 4 of the Draft EIS discusses the existing environment, impacts of the proposed action and mitigation measures. As relevant and appropriate, the discussion of impacts includes those pertaining to conditions before and after the closure of sugarcultivation in 2016.
5. The Draft EIS will include in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action, including alternative duration and diversion volume, as well as a No Action alternative. Section 3.1.1 of the Draft EIS discusses water source alternatives. Section 3.1.2 of the Draft EIS discusses alternative aqueduct ownership.
6. For the purposes of this EIS, diversion quantities from the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O) were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).
7. Truttia and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action and alternatives on indigenous freshwater species, terrestrial flora and fauna, and invasive mosquitoes. The Draft EIS discusses the impacts of the Proposed Action to freshwater species in Section 4.2.1 and impacts to terrestrial flora and fauna in Sections 4.4.1 and 4.4.2. Both reports are appended to the Draft EIS (See Appendix B and Appendix C).
8. The Draft EIS will include in Chapter 4 an assessment of the existing environment and impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full or partial restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O). Various technical studies will also be appended the Draft EIS and provide detailed examinations, including: Assessment of Streams and the Ocean Water Chemistry (See Appendix A); Terrestrial and Flora and Fauna Report (See Appendix B); Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using

9. Figure 1-1 in the Draft EIS illustrates the EMI Aqueduct System overlaid on the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) geographic information system (GIS) data of streams. An electronic drawing of the EMI Aqueduct System was georeferenced by Akinaka & Associates, Ltd. to depict major diversions on East Maui streams on a United States Geological Survey (USGS) GIS base map. Due to the complexity of the EMI Aqueduct System and the level of detail shown on the map, not all of the minor diversions could be associated with a stream or tributary. The stream names shown are from the DAR GIS database but a few of those stream names may differ from how some East Maui residents may refer to them. Moreover, certain streams that were identified during certain proceedings before the Commission on Water Resources Management (CWRM) do not have associated GIS data and therefore could not be precisely located on the map. Table 1-2 in the Draft EIS reconciles discrepancies between stream names used in the February 2017 EIS Preparation Notice and the D&O.
10. Section 2.1.4 of the Draft EIS includes a description of Mahi Pono's Farm Plan for the agricultural fields in Central Maui. The Farm Plan is based on estimates of available surface and ground water. Information from the D&O was used to estimate the maximum amount of water that can be diverted by the EMI Aqueduct System from the License Area. Section 2.1.1 discusses the Department of Hawaiian Home Lands' water reservation.
11. Section 1.3.4 of the Draft EIS discusses the D&O and the authority of the BLNR to issue a Water Lease for non-instream uses pursuant to HRS § 171-58, that is subject to the IIFS set by CWRM.
12. Section 2.3.1 of the Draft EIS discusses the Maui Department of Water Supply (MDWS) system, including water sourced from the EMI Aqueduct System. Figure 2-4 depicts the MDWS surface water supply system.
13. Section 2.1.3.2 of the Draft EIS discusses water needs for the Kula Agricultural Park.
14. Section 1.3 in the Draft EIS incorporates additional historical information from the Archaeological Literature Review and field inspection report (Appendix E).
15. Section 4.3.1 and 4.3.2 of the Draft EIS discuss climate change and sea level rise, respectively as well as the Assessment of Streams and the Ocean Water Chemistry (See Appendix A).
16. Section 4.9 of the Draft EIS discusses Visual Resources.
17. Section 4.8 of the Draft EIS discusses recreational resources and park facilities.

18. Section 4.14 and Section 4.15 of the Draft EIS discuss how the amount of water available through surface water diversion may impact public services and facilities; and, infrastructure and utilities, respectively.
19. Section 4.13 of the Draft EIS discusses potential traffic impacts of Mahi Pono's proposed diversified agricultural operations.
20. Section 1.3.4 of the Draft EIS discusses the D&O.
21. Section 4.2.2 of the Draft EIS discusses groundwater hydrology, including in East Maui.
22. Sea Engineering, Inc. and Marine Research Consultants, Inc. prepared an assessment of streams and the ocean water chemistry in support of the Draft EIS. The Draft EIS summarizes this assessment in Section 4.2.3. The report is also appended in the Draft EIS (Appendix A).
23. Cultural Surveys Hawai'i, Inc. prepared an archaeological report as well as a cultural impact assessment, which are summarized in Section 4.5 and 4.6 of the Draft EIS, respectively. These reports are also appended in the DEIS (Appendices E and F, respectively).
24. Earthplan prepared a social impact assessment which is summarized in Section 4.7.1 and 4.7.2 of the Draft EIS. The report is also appended in the Draft EIS (Appendix G).
25. Implementation of the D&O through modifications and adjustments to the EMI Aqueduct System is independent of the Proposed Action, which is the issuance of a Water Lease. Section 1.3.4 of the Draft EIS discusses the D&O.
26. Section 4.16 of the Draft EIS discusses secondary and cumulative impacts of the Proposed Action.
27. Section 5.8 of the Draft EIS discusses the permits and approvals related to the Proposed Action.

Your written and oral comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP

Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant
Isaac Hall, Esq.

Enclosure (NHLC response letter)



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawaii 96813 • www.nhlc.org
Phone (808) 521-2302 • Fax (808) 537-4268

December 26, 2016

Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826

Attention: Mr. Earl Matsukawa, Project Manager
woc@wilsonokamoto.com

Re: Early Consultation for the Preparation of an EISP/N Proposed Lease for the Nahiku, Ke'anae, Honomanu, and Huelo License Areas East, Central and Up-Country Maui, Hawaii

Dear Mr. Okamoto,

Mahalo for the opportunity to provide comments prior to the issuance of an Environmental Impact Statement Preparation Notice for the use of water from four license areas consisting of 33,000 acres of lands and waters in East Maui. Our office represents Nā Moku Aupuni o Kō'olau Hui and other farmers, fishermen and women, and gatherers of native plants and stream animals in the East Maui region. These comments are preliminary in nature and are not intended to represent the entirety of our clients' concerns regarding the proposed use of the license areas.

In general, the EIS should consider impacts to and along: (1) each diverted stream, (2) each individual license area, and (3) the entire 33,000 acres of license area. In addition, the discussion of diversions should include all structures, designs, and mechanisms that either remove water from streams **or** prevent water from entering into streams.

First, Alexander & Baldwin's Environmental Impact Statement should provide at a *minimum* the following:

- Full disclosure of every single diversion along the East Maui Irrigation system (including photographs and descriptions as to how the diversion operates, how much water it diverts from the stream daily (on average and at minimum and maximum), and its precise location);
- Maps indicating all maintenance and/or access roads for the diversion system including identification of all access points at public roads and/or highways;

Wilson Okamoto Corporation
December 26, 2016
Page 2 of 3

- Maps that show every single stream within East Maui, including all tributaries from ma uka to ma kai, identified by name; and
- Alternative proposed uses including one that involves the use of water from less than all four license areas and no diversion of water from East Maui.

Second, the EIS should disclose the following information for *each* alternative analyzed in the EIS:

- the amount of water proposed to be taken from each stream daily (on average and at minimum and maximum);
- the amount of water proposed to be taken from each license area daily (on average and at minimum and maximum);
- the total amount of water proposed to be taken from the entire license areas daily (on average and at minimum and maximum).

Finally, the EIS should provide an analysis of the following:

- the degree to which leasing of the land interferes with access to the license area - including a discussion as to who controls the various gates that prevents access to these lands;
- the impact of diverting water from East Maui streams on aquatic life;
- the impact of diverting water from East Maui streams on native plant species;
- the impact of diverting water from East Maui on invasive species, including the creation of mosquito breeding grounds;
- the impacts of diverting water from East Maui streams on outdoor recreational activities, the maintenance of ecosystems, and aesthetic values such as waterfalls and scenic waterways; and
- the impacts of diverting water from East Maui streams on traditional and customary Hawaiian practices (including kalo farming, gathering of native stream flora and fauna, and recreation).


The discussion of alternatives should also include a no diversion alternative or licensing less than the full 33,000 acres for the diversions. In any discussion of alternatives that involve the use of less than the full diversion system and all four license areas, analysis of how the existing system will be removed and the watersheds restored should be included.

Services made possible with major funding from the Office of Hawaiian Affairs

Nhlc, Upright, straight, steady, tall and straight as a tree without branches, always peaked, as mountains. Fig. - rightous, correct.

We look forward to the publication of the EISPN as soon as possible so this long awaited process can finally begin. Should you have any questions regarding the above, please call us at (808) 521-2302.

Sincerely yours,


Camille Kalama
Summer Sylva
Staff Attorneys



10238-02
September 23, 2019

Ms. Camille Kalama and Ms. Summer Sylva, Staff Attorneys
Native Hawaiian Legal Corporation
1164 Bishop Street, Suite 1205
Honolulu, HI 96813

Subject: Environmental Impact Statement Preparation Notice
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Ms. Kalama and Ms. Sylva:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. You provided early consultation comments by letter dated December 29, 2016, which was prior to the publication of the EISPN on February 8, 2017. You also provided written comments on the EISPN dated March 10, 2017. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J (as to the early consultation comments) and Appendix M (as to the EISPN comments).

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui.
2. Chapter 4 of the Draft EIS discusses the existing environment, impacts of the Proposed Action, including the modification or removal of diversion structures in streams designated for full restoration by the Commission on Water Resource Management's (CWRM) June 20, 2018 Interim Instream Flow Standards (IIFS) Findings of Fact, Conclusions of Law, & Decision and Order (D&O), and mitigation measures. As relevant and appropriate, the discussion of impacts includes those pertaining to conditions before and after the closure of sugar cultivation in 2016. Various technical studies are appended the Draft EIS and provide detailed examinations,

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including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I).

3. Trutta and SWCA prepared reports in support of the Draft EIS assessing the impacts of the Proposed Action, particularly impacts on indigenous freshwater species, terrestrial flora and fauna and invasive mosquitos. The impacts of the Proposed Action to freshwater species are discussed in Section 4.2.1 and the impacts to terrestrial flora and fauna are discussed in Sections 4.4.1 and 4.4.2. The two reports are appended to the Draft EIS (See Appendix A and Appendix C).

4. The Draft EIS includes in Chapter 3 an evaluation of the reasonable alternatives to the Proposed Action.

5. Figure 1-1 in the Draft EIS illustrates the EMI Aqueduct System overlaid on the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) geographic information system (GIS) data of streams. An electronic drawing of the EMI Aqueduct System was georeferenced by Akinaka & Associates, Ltd. to depict major diversions on East Maui streams on a United States Geological Survey (USGS) GIS base map. Due to the complexity of the EMI Aqueduct System and the level of detail shown on the map, not all of the minor diversions could be associated with a stream or tributary. The stream names shown are from the DAR GIS database but a few of those stream names may differ from how some East Maui residents may refer to them. Moreover, certain streams that were identified during certain proceedings before the CWRM do not have associated GIS data and therefore could not be precisely located on the map. Table 1-2 in the Draft EIS reconciles discrepancies between stream names used in the February 2017 EIS Preparation Notice and the CWRM D&O.

6. For the purposes of the Draft EIS, diversion quantities from the CWRM D&O were used to estimate the maximum amount of water to be diverted by the EMI Aqueduct System from the License Area. A description of the EMI Aqueduct System and its operation is included within the Draft EIS (refer to Sections 2.2.1 and 2.1.2).

7. For purposes of this Draft EIS, the list of streams assessed as part of the License Area is taken from the D&O. The Draft EIS discusses impacts to hydrology associated with the Proposed Action in Section 4.2 of the Draft EIS as well as the reports various technical reports prepared for the Draft EIS, including: Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Steam Habitat Evaluation Procedure (HSHEP) Model (See Appendix A); Assessment of Streams and the Ocean Water Chemistry (See Appendix B); Terrestrial and Flora and Fauna Report (See Appendix C); Historical Structure Assessment (See Appendix D); Archaeological Literature Review and Field Inspection (See Appendix E); Cultural Impact Assessment (See Appendix F); Social Impact Assessment (See Appendix G); Economic and Fiscal Impact Study (See Appendix H); and Agricultural and Related Economic Impacts report (See Appendix I)

8. The impacts of access into the License Area are discussed in the SWCA report and the Archaeological Literature Review and Field Inspection report (See Appendices B and E, respectively). These impacts are also discussed in the Draft EIS in Section 4.4 pertaining to the natural environment and Section 4.5 on historic and archaeological resources.

9. The Cultural Impact Assessment (See Appendix F) includes a tabulation and evaluation of traditional cultural practices, including those provided through interviews and declarations from the CWRM's proceedings on the IIFS.

Your written comments and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.
Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant



10238-02
September 23, 2019

Napua Kuloloio Puaoi
ppuaoi@gmail.com

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū
and Huelo License Areas

Dear Ms. Puaoi:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas. You provided early consultation comments by email dated December 9, 2016, which was prior to the publication of the Environmental Impact Statement Preparation Notice (EISPN) on February 8, 2017. You did not provide written comments on the EISPN. We acknowledge your comments and concerns, which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments has been appended to the Draft EIS in Appendix J.

We have taken your comments into consideration in preparing the Draft EIS, and offer the following responses to your comments relating to the content of the Draft EIS:

1. The Draft EIS assesses anticipated environmental impacts associated with the issuance of a long-term (30 years) Water Lease by the Board of Land and Natural Resources (BLNR) for the continued "right, privilege, and authority to enter and go upon" the Nāhiku, Ke'anae, Honomanū, and Huelo License Areas for the "purpose of developing, diverting, transporting, and using government owned waters" through the existing East Maui Irrigation Company, Ltd. (EMI) Aqueduct System which supplies water to domestic and agricultural water users, including A&B's former sugar cane fields in Central Maui, which are not owned by Mahi Pono and planned for diversified agriculture. The environmental impacts of the potential Water Lease have been assessed in the Draft EIS.
2. The Commission on Water Resource Management issued a decision on June 20, 2018, setting the Interim Instream Flow Standards for numerous East Maui streams. This decision also ordered full restoration of the taro streams in East Maui. The Proposed Action (issuance of a Water Lease) will be in full compliance with the diversions as permitted under the Commission on Water Resource Management's decision and order.

1907 S. Beretania Street, Suite 400 • Honolulu, Hawaii • 96826 • (808) 946-2277

From: Pua Puaoi [mailto:ppuaoi@gmail.com]
Sent: Friday, December 09, 2016 9:15 AM
To: Wilson Okamoto Corporation
Cc: walprotectors@gmail.com
Subject: I strongly oppose A&B water sheds on East Maui

Aloha,

My name is Napua Kuloloio Puaoi, I am from Wailuku, Maui and I have strong family roots on the East side of Maui. I am writing because I strongly oppose A&B's control of East Mauis 33,000 acres of water she'd land. I am in support of Kalo farmers & the livelihood of East side residents who rely on that water. A&B has no right to that water it should remain where it is and not diverted or in what I like to call STOLEN from generations of Kalo farmers & residents that for decades depends on that water. It's not right! Let the water flow from mauka to maikai! Show our kekis that the people can win over corporate greed like A&B!

Mahalo
Napua Kuloloio Puaoi

10238-02
Letter to Ms. Napua Puaoi
Page 2
September 23, 2019

Your written and this response will be reproduced in the Draft EIS. It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,



Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant

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HAWAIIAN LAND AND NATURAL RESOURCES

PUBLIC ACCESS TRAILS HAWAII
2525 KAHEKILI HIGHWAY
WAILUKU, HAWAII 96793-9233
davidhbrown@hawaiiantel.net
808 244-5721

8 December 2016

Wilson Okamoto Corporation
1907 South Beretania Street, Suite 400
Honolulu, Hawaii 96826


Dear Mr. Matsukawa:

Public Access Trails Hawaii (501(c)(3) (publicaccesstrailshawaii.org) takes no position on the water lease to A & B at this time.

HOWEVER, Public Access Trails Hawaii demands that ALL Hawaii State leases require the following paragraph:

"All roads, trails, beach accesses and other public accesses on this leased property must be open at all times to the public".

Sincerely yours,


David Henderson Brown

Executive Director, Public Access Trails Hawaii



10238-02
September 23, 2019

David Henderson Brown
Executive Director, Public Access Trails Hawaii
2525 Kahekili Highway
Wailuku, HI 96793-9233

Subject: Environmental Impact Statement
Proposed Lease (Water Lease) for the Nāhiku, Kc'anae, Honomanū
and Huelo License Areas

Dear Mr. Brown:

Thank you for participating in the scoping process for the subject Environmental Impact Statement (EIS) pertaining to the Proposed Lease (Water Lease) for the Nāhiku, Kc'anae, Honomanū, and Huelo License Areas. You provided early consultation comments by letter dated December 8, 2016, which was prior to the publication of the EISP on February 8, 2017; you did not provide written comments on the EISP. We acknowledge your comments and concerns which have been considered in the preparation of the Draft EIS with regard to meeting content requirements prescribed in Hawai'i Administrative Rules, Title 11, Chapter 200, Section 17. A record of your comments and this response has been appended to the Draft EIS in Appendix J.

We acknowledge that your organization did not take a position on the Proposed Action (the Water Lease), but demanded that all State lease include the following paragraph: "All roads, trails, beach accesses and other public accesses on this leased property must be open at all times to the public." The terms and conditions of the proposed Water Lease will be established by the Board of Land and Natural Resources. We note that public access to the License Area is discussed throughout Chapter 3 and Chapter 4 of the Draft EIS.

It is anticipated the Draft EIS, including the various technical studies associated with it, will be available for review on September 23, 2019 at the Office of Environmental Quality Control website.

We appreciate your interest and participation in this environmental review process.

Sincerely,

Earl Matsukawa, AICP
Vice President, Director of Planning

cc: Suzanne Case, Chair, Department of Land and Natural Resources
A&B / EMI, Applicant