



KAILUA NEIGHBORHOOD BOARD NO. 31

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Comments by the Kailua Neighborhood Board
on DEIS for Kawainui-Hamakua Master Plan Project
February 1, 2018

Aloha Mr. Sato,

The comments and questions contained in this letter were unanimously approved by the Kailua Neighborhood Board at its regular meeting on February 1, 2018.

The Kailua Neighborhood Board has reviewed the document Kawainui-Hamakua Master Plan Project Draft Environmental Impact Statement (DEIS). We have also reviewed our comments on the Environmental Impact Statement Preparation Notice (EISPN) and your responses to those. We support the plan's wetland restoration and reforestation improvements that would enhance habitat for endangered waterbirds.

We want to first point out that the plan you refer to as the Kailua Neighborhood Board plan is actually titled: "**Kawainui Marsh Restoration Plan, Priorities, Protocols, and Participation.**" (The Community Plan). The genesis of the plan was specifically explained to the community and HHF Planners on a number of occasions including the Kailua Neighborhood Board (KNB) presentation at your November 30, 2013 "Envisioning Kawainui" meeting at Le Jardin School. As was explained, the plan was prepared by Kailua and Waimanalo residents including the President (at the time) of the Hawaiian Civic Club and the Chairperson (at the time) of the KNB. The plan was first presented to community organizations including the LaniKailua Outdoor Circle, the Audubon Society, Keep It Kailua, and Hawaii's Thousands Friends. Only after these organizations endorsed the Community Plan, did the KNB review it and endorse it. Your error must be corrected in the final EIS along with your comments on the Community Plan that are not consistent with these facts. Please refer to your copy. The Community Plan is a brief, but comprehensive, document that supports restoration, preservation and maintenance of the Kawainui Marsh including DLNR facilities and the continuance of the cultural activities at Ulupo, Cash ranch (Kekuha O' Kualii), Na Pohaku, and adds a cultural site at Wai'auia. It recommends habitat enhancement and removal of the "peat mat."

In addition, as an existing plan, the Community Plan must be addressed as an alternative in the DEIS along with your discussions of the "do nothing" alternative and the proposed plan. Your stated basis for dismissing the Community Plan is not consistent with its genesis or its content.

Additional Comments are as follows:

Page 7: You state that there will be road and drainage improvements on Kapa'a Quarry Road, but fail to explain how this will be accomplished given the City and County and private ownership of portions of the area slated for these improvements.

Page 8: You state that design features can be incorporated, but do not explain what or how, or any impacts or mitigations.

Page 9: Re. impact on birds from visitors - you say "Division of Forestry and Wildlife (DOFAW) **may** enact mitigation measures." Will they? When? What are they? What is the cost?

Page 14: We understand that Land and Water Conservation Fund (LWCF) grants allow for the recreational component to be provided off site. This should be addressed.

Page 23: "Sustainment of educational and cultural programs ... cannot rely on volunteers alone." How many employees will be required and who will pay for them and the maintenance required?

Page 23: "A variety of financing options, including increased commercial activities, may be explored." This contradicts statements made in many parts of the DEIS that, except for 100 persons per day, commercial activities will not be permitted. Also, how can anyone examine the impacts and mitigations of "may be explored"?

Page 24: You say the only potential unresolved issue identified at this time concerns general opposition to visitors. Strong concerns have also been raised concerning removal of the peat mat as a priority, increased flood protection, intrusion of humans in the Bird Sanctuary, and others.

Chapter 1.

Page 1-2: States that the applicant is DOFAW and Department of Land and Natural Resources (DLNR). As explained in Hawaii Administrative Rules (HAR) 11-200 this is an "agency action." Yet Table 1-1 includes actions by non-profit organizations which are not agencies. Their activities would be "applicant actions." No Environmental Assessment (EA) for applicant actions has been submitted. The accepting authority for an EIS may also differ.

Chapter 2.

Page 2-9: The list of plans does not include the **"Kawainui Marsh Restoration Plan, Priorities, Protocols, and Participation."**

Page 2-30: Item 5. Peat Mat Zone states "an area important for Kawainui flood control capability ... would remained unchanged." Removal of the peat mat is critical to improving the restoration of the wetland and flood retention capability of the Kawainui Marsh. A major flaw in the proposed plan is that it does not include this necessary remediation. It is included as a priority in the "Community Plan."

Related to this is a matter that is not addressed in the proposed plan. This is the provision of a permanent siphon facility over the dike transmitting water from the Kawainui Marsh into Kawainui Stream. As many people in Kailua know, this system was tested by a temporary DLNR demonstration project. A letter received from DLNR acknowledged that the test was a success in remediating the flow problems in Kawainui Stream without adding to flood potential in the Coconut Grove area. This facility should be addressed as part of the DEIS because it is a critical project related to the water quality of the Kawainui and Hamakua marshes.

Page 2-36: Statements on this page refer to future culverts including:

Other culverts **would** be identified.

Culvert repair **could** involve.

Drainage improvements **would likely be**.

Other measures **could** include.

Drainage swales **could**.

Given that these facilities are directly related to runoff, speculation concerning them - the would (later), could (or maybe not) are an insufficient assessment of the impacts. Is it correct for us to assume that these culvert projects will be assessed in a future EA before implementation?

Page 2-37: You state storm water improvements are necessary in the area along residences near DOFAW's Hamakua entrance due to flooding. What are the details of the improvements, when will they be constructed, and at what cost?

Page 2-42: You state that no recreational activities are planned within Hamakua or on Pu'uoeahu hillside. Are the planned trails not recreational?

Page 2-44: The map shows two bridges 191 feet and 644 feet long in the wetland for trails and vehicles, plus four boardwalks. What construction procedures and materials will be used for these in the wetland, and what would be their impact?

Page 2-45: You state that the design of accessory facilities and the Education Center would be determined during the design phase. How can impacts of facilities that are not yet designed be assessed? Are we correct to assume that there will be a future EA for these facilities?

Page 2-48: "Examples of learning projects ... include...." Examples do not provide information on impacts of what will be done. Specifics of what will be done are necessary.

Page 2-53: Kahanaiki area.

Approximately 25 parking stalls are proposed. How many of them are for buses? What specifically will the pavement consist of? Proposed is a septic tank for the restroom. What is the size of the system, and will the soils in the area preclude leaching of effluent into the wetland?

Page 2-54: Education Center.

Only a conceptual layout of the Education Center is provided as in a programmable EIS. Details to evaluate impacts are absent. Will a future EA be prepared by the Department of State Parks (DSP) or the Request for Proposal (RFP) selectee for the final design? Will that EA be an agency or an applicant action?

Page 2-60: Kapa'a area (Kapa'a Cultural Complex).

Same comment as in Page 2-54 above. Also, the proposed cultural complex appears to duplicate the activities at the Education Center kauhale. Why are both needed?

Why is a water storage component required?

Is the restroom and caretaker house served by the same septic system, and is the system feasible given the soils, its proximity to the wetland, and the former landfill site?

Will structures meet the commercial fire code?

Re. last paragraph - What are the specific adverse impacts to endangered waterbirds, and the specific mitigative measures to be utilized? Without this information there is no way to assess the effect of the facility on the endangered birds.

Page 2-62: Kawainui State Park Reserve, Kalaheo section.

Will the parking area accommodate buses? What are the sizes of the buildings? What specific cutting and reconstruction of the canal bank will be done to enable safe canoe access to the canal? How much will DLNR have to increase its 100 person daily visitor limit to accommodate the park canoe education activity? What are the U.S. Army Corps of Engineers' requirements for design of the canoe launching facility? What effect will the canoe building and repair have on community noise and the water quality in the canal? Will access be limited to or by the successful bidder, or will it be open to the public? How many visitors and buses a day will be permitted?

Page 2-65: Wai'auia.

Only conceptual plans are provided as in a programmable assessment. Specific plans are needed to evaluate impacts.

Page 2-68: A burial or re-internment site is a cemetery. State laws and rules concerning cemeteries should be made explicit. Has an EA for the re-internment project been done or contemplated by DLNR or Board of Water Supply (BWS)? Why is Hawaiian Memorial Park not considered as an alternative?

Wai'auia Cultural Center - The cultural practices facility is the fourth or fifth non-profit cultural facility proposed in the plan. Why are so many such facilities needed in one community?

The facility proposed includes a center for Hawaiian studies in performing and literary arts. This would appear to require permanent educational structures not shown on the area map. Only a Halau and hula mound are depicted. What other structures will be included?

Will buses be allowed in the parking lot? Will fees be charged for public access and performances? Will an EA be prepared for the final design, and will it be an agency or applicant action?

Levee to Ulupo - What will be the construction materials, including the footing, for the 365-foot boardwalk? What is the cost of the boardwalk? How and when will it be funded? What was the cost per foot of the Maui example of a boardwalk given?

Will there be public parking for residents at Wai'auia to access the trail to Ulupo?

Ulupo Heiau - The City and County Conditional Use Permit (CUP) that was approved for the expansion of the neighboring YMCA required additional parking. The expansion has been completed but the additional parking has not yet been provided. Does the State intend to purchase the YMCA land needed for the YMCA parking?

Page 2-74: Hamakua-Pu'uoeahu. Subarea E.

The program staging area and restroom are very close to residential homes only a few feet away. Were those residents notified? The three trails are a visual intrusion to the landscape that is identified as part of an important view plane by the Kooluapoko Sustainable Communities Plan.

The erosion that will occur, like the pill box and Maunawili trails, plus the fire hazard created by numerous hikers during the dry season, makes the trails a bad idea adjacent to a suburban community if just for safety reasons. We can learn from the California fires and mud slides.

The fence proposed will affect the view of the area from Hamakua Drive. What are the cost, design and materials of the fence?

Pages 2-77 and 2-78: Program and Visitor Activity Estimates.

The estimate of the number of visitors to Ulupo Heiau does not mention the two tour buses with up to 47 seats each that visit Ulupo. Additionally, according to the estimates, the number of people using the areas on a daily basis approximately equals the 100 person limit currently established by DLNR. Also, the estimates given for the three non-profit facilities of 115 appears to be inconsistent with your estimate of 9,950 visitors per month.

Page 2-82: The total projected visitor activity is 9,950 persons per month, which is a large increase over your estimate of current visitors - 2,960. This should be made explicit.

The estimate of 6,000 visitors per month for the Education Center is inconsistent with your statements that the Education Center and the other non-profits developments will not be open to visitors, and that commercial permits (including tours) will not be issued. Why is there this discrepancy?

How will the non-profits fund their facilities without charging users for visits or events?

Page 2-92: You note that all design guidelines are preliminary. Does this mean that the EIS is preliminary or programmatic?

You also state that "Finalized design guidelines would be included in the final master plan." Will an EA be prepared for the final master plan when the designs and other unknowns may be available?

Page 2-96, Table 2.8: The overall cost estimate is nearly \$67,000,000. How will this be funded? Which developments have priority for funding? Will there be phasing?

We understand that the cost estimates for the non-profit facilities (even though they have not been designed) are:

Wai'auia - \$2,430,000

Kapa'a Cultural Center - \$7,870,000

Ulupo Heiau - \$630,000

Education Center - \$5,450,000.

How firm are these estimates? How will they be funded?

Page 3-7, Section 3.1.1.2: You state "Design of site improvements and facilities would be developed by the non-profit organizations." Would further EA be required prior to implementation of the improvements and facilities?

Page 3-99: "...efforts to improve coastal water quality should focus on improving the quality of ...Kawainui canal and Kaelepulu Stream. Agreed, but see earlier comments re. the siphon project.

Page 4-82, Para 3: Says the plan will not increase commercial visitors. However, the plan estimates that there will be 9,950 visitors per month (Table 2.6). Are you saying that tourists are not commercial?

Page 4-83: You say that the Education Center will not be commercial. It would accommodate non-commercial visitors consisting of Kailua residents, Oahu residents and visitors to the Island. But they will sell books, crafts or food. Is that not commercial?

City and County zoning considers that commercial, is the State different?

Page 5-8, 5-13: Wastewater Facilities.

You say that there is no sewer service along Kapa'a Quarry Road to serve the proposed facilities, and that the future design phase would evaluate wastewater flows and treatment requirements in greater detail including the

septic tank absorption bed. Because these are critical facilities surrounding the water of the wetland, detailed information needs to be prepared before impacts of the facilities can be evaluated.

Page 6-29: Conservation District Use Permit (CDUP) OA-3068 (2002).

This CDUP permits Kawainui Marsh improvements to be made by DLNR. As you say, it expired in 2012, and was given a 10-year extension to 2022 by the Board of Land and Natural Resources (BLNR). Our understanding is that the BLNR may only approve two-year extensions, and that a new permit may be required.

Page 6-45: Aloha+ Challenge.

The DEIS incorrectly interprets the "Natural Resource Management" objective of the Governor's Aloha+ Challenge. The objective is to "reverse the trend" of losses of natural resources, not to add to it as does the proposed plans' assault on endangered species control (sending humans into the sanctuary), as well as the lack of the prescribed Community Based Marine Management of the wetland's water areas (non-removal of the peat mat, lack of flow in Kawainui Stream, etc).

Page 7-11: Concerns with Commercial Activities.

You say that the community has a misunderstanding of the commercial activities in the proposed plan. Yet your tables show an increase to 9,950 visitors per month, and admit sales at the Education Center and fees at Wai'auia. How do you explain that discrepancy?

Additional general comments:

Comprehensive Security Plan for the Area: What steps will be taken to ensure security after hours and what is the comprehensive security plan for the entire project?

Waterbird protection: Kawainui is a unique small wetland habitat necessary to sustain four endangered bird species. Where does the DEIS address the impact of 6,000 additional visitors per month on these waterbirds throughout the year? Where does the DEIS address the curtailment of human activities during fledgling season?

Pavements: If permeable pavement is used, how will pollutants from vehicles be prevented from entering the wetland and streams? If gravel is used anywhere within the project, how will the gravel be prevented from migrating into the wetland and streams?

Nighttime events: (1) Will overnight camping be permitted within the boundaries of Kawainui Marsh and Hamakua Marsh? If so, how many nights a year and how many permits will be granted per month, per year? (2) Will overnight stays be allowed at the Education Center Pohakea, Wai'auia Cultural Center, Kapa`a Cultural Center, kauhale Complex, Pohakea, Na Pohaku o Hauwahine, Ulupo Heiau and Kalaheo Park? If so how many nights will be allowed each month and each year for each of the above facilities? How many consecutive nights will be permitted for each facility each month, each year? (3) What time will Kawainui Marsh and Hamakua Marsh close to visitors every day of the week? Will the Education Center Pohakea, Wai'auia Cultural Center, Kapa`a Cultural Center, kauhale Complex, Pohakea, Na Pohaku o Hauwahine, Ulupo Heiau and Kalaheo Park be open at night? If so, what are the days and hours each will be open.

Aquifer protection: The Project is located within the high-level groundwater Waimanalo Aquifer system with water that is considered irreplaceable. Since "Kawainui serves as a basin for surface water flow into the wetlands and provides some recharge of the groundwater aquifer system" what precautions and mitigation measures are in place in Kawainui and Hamakua wetlands to prevent human-induced contaminants from migrating into the groundwater?

Mahalo nui loa for your patience and diligence in addressing our questions and concerns. A response is requested.

Aloha,

William M. Hicks
Chairman

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