APPENDIX S

Responses to Comments Received on Revised Draft Environmental Assessment (published September 8, 2022)

APPENDIX S Comments Received on Second Draft Environmental Assessment (published September 8, 2022)

The comments in the matrix below are truncated, but represent the essence of each comment. Exact copies of comments submitted are contained in Appendix R.

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#	Agency	Person Commenting	Date of Letter	Comments Received	Response	Location Discussed in Final EA
1	State Department of Land and Natural Resources, Land Division		10/05/22	Thank you for the opportunity to review and comment on the subject 2nd Draft Environmental Assessment (DEA). The Land Division appreciates the revisions that have been incorporated into this version of the document and acknowledges that this version appears to have addressed most of the inadequacies of the first draft. Based on our review, we offer the following comments on the document: 1. Section 1.1.1.2, please clarify if the Waimea you are referring to is the district or ahupua'a. 2. Section 1.1.6.6 appears to use different font sizes. 3. Figure 1.10 still has a "*This page intentionally left blank"* water marking. 4. Section 2.7 mentions the National Environmental Policy Act (NEPA). Please clarify if a NEPA document will be required for the Project. If not, we suggest you remove the reference as not to confuse readers, more so as the nexus for Federal permits are not tied to the NEPA process. 5. Section 4.1.2.2 Waiakōali Diversion, under the Construction Activities subheading, states that the project proposed to "*raise the height by approximately two feet to prevent overtopping events.*" Given climate change and the possibility of increased storm events, how was the additional two feet in height determined? 6. Section 4.1.2.6 Pu'u Lua Reservoir, under the Construction Activities subheading, states that "*the water storage capacity would be increased from the current storage level to approximately 200 MG...*" We note that under the Current Site Conditions and Use subheading, the current storage level was not defined though it was stated much earlier in Section 1.1.6.4. For ease of the reader, we would suggest restating the reservoir capacity. 7. Please clarify if there are staging areas associated with the Upper Penstock as discussed in Section 4.1.2.8. 8. Please review page 4-105, last paragraph for clarity purposes. 9. According to Section 4.1.2.9, DHHL Storage Tank, the existing DHHL storage tank is in a state of disrepair but will be left in place. We strongly suggest that if the tank could be considered a public health safety and welfare issue that it be removed. 10. In Section 4.1.2.12, Lower Penstock, under the Site Access and Construction Disturbance Areas subheading, please clarify if any clearing work is associated with the temporary staging areas. 11. Section 4.1.2.15, PV Solar Array, under the Construction Activities subheading, we ask that you clarify that there will be 28 lithium-ion battery containers/units. 12. Page 5-8, last paragraph, has a sentence that reads "*Some identified uses have been obtained, but at least one use is obtained*." It is unclear what you are referring to. 13. Possible impacts to birds due to the installation of the new overhead interconnection line, as well as applicable mitigation measures should be included in Section 5.3.2. While we understand that it is part of KIUC's existing transmissions circuit and being covered by KIUC's Habitat Conservation Plan, the lines are also a part of this project and should be covered accordingly. In addition, as the line are part of KIUC's larger, existing transmissions circuit, this issue should also be addressed in the Cumulative Impact Section. 14. Section 5.4.3 states that "*Measures to minimize potential impacts to stream related cultural resources associated with traditional cultural practices versus non-traditional practices of extraction and utilization as discussed in Section 5.3.3.*" We could not find anything in Section 5.3.3 regarding this. Please clarify or expand discussion to include proposed mitigation measures. 15. Regarding the responses to comments from the agencies and the public we find that the following may not have been adequately addressed: o Comment ID No. 4, Ms. Deborah Pence, comment 3 states that "*The intent of the agreement is that the WKEP Koke'e diversions would supply irrigation to the Mana Plain so that diversions from the Kekaha ditch could be reduced*..." There is no response from the Applicant either concurring or disputing this claim. This is an important point of clarification as the comment letter from the Agribusiness	Mahalo for your comments. Please see responses below. 1. This has been updated to clarify Waimea in this section is referring to the district of Waimea. 2. Corrected in the final EA. 3. Corrected in the final EA. 4. Based on what is known at this time, the Project does not require NEPA. Therefore, the reference to NEPA in Section 2.7 has been removed. 5. Section 4.1.2.2 has been updated to clarify that the raised height of the left abutment is consistent with historic and modeled peak flow events of 685 cfs. Potential future peak flow events over 685 cfs may occur and scour protection for the potential overtopping events would be added downstream of the left abutment. 6. Section 4.1.2.6 has been revised to include the current storage level at Pu'u Lua Reservoir. 7. Section 4.1.2.8 has been revised to clarify that staging areas for penstock construction are necessary and included in the Project footprint. 8. Corrected in the final EA. 9. We understand your recommendation. The existing tank has been in a degraded state for a number of years and has not posed any public health, safety and welfare issues. The tank is located in areas currently behind locked gates and not in an area open to the public. Because the tank is considered a historic property, it is the intent to leave it as is. If DHHL, SHPD and DLNR all concur it is best to remove the tank, the applicant is open to considering this option. 10. Section 4.1.2.12 has been revised to clarify that tree removal is not expected for staging areas associated with the construction of the Lower Penstock. 11. Section 4.1.2.15 has been revised to include 28 lithium-ion battery units. 12. Regarding Page 5-8 of the DEA, the specific language highlighted in your comment has been deleted. 13. Section 5.3.2 and Section 5.14, Secondary and Cumulative Impacts has been revised with the additional requested information on the Project Interconnection Line. 14. Section 5.4.3 has been revised to include language addressing measures to minimize potential impacts to stream related cultural practices associated with the traditional cultural practices versus non-traditional practices of extraction and utilization. 15. Public comment responses • Response to Comment ID #4 Ms. Deborah Pence. The Waimea Mediation Agreement does not contain language specifically stating the intent as worded by Ms. Pence. In Section D, IIFS Numbers, the Waimea Mediation Agreement states: "*If Phase Two goes into operation, the Commission will examine the amounts being diverted at Koaie and at Waiahulu with the goal of increasing the total IIFS numbers for these two streams."* We cannot speak to Agribusiness Development Corporation's comment letter on the first DEA regarding Kekaha Ditch being the primary source of irrigation water for Mānā Plain. It is the Applicant's understanding of the Waimea Mediation Agreement that these issues will not be determined by the Applicant or WKEP and are under the purview of CWRM (the Commission) and will be determined by CWRM (the Commission) through the ongoing CWRM oversight of the mediation implementation. • Menehune Ditch. Figure 4.56 has been added to Section 4.1.2.18 that illustrates on a line diagram the connections between Menehune Ditch and the Kōke'e and Kekaha Ditch Systems.	Section 1.1.1.2, Section 1.1.6.6, Section 1.10, Section 2.7, Section 4.1.2.2, Section 4.1.2.6, Section 4.1.2.8, Section 4.1.2.12, Section 4.1.2.15 Section 5.3.2, Section 5.14, Section 5.4.3

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				Development Corporation (ADC) states that the primary source of irrigation water for Mana Plain will come from Kekaha ditch. o Regarding our comment letter, we are still unsure how Menehune Ditch ties into the Kōke'e and Kekaha Ditch systems, nor could we find it labeled on any of the figures. Please clarify how water from the project enters into the Menehune Ditch. o The Hawai'i State Energy Office as well as the Office of Conservation and Coastal Lands both expressed concerns regarding the disposal and recycling plans for the solar panels, batteries, and other project components. Based on the information provided in the document, Staff does not believe this concern has been adequately addressed. Further, Staff notes that section 2.2 states that the solar array is expected to have a life span of approximately 30 years while the project itself is requesting a 65-year lease term. Based on those two timelines it is safe to assume that the solar array system will need to be replaced at least once during the requested lease period. Therefore disposal/recycling of the system should be thoroughly addressed. 16. Regarding the responses to DOFAW's comments, please note that under the Applicant's response to Section 3.3.2, references are made to "Section X" and "Appendix X". No such section or appendix exists. Please revise accordingly. Should you have questions or concerns regarding our comments, please contact Lauren Yasaka at (808) 587-0431.	• Section 4.1.3, Solid and Hazardous Waste Management has been added to the final EA and contains specific information requested by Hawai'i State Energy Office's comments on the first and second DEAs. 16. Response to DOFAW comments. The response to DOFAW's comments on Section 3.3.2 of the first DEA should have read: An analysis of potential impacts to flow is provided in the Flora Fauna Technical Report, which can be found in Appendix H of the revised DEA, and are summarized in Section 3.5 of the revised DEA. Further information that addresses your comments/questions will be found in the topic sections titled: EA vs. EIS and Impacts and Request for a 65 Year Water Lease.	
2	County of Kaua'i, Planning Department		10/10/22	Thank you for the opportunity to provide comments on the draft environmental assessment for the West Kaua'i Energy Project. The Planning Department offers the following comments: A. Project Information a. Tax Map Key: The draft environmental assessment identifies the subject parcels as TMK: (4) 1-2-001:003, 007; 1-2-002:001, 016, 018, 019, 023, 999 (road); 1-4-001:002, 003, 013; 1-4-002:008, 035, 036, 048, 066, 067, 068, 085. b. Project Applicant: Kaua'i Island Utility Cooperative (KIUC). Major landowners include federal, state (Department of Land and Natural Resources, Department of Hawaiian Homelands, Department of Agriculture/Agribusiness Development Corporation), and Robinson Family Partners. c. Project Area: The proposed project area extends north as far as Kawaik6i Stream (Alaka'i Swamp), northwest to Polihale State Park, and south to Waimea (above Waimea Town). However, the Applicant stated that infrastructure improvements or new construction will involve 622 acres (of approximately 31,000 acres of the subject parcels). d. Project Summary: The project proposes the construction of a renewable energy and irrigation system. The proposed development would utilize the existing Koke'e Ditch Irrigation system and the Pu'u Lua, Pu'u 'Qpae, and Mana Reservoirs. The project includes rehabilitation of existing State irrigation infrastructure as well as construction of irrigation, solar and hydroelectric located near streams or existing ditches, reservoirs, or intake tunnels. e. Zoning:	Mahalo for your comments. Please see responses to comments below. **A. Project Information** c. Project Area: As a point of clarification, the Project area does not extend to Polihale State Park and the town of Waimea. The Project footprint runs through Pu'u 'Ōpae to Mānā Reservoir and then directly west from Mānā Reservoir towards Kaumuali'i Highway. Please see Figure 2.5, Project Location Map for clarification on the Project area in relationship to Polihale State Park and the town of Waimea. **B. Kauai General Plan** c. The Applicant will take into consideration the most updated population projections and growth rate for Kaua'i through the remaining development of the Project. **C. Cultural and Historic Resources** **a.** Registered Sites and Heritage Resources. The Applicant contracted Cultural Surveys Hawai'i (CSH) to conduct a Literature Review and Field Inspection in 2018 in an effort to determine any potential cultural or historic resources that would be impacted by the Project based on the conceptual and preliminary designs. As part of this effort, the Applicant and CSH conducted outreach with community members. There was one historic site identified by a member of the community along the Upper Penstock alignment that had the potential to be impacted by the Project, and the Upper Penstock was rerouted to avoid the area. The Applicant also conducted significant desktop and field research during the conceptual design phase to better understand any potential impacts to natural resources. This information was used to inform the current Project footprint with the goal of minimizing potential impacts to natural resources. In addition, the Upper and Lower Penstock routings were designed in the 30% engineering phase with 300-foot buffers on each side from the center line to allow realignment during final engineering, if needed to avoid natural or cultural resources identified through the studies conducted for the Project and that are included in the Appendix of the DEA.	Section 2.4, Section 5.3.3, Section 5.4, Section 5.5, Section 6.3.1, Appendix K, Appendix I

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				Most of the subject parcels are in the County Agricultural and Open Zoning District. The eastern/mauka portion close to and within Koke'e State Park is in the State Conservation District. f. <u>Permits and Approvals</u>: The proposed project includes the following actions across 622 acres within the subject parcels: i. Water diversions, particularly to the Koke'e Ditch Irrigation system; ii. Rehabilitation of existing State infrastructure, including irrigation systems, reservoirs, and access roads; iii. Construction of new facilities, including stream gages, lateral branches on existing ditch systems, pressurized pipeline, hydroelectric facilities and powerhouses, solar fields, and buried power lines; and iv. Project operations, including pump and storage facilities. In addition, the proposed project seeks to support end users of water and energy generation, in particular farmers and [future] beneficiaries of the Department of Hawaiian Homelands Pu'u 'Opae Agricultural Homesteads project. The Applicant has included a list of permits and approvals that may be required for the proposed action under Section 2.5 on pages 67-68. Among these listed are required Use and Zoning permits administered by the County of Kaua'i Planning Department for actions within the Agricultural and Open Zoning Districts pursuant to Kaua'i Comprehensive Zoning Ordinance (CZO) 1987, as amended. g. <u>Important Agricultural Lands (IAL)</u> During the Kaua'i IAL Study process (2009-2015) scores were generated for every agricultural parcel on Kaua'i on a scale of "O" (does not meet any IAL criteria) to "40" (meets all lAL criteria). Maps were created based on this scoring methodology. The threshold scores define attributes of all agricultural lands on Kaua'i according to how well they meet the criteria of HRS Chapter 205 A Important Agricultural Lands. Lands with a threshold score of 28 or above meet all eight of the criteria at some level. A small percentage of the subject parcels (less than 10%) scored at "28 or above." However, it is not anticipated that the proposed project will negatively impact agricultural use of these lands. Rather, upgrades to irrigation infrastructure are anticipated to improve and expand agricultural use throughout the region. B. <u>Kaua'i General Plan</u> a. The Kaua'i General Plan supports renewable energy production as significant to reducing the island's greenhouse gas emissions and to help mitigate climate change. It specifically supports KIUC's goal to increase energy from renewable sources from 40% in 2016 to 70% by 2030 "through a mix of new biomass, solar, and hydroelectric projects" (2020 Kaua'i General Plan, page 184). b. Sector VIII. Energy Sustainability & Climate Change Mitigation, sets forth the following objectives and actions that are relevant to this project: Objective 1: Conserving energy and becoming sustainable. Permitting Actions: 1. Promote increased conservation and renewable energy production.	The sites discussed in the comment letter were all assessed during the Archaeological Inventory Survey (Appendix K) and Cultural Impact Assessment (Appendix I). None of the sites are within the Project area, or will be impacted indirectly by the Project. In addition, access to cultural and historical sites is under the jurisdiction of the State agencies that own and manage the relevant lands. The Project will not change or impact the present access to cultural and historic sites. Consultation with connected 'ohana and traditional practitioners was conducted throughout the surveys for the Project including while conducting the Archaeological Inventory Survey (Appendix K), the Cultural Impact Assessment (Appendix I), and through public meetings as well as outreach by the Project design team directly. Consultation with these stakeholders will continue throughout the course of the Project. Outreach and consultation is also being conducted as part of the Section 106 process. The table below depicts a site by site analysis of each site's (from the comment letter) location in relationship to the Project and the Project's potential impact to each site. **SIHP # / Name / Function / TMK / Location in Relation to Project / Potential Impact to Site / Potential Impact to Access** 50-30-01-00004 / Kapu'ula Heiau / Religion / 412002001 / The heiau is 4 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-01-00005 / House sites / Habitation / 412002001 / The house sites area approximately 4 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-01-00006 / Heiau / Religion / 412002001 / The heiau and habitation complex is approximately 2 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-01-01817 / Polihale State Park Lithic Scatter / Tool Mfg / 412002001 / The lithic scatter is approximately 3.5 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-01-01819 / Cultural scatter / Habitation / 412002001 / The scatter is approximately 3.5 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-05-00010 / Kahelu Heiau / Religion / 412002001 / The heiau is approximately 0.5 miles from the project area. Features of the heiau are not within the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-05-00012 / Ho'one'enu'u Heiau / Religion / 412002001 / The heiau is approximately 1.2 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-05-00013 / Kaunalewa Ridge Caves (various) / Burial / 412002001 / Kaunalewa Ridge burial caves are approximately 1.5 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site. 50-30-05-00018 / Heiau (various) / Religion / 412002023 / The heiau is approximately 1.5 miles from the project area. / The project will not impact the site directly or indirectly. / The site is on lands under DHHL jurisdiction and the project will not impact or have control over access to the site.	

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2. Streamline and expedite planning and permitting processes involving renewable energy facilities.

Partnership Needs:
1. Support the [KIUC] and private initiatives for solar, biomass, hydro, and other clean energy production types.
2. Identify sites where new renewable energy facilities might be co-located with other land uses.

Objective 2: To expand strategies and mechanisms to reduce greenhouse gas emissions on Kaua'i.

Permitting Actions:
1. Reduce the carbon footprint of both new and existing buildings and infrastructure by maximizing energy efficiency and minimizing the use of fossil fuel resources on the grid.
2. Support continued reductions in emissions from local energy production.

c. It should be noted that the General Plan included population projections as a baseline to direct future growth. KIUC should take into consideration the most updated population projections and growth rate for Kaua'i.

C. <u>Cultural and Historic Resources</u>
A. Registered Sites and Heritage Resources
Section 5.1 of the Draft EA discusses the Findings and Conclusions of significant impacts. Subsection 1 addresses Irrevocably commit a natural, cultural resource, or historic resource by stating that "The Proposed Action was designed, and the project footprint was determined to avoid impacts to natural and cultural resources to the extent practicable." But the DEA does not specify mitigation strategies or how "extent practicable" will be determined.

The following is a list of registered cultural and historic resources identified on the subject parcels, many of which are heiau used for religious purposes that are still frequented by traditional and cultural practitioners.
The Department expects the Applicant to comply with all standards, procedures, and conditions required to protect and preserve cultural sites and access to these by their stewards. Consultation with connected 'ohana and traditional practitioners of the area should be conducted, as is required as part of the Section 106 review process.

B. <u>Environmental and Ecological Resources</u>
Subsection 9 on page addresses: *Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat*, to which the Applicant provides: "There were no special-status plant species found during ground surveys of the study area even though some facilities are located within critical habitat designated for those flora species," and that, "Four special-status fauna species-'i'iwi, Hawaiian duck, Hawaiian goose, and Hawaiian moorhen-were detected during the field surveys. Additionally, there is suitable habitat for the Hawaiian hoary bat."

The DEA maintains that the project could have short-term impacts to "special status species," which would be "minimized or negated through the implementation of minimization and mitigation measures" which are discussed in Section 3.3.3. The DEA also affirms that the operation of the proposed PV Solar Array would have minimal impact to forest birds due to the location of the facility in agricultural lands" as the "proposed PV Solar Array location is identified as eCHARnt wetlands and is adjacent to fallow agricultural fields prone to flooding. Waterbirds are generally attracted to areas with standing water and have been seen in fields near the project area."

SIHP #	Name	Function	TMK	Location in Relation to Project	Potential Impact to Site	Potential Impact to Access
50-30-05-00014	Heiau (various)	Religion	412002001	The 2 heiau near Waiawa are 2.3 miles from the project area.	The project will not impact the site directly or indirectly.	The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site.
50-30-05-00015	House sites	Agriculture	412002023	The Waiawa house sites and terrace complex is 3 miles from the project area	The project will not impact the site directly or indirectly.	The site is on lands under DHHL jurisdiction and the project will not impact or have control over access to the site.
50-30-05-00016	Hau'ola Heiau	Religion	412002023	Hau'ola Heiau is approximately 3 miles from the project area.	The project will not impact the site directly or indirectly.	The site is on lands under DHHL jurisdiction and the project will not impact or have control over access to the site.
50-30-05-00017	Burial caves	Burial	412002001	The Poki'i Ridge burial caves are approximately 2.25 miles from the project area	The project will not impact the site directly or indirectly.	The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site.
50-30-05-00011	Makahoe Heiau and Village site	Religion	412002023	The estimated location of the Makahoe Heiau and Village Site is within 0.5 miles of the project area. There are no remnants of the Makahoe Heiau and Village site identified within the project area.	The project will not impact the site directly or indirectly.	The site is on lands under DHHL jurisdiction and the project will not impact or have control over access to the site.
50-30-05-03650	Limaloa Burials	Burial	412002001	The site is approximately 1 mile from the project area	The project will not impact the site directly or indirectly.	The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site.
50-30-05-00800	Waiaka Burials (Cairn)	Burial	412002001	The cairn is approximately 4.25 miles from the project area.	The project will not impact the site directly or indirectly.	The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site.
50-30-05-00801	Waiaka Rockshelters	Habitation	412002001	The rockshelters are approximately 4.25 miles from the project area.	The project will not impact the site directly or indirectly.	The site is on lands under ADC jurisdiction and the project will not impact or have control over access to the site.

b. **Environmental and Ecological Resources**
As noted in the Executive Summary table and Section 5.3.3 of the DEA, the Applicant has committed to all the minimization and avoidance measures recommended by USFWS and DLNR DOFAW for protection of rare and endangered flora and fauna. The Applicant will continue to consult with USFWS and DLNR DOFAW through the remaining development process. Also, the Applicant has met with PMRF a number of times through the development of the Project and will continue to consult with PMRF and PMRF's environmental specialist through the remaining development of the Project.

Further information that addresses your comments/questions will be found in the topic section titled: EA vs. EIS and Impacts.

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				Moreover, the DLNR DOFAW managed Kawai'ele Waterbird Refuge is near the proposed PV Solar Array location. The Department expects the Applicant to comply with all standards, procedures, and conditions required to protect and preserve rare and endangered native flora and fauna. Continued consultation with DLNR DOFAW and environmental specialist at the Pacific Missile Range Facility through the project development process is highly encouraged. The following rare and endangered species have been reported within the subject parcels (source: University of Hawai'i Biodiversity Program, Rare Species Inventory). The Applicant asserts that any impacts to cultural resources, flora and fauna, water, and water resources, as as well as scenic views and view plains would be minimal or short-term. Mahalo for the opportunity to comment on the West Kaua'i Energy Project. Should you have any questions, please do not hesitate to contact planners Dale Cua and Lea Kai'aokamalie at planningdepartment@kauai.gov.		

3	State Department of Health, Clean Air Branch		09/13/22	If your proposed project:
				Requires an Air Pollution Control Permit
				
				• You must obtain an air pollution control permit from the Clean Air Branch and comply with all applicable conditions and requirements. If you do not know if you need an air pollution control permit, please contact the Permitting Section of the Clean Air Branch.
				• Permit application forms can be found here: https://health.hawaii.gov/cab/permit-application- forms/
				
				Includes construction, demolition, or renovation activities that involve potential asbestos and lead containing materials:
				
				• Asbestos may be present in any existing structure. Prior to demolition, you must contact the Indoor and Radiological Health Branch, Asbestos-Lead Section. Testing may be required to determine if building materials may contain asbestos, such as: drywall, vinyl floor tile, mastic, caulking, roofing materials, insulation, special coatings, etc.
				• Structures built prior to 1980 may also contain lead paint. Prior to demolition, contact the Indoor and Radiological Health Branch, Asbestos-Lead Section. Testing may need to be conducted to determine if building materials contain lead.
				• Some construction activities have the potential to create excessive noise and may require noise permits. For DOH Noise Permits and/or Variances and for more information on the Indoor and Radiological Health Branch, please visit: https://health.hawaii.gov/irhb/
				
				Includes demolition of structures or land clearing
				
				• Department of Health, Administrative Rule: Title 11, Chapter 26, Vector Control, Section 11-26- 35, Rodents; Demolition of Structures and Clearing of Sites and Vacant Lots, requires that:
				
				  ○ No person, firm or corporation shall demolish or clearn any structure, site, or vacant lot without first ascertaining the presence or absence of rodents which may endanger the public health by dispersal from such premises.
				  ○ Should such an inspection reveal the presence of rodents, the person, firm or corporation shall eradicate the rodents before demolishing or clearing the structure, site or vacant lot.
					Mahalo for providing a link to DOH's standard comments.
					
					The Project does not involve the demolition of structures and does not involve the potential for asbestos.
					
					The Project does not involve the demolition of structures or land clearing of vacant lots.
					
					The Applicant notes the requirements regarding minimizing and addressing the potential for fugitive dust during construction. The Applicant will follow up with the Enforcement Section of the Clean Air Branch regarding fugitive dust planning and measures appropriate for the Project based on its location and construction work plan.
					
					The Project does not involve the creation of apartment buildings, complexes, and residential communities. A traffic study was conducted for the Project and the report with findings is located in Appendix M of the final EA.
						Section 5.8, Appendix M

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				○ The Department may conduct an independent inspection to monitor compliance, or request a written report. • The purpose of this rule is to prevent rodents from dispersing into adjacent areas from infested buildings or vacant lands during demolition or land clearing. • Contractors may either hire a pest control firm or do the job themselves with a qualified employee. Rodenticides must be inspected daily and replenished as necessary to provide a continuous supply for at least one week prior to the start of any work. • To submit notifications or for more information, contract the Vector Control Branch: https://health.hawaii.gov/vcb/ <u>Has the potential to generate fugitive dust</u> • You must reasonably control the generation of all airborne, visible fugitive dust. Note that construction activities that occur near to existing residences, businesses, public areas and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne, visible fugitive dust. The plan, which does *not* require Department of Health approval, should help you recognize and minimize potential airborne, visible fugitive dust problems. • Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust. In addition, for cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance complaints. • You must provide reasonable measures to control airborne, visible fugitive dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following: ○ Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugtive dust-generating materials and actitities, centraling on-site vehicular traffic routes and locating potential dust-generating equipment in areas of least impact; ○ Providing an adequate source of water at the site prior to the start up of construction activities; Landscaping and providing rapid response covering of bare areas, including slopes, starting from initial grading phase; ○ Minimizing airborne, visible fugitive dust from shoulders and access roads; ○ Providing reasonable dust control measures during weekends, after hours, and prior to start-up of construction activities; and ○ Controlling airborde, visible fugitive dust from debris being hauled aware from the project site. • If you have any questions about fugitive dust, please contact the Enforcement Section of the Clean Air Branch. <u>Increases the population and potential number of vehicles in an area:</u> • The creation of apartment buildings, complexes, and residential communities may increase the overall population in an area. Increasing the population in an area may inadvertently lead to more air pollution via vehicle exhaust. Vehicle exhaust releases molecules in the air that negatively impact human health and air quality, as they are known lung irritants, carcinogens, and greenhouse gases. • Ensure that residents keep their vehicle idling time to three (3) minutes or less. • Provide bike racks and/or electric vehicle charging stations for residents.		

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				• Ensure that there are sufficient and safe pedestrian walkways and crosswalks throughout and around the development. • Conduct a traffic study to ensure that the new development does not significantly impact traffic in the area.		
4	State Department of Agriculture		10/06/22	The Department of Agriculture has reviewed the documentation comprising the subject DEA and offer the following comments that are limited to agriculture and irrigation. The primary purpose of the proposed project is to supply up to 25% of Kauai power needs from a unique renewable energy source called pumped storage. There are proposed improvements to the Kokee Ditch, certain reservoirs, and construction of new facilities. There is an irrigation benefit to DHHL's proposed Puu Opae Kuleana Homestead Settlement development that will be located directly adjacent to the Kokee Ditch, between the Puu Moe Ditch Divide and the Mana Reservoir. There are two existing agricultural tenants in ADC's mauka lands that will continue their 0.5 million gallons per day (MGD) water allocation, the DHHL development water allocation will be 6.1 MGD, and the remaining 3.5 MGD will go into Mana Reservoir where it may be used to supplement the Kekaha Ditch Irrigation System that is the primary irrigation water source for ADC's agricultural lands on the Kekaha/Mana Plain. The site for the 375-acre solar energy facility to be used to power the pumps appears to entirely avoid lands with Land Study Bureau Overall Productivity Rating of "A" ("Detailed Land Classification – Island of Kauai", December 1967 - maps 2, 3, 7, and 8). The solar energy facility will need to comply with Section 205-4.5(a)(20) or (21), Hawaii Revised Statutes. We defer to the ADC and the Kekaha Agriculture Association regarding the impacts of the proposed action on their irrigation system and production lands in the region. Should you have any questions, please contact Earl Yamamoto at (808) 973-9466 or email at earl.j.yamamoto@hawaii.gov.	Mahalo for your comments. The Applicant continues to collaborate with Agribusiness Development Corporation and Kekaha Agriculture Association regarding the Project's continued development, use of ADC lands and delivery of irrigation water to ADC's mauka land and Mānā Plain.	
5	Hawai'i State Energy Office		10/10/22	The Hawai'i State Energy Office (HSEO) offers these comments on the Second Draft Environmental Assessment (DEA) for the proposed West Kaua'i Energy Project (WKEP or Project). HSEO's comments are guided by its statutory purpose under Hawai'i Revised Statutes (HRS) Section 196-71 and its mission to promote energy efficiency, renewable energy, and clean transportation to help achieve resilient, clean energy, and ultimately a carbon-negative economy. Hawai'i's clean energy goals should be attained in manner that balances energy needs while protecting natural and cultural resources. HSEO's comments evaluate whether the DEA adequately addresses the concerns noted by HSEO in the original Draft Environmental Assessment published in September 2021. Markedly, HSEO's comments and suggestions on the original DEA were generally addressed and incorporated in the second draft. HSEO appreciates the substantial improvement and additional analysis incorporated into the DEA. HSEO believes the Project offers long-term benefits in the form of stabilized electricity costs resulting from reduced reliance on fossil fuels which exhibit high price volatility, increased renewable energy integration, electrical grid reliability, and greenhouse gas (GHG) emission reduction. For these reasons, HSEO supports this Project and its benefits to the people of Kaua'i and the State of Hawai'i. HSEO appreciates the many environmental factors that must be considered in the environmental review process but limits its comments to areas around its statutory kuleana. **Project Description**	Mahalo for your acknowledgement of the substantial improvement and additional analysis provided in the second DEA. Please see responses to comments on the second DEA below. **Impacts to KIUC Member's Residential PV Systems** Section 5.9.2.2 has been revised to explicitly note that WKEP would have no impact on residential solar curtailment. **Sea Level Rise and Flooding** Section 5.12.2.2 has been revised to include the following language: "The PV panels would be designed to provide a 2-foot clearance above the anticipated 100-year flood depth when the panels are at their lowest position. It is not anticipated that sea level rise would have a material impact on the PV array during its anticipated useful life span of 25 to 30 years." Section 5.13.1.2 has been revised to address contingencies for draining Mānā Plain during power failures to include the following language: "The pumps are powered by electricity generated at the Waimea Mauka and Waiawa hydropower plants, with backup power provided by the KIUC electric grid. If power outages occur that impact pumping operations, the storm drain system can still drain via gravity flow at Kinikini Ditch for extended periods. The Mānā Plain can absorb and handle water	Section 4.1.3, Section 5.9.2.2, Section 5.12.2.2, Section 5.13.1.2, Section 6.2.1, Table 6.1, Figure 4.46, Figure 4.49, Section 5.13.2.2,

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				The Project would generate electricity during the day from its solar photovoltaic (PV) array and battery energy storage system (BESS) located in the Mānā Plain. The electricity generated would go to the grid and be used to pump water from the lower Mānā Reservoir up to the elevated Pu'u 'Ōpae Reservoir. The water stored in the Pu'u 'Ōpae Reservoir and the higher naturally fed Pu'u Lua Reservoir would be released to generate hydropower primarily during peak energy needs and when PV cannot generate adequate electricity, including evenings, early mornings, and during cloudy or rainy weather. The Project would provide a dispatchable source of renewable energy that would strengthen grid reliability as Kaua'i transitions away from the use of fossil fuels for electricity generation. **Renewable Energy Contribution and Cost Savings** The DEA states the Project could provide as much as 100 gigawatt-hours of electricity amounting to 20-25% of Kaua'i's electricity needs with renewable energy instead of fossil fuels (1). The Project developer, AES West Kaua'i Energy Project, LLC (AES) would sell power from the Project to the Kaua'i Island Utility Cooperative (KIUC) at set prices conditionally approved by the Hawai'i Public Utilities Commission (PUC) in December 2021 (2), estimated at an average annual cost of $0.16 per kilowatt-hour (kWh) with the Hawai'i Refundable Tax Credit (3). KIUC estimates the Project will save its members/customers between $157 million and $172 million (net present value using a 5% discount rate) (4). HSEO appreciates the DEA's inclusion of and consistency with the power purchase agreement (PPA) filed with the PUC. (1) DEA, Page 5-140. (2) n the Matter of the Application of Kaua'i Island Utility Cooperative For Approval of Power Purchase Agreement with AES West Kaua'i Energy Project, LLC and to Include Costs in Kaua'i Island Utility Cooperative's Energy Rate Adjustment Clause, and Other Matters Related to the West Kaua'i Energy Project, Docket No. 2020-0218, Decision and Order No. 38095, Pages 22-23, December 1, 2021: Document Viewer (hawaii.gov) (3) DEA, Page 5-140 (4) DEA, Page 5-141 **Inclusion of the Overhead Transmission Line** HSEO appreciates the DEA's inclusion of the overhead transmission line in Section 4.1.2.17.(5) KIUC would install a new overhead 57.1 kV transmission line, the WKEP Interconnection Line, between the Project and KIUC's existing transmission system on Kaumuali'i Highway near the Pacific Missile Range Facility. The new WKEP Interconnection Line would be located on the Mānā Plain on Agribusiness Development Corporation (ADC) land and would follow the alignment of existing dirt roads that extend between Mānā Reservoir and Kaumuali'i Highway. The combination of the new overhead interconnection line, reconductoring of existing transmission, and the addition of the fiber optic line would allow KIUC to deliver all energy generation from the Project to KIUC's system in a dispatchable manner. (6) HSEO understands the overhead line will be constructed and operated by KIUC, not by WKEP. While this is an important distinction, the proposed action could not occur without the construction of the additional interconnection line and herefore HSEO appreciates the inclusion and disclosure of the transmission line in the DEA project description. (5) DEA, Page 4-179 (6) Id. **Impacts to KIUC Members 'Residential PV Systems** HSEO notes that the community expressed concerns about the impacts of the project on the curtailment of their residential PV systems. (7) HSEO could not find the discussion on curtailment in the revised DEA and suggests moving the response to comments from Appendix Q to the main body of the final document in Section 5.9.2 Potential Impacts - Socioeconomics, explicitly noting, "the project will have no impact on residential solar curtailment since the solar portion of the project will be combined	inundation without pumping during power outages because water flows from Mānā Plain by way of gravity to the ocean at Kinikini Ditch." Additionally, a reference link to Figures 4.46 and 4.49 showing the location of Kinikini Ditch at Kawai'ele has been added. **Precipitation and Water Availability Requirements** Section 5.13.2.2 has been revised as recommended. **Decommissioning and Materials Handling** Section 4.1.3 has been revised to include a section on Decommissioning Financial Security. **Solid and Hazardous Waste Section** Section 4.1.3 has been renamed Solid and Hazardous Waste Section and includes revised language addressing comments regarding decommissioning, and the handling of solid and hazardous waste. This information was retained in Section 4 instead of moved the Section 3 because the decommissioning text refers to Project components not yet fully described in Section 3. Information regarding damage and/or replacement of solar panels during Project operation has been added to Section 4.1.3.2 Section 6.2.1, Table 6.1 has been revised to reflect HRS 226-15 *Objectives and policies for facility systems-solid and liquid wastes*, as applicable. Further information that addresses your comments/questions will be found in the topic sections titled: EA vs. EIS and Impacts Power Purchase Agreement and KIUC Debt Disproportionate Burden to Westside Community	

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				with enough pump load and battery storage to either use or store all of the solar energy that can be produced by the project." (8) (7) DEA, Appendix P, West Kaua'i Energy Project Public Outreach Report: Appendix B – Virtual Community Meeting Presentation, Slide 52; and, Appendix E – Compiled Community Questions & Comments, Question 13. (8) DEA, Appendix Q, Agency/Organization Comments with Individual Responses, ID. No. 49. **Sea Level Rise and Flooding** The DEA states preliminary designs site the critical power infrastructure (batteries, inverters, substation, switchyard) on the mauka side of the Mānā Plain at a higher elevation in FEMA Flood Zone X and where the flood depth of a 100-year flood event ranges from 0.01 to 3.0 feet. (9) Portions of the PV Array are located within Flood Hazard Zone A and the 3.2-foot sea level rise (SLR) exposure area, potentially exposing the PV array to damage from flooding or SLR if adequate protection and mitigation measures are not sufficient. The DEA states, "The design of the proposed PV Solar Array would be compatible with being in the flood hazard zone and SLR-XA and would be able to withstand inundation during the prime lifetime of the facility." HSEO recommends the final document discuss how the PV array will be able to withstand flooding or inundation during high-water events. (9) DEA, Page 5-160. (10) DEA, Page 5-164 The DEA states the pump and storm drainage system in place for the Mānā Plain is managed as part of the long-term agricultural operations and is not part of the Proposed Action. Based on the information presented in the DEA, HSEO believes the successful ongoing operation of these pumps is necessary to preserve the integrity of the Project, specifically the PV array in the low-lying areas of the Mānā Plain. HSEO recommends the final document discuss the Mānā Plain pump system and the contingencies in place should it lose its primary sources of electricity for extended periods. **Precipitation and Water Availability Requirements** HSEO appreciates the additional discussion on precipitation requirements in Sections 4.1.1.2 through 4.1.1.7 (11) and the discussion in Section 5.13.2.2 (12) of the DEA. The DEA states a reduction in stream flows would have no operational effect on the Project, yet it also states there would be economic impacts resulting from a downward trend in streamflow since total available water volume correlates to the amount of energy produced by the Project. (13) HSEO recommends the DEA clarify how decreased water availability would not impact Project operations, but would impact Project economics. (11) DEA, Page 4-3 to 4-12 (12) DEA, Page 5-164 (13) DEA, Page 5-164 HSEO suggests adding a reference to Section 4.1.1.2 - Water Availability for the Proposed Action in Section 5.13.2.2 Potential Impacts – Climate Change and Sea Level Rise, to provide readers with context to support included statements, such as "the future downward trend and reduction in stream flows would have no operation effect on the Proposed Action." Further, HSEO suggests adding language from Appendix Q to Section 5.13.2.2 of the DEA specifically noting, "the available water for diversion and the energy production estimates account for prolonged periods of drought combined with increased frequency of heavy rain events." (14) (14) DEA, Appendix Q, Agency/Organization Comments with Individual Responses, ID. No. 49. **Decommissioning and Materials Handling**		

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				HSEO appreciates the added content in the DEA on Project decommissioning. Given the multiple terms associated with the useful life of each system component – 25 years for the solar energy, 40 years for the pumped storage hydro, and 50 years for the hydropower-only – HSEO understands the decommissioning plan will be most valuable when the Project is closer to the end of life. However, KIUC or AES needs funds to be set aside as early as possible to ensure the decommissioning plan can be successfully implemented and completed. HSEO recommends the final document describe the funding that will be available to ensure the Project is properly decommissioned and the batteries and PV panels are properly recycled and/or disposed of at the end of their useful life. **Solid and Hazardous Waste Section** The Hawai'i Department of Health considers discarded PV panels to be a universal waste under HAR 11-273.1. As such, HSEO recommends a Solid and Hazardous Waste Management section be added to Chapter 3 of the final document to supplement and/or include the decommissioning content. This section should cover not only what will happen to the panels at the end of their useful life, but also how the panels, batteries, and other solid and hazardous materials would be handled in the event of damage and/or replacement during project operation. Page 6-5, Section 6.2.1 of the DEA (HRS Chapter 226, Hawai'i State Plan), should be updated to reflect "226-15 Objectives and policies for facility systems – solid and liquid wastes" if applicable. Finally, HSEO recommends the final document discuss if there will be any solid or hazardous waste generated during project construction and if so, how it will be handled. In conclusion, HSEO supports the Project and a robust HRS 343 evaluation. For questions on our comments please contact Monique Schafer at monique.m.schafer@hawaii.gov or 808-349-3052.		
6	State Department of Land and Natural Resources, Office of Conservation and Coastal Lands		10/07/22	The Office of Conservation and Coastal Lands (OCCL) has reviewed the subject document regarding the construction of a renewable energy and irrigation project. The proposed action would utilize the existing Kōke'e Ditch Irrigation System and the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs, and includes both rehabilitation of existing infrastructure as well as new construction of irrigation infrastructure and solar and hydroelectric facilities. Portions of the project lie within the Conservation District Resource subzone noted as tax map keys: (4) 1-2-001:007 & 003; 1-2-002:001; 1-4-001:002, 003, 013, 014. Proposed work consists of maintenance, repairs and improvements to the existing Kōke'e Ditch irrigation system; rehabilitation of Pu'u Lua Reservoir; the replacement of the intake/regulating structure at the Pu'u Moe Divide; and a portion of the replacement of the Upper Penstock. Utilities, road improvements, installation of data collection and monitoring equipment, vegetation removal and staging areas are also proposed in the Conservation District. The proposed land uses and improvements in the Conservation District appear to 'facilitate' the proposed solar and hydroelectric facilities. As there is no power generation facility proposed in the Conservation District, the OCCL would like to amend our previous determination that identified the land use as POWER GENERATION FROM RENEWABLE RESOURCES noted as Correspondence: KA 22-41, dated September 20, 2021. The portion of the project that lies within the Conservation District is an identified land use pursuant to the Hawai'i Administrative Rules (HAR) §13-5-22 P-6 PUBLIC PURPOSE USES (D-1) Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent non-governmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from renewable sources, communication systems, flood or erosion control projects, recreational facilities, community centers,	Mahalo for your comments. Thank you for the clarification on the identified land use in the Conservation District pursuant to the Hawai'i Administrative Rules (HAR) Chapter 13-5-22 P-6 PUBLIC PURPOSE USE (D-1). We are glad to know the revised DEA was helpful to your understanding of the project.	

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				and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district. To allow, modify or deny the proposed land uses in the Conservation District would be at the discretion of the Board of Land and Natural Resources. Therefore, the project would require the filing of a Conservation District Use Application with the final environmental document and the completion of the HRS 6E process. Thank you for addressing our comments regarding the first EA and including a glossary of terms utilized in the document, to help the reader better comprehend irrigation and hydroelectric jargon for the different components of the project. The site-specific descriptions of what is existing, what is proposed, the proposed operations with photos of the existing land uses and the illustrations of the different segments of the project were very helpful to understand what may be involved should the project proceed. Should there be any questions regarding the comments provided in this correspondence, contact Tiger Mills of the OCCL at (808) 587-0382 or via email at kimberly.mills@hawaii.gov.		
7	Office of Hawaiian Affairs		10/11/22	The Office of Hawaiian Affairs (OHA) is in receipt of the August 2022 Draft Environmental Assessment (DEA) and Finding of No Significant Impact (FONSI) for the proposed West Kaua'i Energy Project. SSFM International Inc. has prepared this DEA on behalf of the applicant, Kauai Island Utility Cooperative (KIUC) and AES West Kaua'i Energy Project LLC, pursuant to Hawai'i Revised Statutes (HRS) Chapter 343. The proposed action would utilize the existing Kōke'e Ditch Irrigation System and the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs, and includes both rehabilitation of existing State infrastructure as well as new construction of irrigation infrastructure, solar and hydroelectric facilities. The project is further seeking a 65-year water lease from the Board of Land and Natural Resources (BLNR) to divert a multi-year rolling average of 11 MGD of water into the Kōke'e Ditch Irrigation system from the Waiakōali, Kawaikōi, Kaua'ikinanā, and Kōke'e Streams combined. New interim instream flow standards (IIFS) and water uses have been established via a 2017 Waimea Mediation Agreement by the Commission on Water Resource Management (CWRM). Due to various requests for additional studies, this DEA serves as a revised version of an original draft put out for public review in August 2021. The applicant argues that the project is needed to assist KIUC in meeting the State of Hawai'i mandate to achieve 100% renewable energy by 2045. While OHA has endeavored to provide as comprehensive review of the DEA as practicable within the time allotted, OHA makes no representation that the comments below are an exhaustive and complete review of all potential issues and concerns with this 1,000+ page document. The comments provided herewith nevertheless highlight representative areas of particularly salient concern. OHA offers the following comments regarding: lack of shorter lease alternatives; follow- up monitoring; HRS 171-58 compliance; and, HRS 6E (historic preservation) compliance. Lack of shorter lease alternatives The DEA does not currently provide a rationale for the requested 65-year lease nor are there any alternative options presented that consider a shorter-term lease. OHA observes though that uncertainty in projected stream flow and rainfall may exist that should warrant caution with a long-term lease option. Notably, water is a public trust resource for which the State has an obligation to protect. OHA too, as a State agency, has our public trust duties enumerated in HRS Chapter 10. As such,	Mahalo for your comments. Responses are provided below. **Lack of shorter lease alternatives** The construction of the West Kaua'i Energy Project is a significant financial investment that will provide renewable energy production and water delivery for agriculture through the rehabilitation of the Kōke'e Ditch and Pu'u Lua Reservoir. These modifications and rehabilitation work are a significant financial investment by the Project in State owned infrastructure, and are expected to have a life span of 50 - 80 years or longer. The request for a 65-year water lease is to enable the Applicant to operate WKEP and provide for the associated benefits for a sufficient period of time to offset the financial investment and that is commensurate with the Project lifespan. Also, as noted in the Waimea Mediation Agreement, the Applicant has a commitment to DHHL through a 65 year lease to deliver DHHL's water reservation to Pu'u 'Ōpae through the Project. This is only possible with a 65-year water lease. The Applicant notes, that water lease terms are subject to the discretion of the Board of Land and Natural Resources. As outlined in the Waimea Mediation Agreement, the Project would divert a multi-year rolling average of 11 MGD into the Kōke'e Ditch System to be delivered to and stored in Pu'u Lua Reservoir. The purpose of the multi-year rolling average is to allow the Project to divert larger volumes of water during high rain events and wetter years, which offsets reduced diversion volumes during drier periods, and less water would be diverted during drier years. The water availability modeling and energy production estimates account for prolonged periods of drought combined with the increased frequency of heavy rain events, which is the pattern predicted with future climate change. It is expected that generation at the Pu'u Opae Powerhouse, solely dependent on water diverted into the Kōke'e Ditch System, would fluctuate from year to year and this has been accounted for in the analysis and generation estimates. The store and release component of the Project, which provides water for irrigation and hydroelectric generation, may see an overall downward trend in annual stream flow variability through the life of the Project. However, due to the ability to capture and store water during high rain events, periods of drought combined with heavy or extreme rain events are not expected to impact the overall generation estimated through the life of the Project. Futher,	Section 4.1.1, Section 5.5.1.5, Section 5.4.3, Table 2.3

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				a higher level of confidence must be demonstrated by an applicant in their ability to care and maintain a public trust resource whenever a long-term lease is sought. Currently, the DEA explains that stream flow and rainfall estimates are provided based on hydrology and modeling data using the period of record between 1920 to 2020 at the Kawaikōī USGS[1] Station #106010000. As incomplete or absent data exists for records at Waiakōali, Kaua'ikinanā, and Kōke'e Streams, modeling for these streams is based-off of the same Kawaikōī station. The DEA goes on to provide various "hypothetical situations" to gauge the range of volume and frequency of water discharge depending on the amount of annual rainfall. Various scenarios are provided, based on heavy to average to low rainfall, which would require changes to operational use. As there appears to be some level of uncertainty in hydrology and projected rainfall, it would seem to OHA that a shorter-term lease should be considered as to more frequently assess modeling and to subsequently allow for any adjustments to the requested amount of water. Arguably, this should aid in minimizing any possible water waste and allow the BLNR to ensure that projected water usage is appropriate. As different hypothetical scenarios proposed in the DEA would require alterations to operations, shorter-lease terms would further allow the BLNR to more frequently observe how the applicant handles and implements such alterations. Follow up monitoring OHA notes that as part of the cultural impact assessment (CIA) prepared for this project, water diversion impacts to cultural resources and practices were a major concern to interviewees. Table 5.8 of the DEA lists a number of Native Hawaiian plants and birds identified as being part of traditional cultural practices within the vicinity of the project area. Beneficiaries have also reported concerns about potential effects of sediment runoff, water waste, and greater ecosystem impacts. To mitigate some of these concerns, the DEA claims that the applicant will continue to work with community members throughout construction and operation to minimize impacts to cultural practices and resources. The DEA appears to indicate that most impacts to environmental components that are also viewed as cultural resources (i.e., water, flora, and fauna) to cultural practitioners would occur --- [1] United States Geological Survey during construction activities and that operational related impacts are mostly expected to be minimal or even beneficial. For example, the DEA indicates that during construction, sediment from soil erosion and contaminants from equipment may impact water quality in streams, whereas operational impacts could include changes to water temperature and increased oxygen levels. The DEA claims that the latter would actually increase water quality levels and that increased reservoir capacities could have positive impacts on waterbird populations. To offset the construction related impacts, there appears to be a robust effort to survey environmental components, monitor (i.e., biological monitor), and incorporate best management practices (i.e., erosion control, restricting construction times) wherever possible. However, a continuation of monitoring for these environmental components during operation of the system is not entirely clear to OHA at this time. While OHA certainly does not oppose ethically responsible scientific analyses and understands the important role these studies serve in predicting impacts, scientific findings are not always absolute and are often refined through follow up testing, monitoring, or research. In this	the ability to store water in all three reservoirs provides a buffer for irrigation users during periods of drought or low stream flows. As part of WKEP operations, there would be real time monitoring at all four diversions of both natural stream flows and ditch flows, and that would provide data for long term tracking of stream flows and associated trends. It is the Applicant's understanding that, if approved, a water lease would be subject to amended instream flow standards through the term of the lease. All water diverted by the Project would be used either for renewable energy, agriculture or both. Water would not be diverted except for these beneficial purposes thus, there would no water waste associated with the Project. **Follow up monitoring** As noted in Section 4.1.1 of the DEA, the Project would require a water lease from the Board and Land and Natural Resources. The Applicant notes OHA's recommendations regarding monitoring terms as part of the water lease. The Applicant would work with DLNR and OHA to discuss OHA's recommendations as part of the water lease process. The Applicant is aware of, and has met with DOFAW regarding, the requirement to develop in collaboration with DOFAW a watershed management plan as part of the water lease process. The Applicant will continue to work with DOFAW and DLNR towards the development of a watershed management plan through the water lease process. As a point of clarification, the instream flow standard is the amount of water required to be left in the stream prior to diversion. Instream flow standards can and would be met by the Project regardless of rainfall volumes or streamflow variation. If natural streamflows are below the instream flow standard, the Project would not divert water from streams. The Applicant notes in Section 5.4.3, it states that all staff engaged with the Proposed Action would be provided cultural sensitivity training including the identification of any known culturally sensitive locations and sites in the vicinity of the Proposed Action. The Applicant is not opposed to utilizing a cultural monitor in culturally sensitive areas of the Project footprint. The Applicant will follow up with Cultural Surveys Hawai'i and OHA to discuss specific areas of cultural sensitivity where a cultural monitor may be beneficial. **HRS 171-58 Compliance** As noted in Section 4.1.1 of the DEA, the Project would require a water lease from the Board and Land and Natural Resources. Table 2.3, Permits and Approvals That May Be Required for the Proposed Action, specifically list HRS Section 171-58 as the regulation governing the license/lease for water use. The Applicant has met with DOFAW regarding a watershed management plan for the Project and will continue to work with DOFAW and DLNR towards the development of a watershed management plan through the water lease process. During the Applicant's last correspondence with DOFAW regarding the development of a watershed management plan and an associated timeline, the Applicant was told DOFAW would take the lead. We have not been provided a timeline from DOFAW. The following language has been added to Section 4.1.1: "As part of the water lease process, the Applicant would work collaboratively with DOFAW to develop a watershed management plan." **HRS 6E (Historic Preservation) Compliance** The HRS 6E process has been initiated by DLNR Land Division, and the Applicant has been working with SHPD staff through the 6E review process. Section 5.5.1.5 has been added to the final EA	

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				particular case, the claim that operational impacts are expected to be minimal or even beneficial is not a definite conclusion nor is it fully known if projected instream flow standards can be met and if rainfall will be consistent. As findings are not a guarantee, OHA believes that follow up monitoring on water quality, stream flow, and flora and fauna life should be arranged prior to issuance of any water lease. If such commitments are already in motion, then OHA advises that any such follow up monitoring commitments be made explicit within the DEA. Such monitoring could even perhaps be integrated into a watershed management plan to be collaboratively developed by the applicant and the BLNR pursuant to HRS 171-58(e). Lastly, given the level of community interest and the applicant's commitment to continue consultation, the applicant should consider adding a cultural monitor requirement. Typically, cultural monitors conduct cultural protocols (i.e., oli, pule), brief personnel on the cultural sensitivity of an area, and provide a second set of eyes on cultural resources during construction work. Although cultural monitoring is often optional, OHA notes that in many projects involving highly sensitive cultural areas or resources, cultural monitors have been utilized effectively to help ensure the protection of cultural resources and instill community confidence in the manner of which work is performed. HRS 171-58 Compliance OHA notes that HRS 171-58 calls for 1) DLNR to consult with Department of Hawaiian Homelands (DHHL) prior to issuance of a water lease as to ensure that water needs are not taken away from future homestead needs; and, 2) the applicant to collaborate with DLNR on a watershed management plan. In regards to the latter, the BLNR shall not approve any new lease of water rights without a covenant for the lessee to develop and implement the management plan. As part of the aforementioned 2017 Waimea Mediation Agreement, the applicant has consulted with DHHL on possible future water needs. Thus, it is assumed this requirement is met and that the applicant will continue to work with DHHL going forward. The DEA does mention the need for a management plan as part of seeking a conservation district use permit (CDUP); however, it is not clear if this particular plan is the watershed management plan called out in HRS 171-58. Thus, OHA advises that the DEA explicitly discuss the HRS 171-58 commitment to develop a watershed management plan in collaboration with DLNR and to provide a projected timeline (with key milestones) for completion. Given the State's need to protect the public trust, the watershed management plan requirement is not unexpected and should be a paramount tool to ensure the public trust resource is managed properly by permitted lessees. HRS 6E (Historic Preservation) Compliance The DEA mentions that initially an archaeological literature review and field inspection was done, but that it was followed up with an archaeological inventory survey (AIS) due to the presence of several historic sites (i.e., irrigation features). Subsurface testing was included as part of the AIS process that did not unearth any cultural deposits. During the pedestrian survey work, at least four hearths and one rock wall were located during the pedestrian survey that are currently recommended for preservation. Data recovery, however, is being considered should preservation not be possible. Archaeological monitoring is further proposed despite the negative subsurface findings. OHA notes, however, that it is unclear if State Historic Preservation Division (SHPD) review has been completed for the AIS and overall HRS 6E process. The DEA does note that an HRS 6E request was made to SHPD in May 2019; however, there is no indication that SHPD has concurred with any of the mitigation recommendations or AIS methodology. While OHA does acknowledge that the HRS 6E and 343 processes are indeed separate, it has long been our preference for HRS 6E to be mostly completed before preparation of an environmental review document so that mitigations can be fully disclosed to	providing an outline of the HRS 6E process to date and remaining steps. OHA has been added to the online HICRIS for the Project. The Archaeological Plan (per HAR 13-279) and the Preservation Plan (per HAR 13-277) have not been prepared. The Applicant can commit to consulting with OHA during preparation of the mitigation plans by sending a draft copy once completed for OHA's review. **Closing Remarks** While it is typical for an environmental assessment to not be as in depth as environmental impact statements, the WKEP DEA is far more in depth than the typical environmental assessment. The hydrological modeling conducted for the Project has been rigorous, was compared with CWRM's hydrological modeling for consistency, and would not be any more detailed for an EIS. The studies supporting the ecosystem analysis were conducted at an EIS level and provide a rigorous analysis of potential impacts of the Project. The Applicant is requesting a 65-year lease, which is commensurate with the level of investment for the Project and water delivery commitments to DHHL. If DLNR determines that an EIS is necessary, the Applicant will complete an EIS. Further information that addresses your comments/questions will be found in the topic section titled: EA vs. EIS and Impacts Request for a 65 Year Water Lease	

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				the public. In this particular case, it seems clear that HRS 6E mitigation commitments will not be fully known until well after concluding the HRS 343 process. However, OHA does recommend the DEA explain the current status of SHPD review and include a commitment to finishing the HRS 6E process. OHA respectfully requests to be provided with any SHPD comments and to be provided with drafts of the archaeological monitoring plan and preservation plan to review. The applicant could further add OHA as a "user" to the online HICRIS[2] file generated for this project with SHPD. Closing Remarks On a final note, the overall analysis within an environmental assessment is not meant to be as in-depth as those prepared for an environmental impact statement (EIS). OHA is aware that there are community members and groups that believe preparing an EIS in this case could enable the development of better alternatives, hydrological modeling, and ecosystem analyses. For example, a draft EIS could develop a detailed tiered lease approach (i.e., 15-year, 20-year, 30-year) by exploring and comparing the differences in effect and feasibility of varying, specific lease durations. Thus, OHA does request that the applicant consider voluntarily proceeding with an EIS in light of these concerns and implores that the approving agency, DLNR, carefully determine the level of environmental review needed for this project pursuant to HAR 11-200.1-14. _____ [2] Hawai'i Cultural Resources Information System OHA looks forward to reviewing a revised DEA or even a draft EIS that addresses our concerns regarding alternatives, follow-up monitoring, HRS 171-58 compliance, and HRS 6E compliance. If needed, OHA is willing to engage in any future discussions or consultations. To date, OHA is disappointed that we have not been directly consulted on a long-term water lease request. Should you have any questions, please contact our Lead Compliance Specialist, Kamakana C. Ferreira, at (808) 594-0227, or by email at kamakanaf@oha.org.		
8	Earthjustice	Elena L. Bryant	10/10/22	Dear Ms. Yasaka: Earthjustice submits these comments on behalf of Pō'ai Wai Ola/West Kaua'i Watershed Alliance ("PWO"), in response to the September 8, 2022 solicitation for public comment on the West Kaua'i Energy Project ("WKEP") Second Draft Environmental Assessment ("DEA"). PWO is a community-based organization rooted in West Kaua'i and is dedicated to managing and conserving water resources for present and future generations and protecting the long-term sustainability and health of the entire Waimea River system from its mauka headwaters to makai nearshore marine areas. PWO has engaged in related legal processes directly bearing on the proposed WKEP for the better part of a decade. PWO has participated in proceedings before the state Commission on Water Resource Management ("CWRM") regarding the protection and restoration of instream flows in the Waimea River system and management and oversight of diversions for offstream uses, including commercial agriculture and hydropower. In July 2013, PWO brought a petition to restore stream flow that resulted in a Mediation Agreement for the Waimea	Mahalo for your comments. Responses to comments are below. <u>General responses to the comment letter.</u> The Waimea Mediation Agreement provided for more than KIUC to conduct due diligence for the West Kaua'i Energy Project. The Mediation Agreement, among other things, also provided water for the Project in the amount of 11 million gallons per day (MGD) rolling average. Section A. Statement of Guiding Principles, #6. *"Kaua'i Island Utility Cooperative (KIUC) will be allowed to complete due diligence on a set of energy projects supported by the Kōke'e Ditch System, and if the energy projects are built, will receive from the Kōke'e Ditch System a rolling average of 11 MGD to support both (1) the Puu Opae project and (2) DHHL's water needs under any water reservation the Commission may grant to DHHL that are to be served by the project infrastructure, with the understanding that the KIUC project is intended to serve both energy and agricultural uses which will enable the Commission to review the water needs of*	Section 1.2.2.1, Section 4.1.2.14, Section 5.1.1.2, Section 5.14 Section 5.4.1.3, Section 5.4, Section 5.4.3,

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				Watershed Area ("Watershed Agreement") and CWRM order increasing the interim instream flow standards ("IIFS") for Waimea River and providing an opportunity for the Kaua'i Island Utility Cooperative ("KIUC") to pursue due diligence for the proposed project. This due diligence was to include engineering, biological, and archaeological studies and compliance with various government permits and approvals, including the environmental review process under the Hawai'i Environmental Policy Act ("HEPA"), Haw. Rev. Stat. ("HRS") chapter 343, which "will be necessary prior to agency action." (DEA, Appendix A at 4.) The due diligence for the proposed project also included installing full monitoring of stream and ditch flows. Four years after the Watershed Agreement went into effect, however, KIUC still has not completed the gauging and monitoring requirements due to delays in permitting streamflow availability and the amounts and impacts of diversions. In January 2021, PWO also petitioned the Public Utilities Commission ("PUC") to intervene in proceedings related to the proposed WKEP and was granted participant status in the docket. On December 1, 2021, the PUC granted KIUC's requests for approvals for its proposed WKEP, including agreements between KIUC and developer AES West Kaua'i Energy Project, LLC ("AES"), while the HEPA review process is still ongoing. PWO appealed the PUC's decision to the Hawai'i Supreme Court. On July 26, 2022, PWO and KIUC entered into a settlement agreement, resolving PWO's appeal ("Follow-Up Agreement"). The Follow-Up Agreement, attached hereto as Attachment A, sets forth various understandings, commitments, and agreements between PWO and KIUC. The goal of the Follow-Up Agreement is to "develop and have all parties adopt a set of operating protocols . . . to protect and restore water resources and control water uses in the area in line with public trust principles." The Follow-Up Agreement provides that PWO and KIUC are to develop a set of operating protocols for the use of the waters of the Kōke'e Ditch which, among other goals, will ensure that the water is matched by agricultural and other end uses acceptable to both parties. Specifically: The goal is to have the use of the water by the non-pumped storage portion of the project be matched by DHHL uses, and other agricultural or other mutually acceptable end uses of water on a 1:1 basis. In line with the 1:1 use goal, "the protocols should minimize reliance on the Kekaha Ditch waters, minimize operational losses in the ditch systems, maximize continuing restoration of instream flows, and avoid waste generally." These commitments in the Follow-Up Agreement, which are legally binding on KIUC, are not mentioned or discussed in the DEA. This does not comply with the Follow-Up Agreement, nor does it comply with HEPA, which requires full and transparent disclosure and analysis of the proposal as it actually is planned and intended to operate. PWO has raised many questions and concerns regarding the proposed WKEP from an early stage, starting more than two years ago during the early consultation phase for the DEA and in their September 22, 2021 comments to KIUC's first DEA. Yet these issues still remain unaddressed or ignored in the current document. A copy of PWO's September 22, 2021 comment letter is attached hereto as Attachment B and is incorporated herein by reference. PWO has been watching the development and disclosure of the details of the proposed project with growing concern. Having now reviewed the second DEA in its entirety, PWO submits these comments to raise various questions and concerns related to the proposed project that must be addressed to ensure that the project fully realizes its originally envisioned "win-win-win" promise, centered first on the West Kaua'i community that would be hosting the project.	*both systems with the goal of reducing the diversion of water into the Kekaha Ditch System. This means that KIUC will be able to take an average of 11 MGD within each year and over the course of the life of the project, assuming the IIFSs are met first. The term "rolling average" as used in this agreement means an average to account for intra and inter annual fluctuation."* As noted in the draft EA, the Pu'u 'Ōpae Project was renamed the West Kaua'i Energy Project (WKEP). Through the Waimea Mediation Agreement, KIUC committed to install ditch and stream flow monitoring infrastructure for the Phase One IIFS. This commitment was not a necessary part of KIUC's due diligence prior to construction of WKEP, but a commitment made for purposes of the Agreement. Section 1.2.2.1 describes in detail the efforts to obtain the necessary approvals for implementation of the Phase One IIFS, including a list of permits/approvals received to date and any outstanding approvals. Permitting and approval delays are beyond KIUC's control, however once all permits and approvals are received the modifications necessary for the Phase One IIFS will be implemented. The Waimea Mediation Agreement also states in Section D, IIFS Numbers, under Phase Two: "*All water flows above these numbers (ref. Phase Two IIFS) may be used by KIUC in support of its project."* The Follow-Up Agreement provides a firm commitment for Phase One of the Agreement, which provided settlement for Pō'ai Wai Ola's (PWO) appeal to the PUC decision. The goals of Phase Two, specifically the end uses of water on a 1:1 basis, provide foundation points for discussion in Phase Two, and do not represent firm commitments until the parties reach a Phase Two agreement. While KIUC is committed to pursuing the discussions with PWO as outlined in the Follow-Up Agreement, until these discussions occur and firm agreements and commitments result, it is premature to assume the outcome of these discussions. As noted above, the Waimea Mediation Agreement is clear regarding agriculture and renewable energy both being beneficial uses of water diverted from streams. The West Kaua'i Energy Project as described in the EA is consistent with the Waimea Mediation Agreement and is not in conflict with the Follow-Up Agreement. The commitments made in the Follow-Up Agreement fall within the operational parameters described in the EA. Additionally, the Project has been designed to operate within a wide variation of stream flow availability. As noted in the EA, when stream flows fall below the IIFS, the automatic gates at the diversions would close, and no water would be diverted. The turbine operating range at the Pu'u 'Ōpae powerhouse has an operating range (2.6 MGD – 25.8 MGD) that allows for energy generation that accounts for the expected wide stream flow variation. When flows in the ditch fall below the turbine operating range due to low stream flows and limited storage at Pu'u Lua Reservoir, the turbine would shut off and irrigation flows would continue based on stream flow availability. A. Please see topic response EA vs. EIS and Impacts . The WKEP EA is far more in depth than the typical environmental assessment. The draft EA (DEA) provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices and Archaeological and Historic Resources. Attention is called to the following sections and appendices that specifically discuss these topics: • Natural stream flow and water availability (Section 4.1.1.2 through Section 4.1.1.7)	Section 4.1.1.2 – Section 4.1.1.7, Section 5.1, Appendix G Section 5.3, Appendix H, Section 5.4, Appendix I, Appendix J, Sectin 4.1.2.5, Section 5.1.1.2, Sectin 5.14, Section 5.11

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				<u>A. There is no question that the proposed WKEP "may" have a significant impact on the environment, thus necessitating full environmental review in an Environmental Impact Statement.</u> A project of such historic scale and complexity as the proposed WKEP, which seeks to divert 4 billion gallons of water annually for the next 65 years, unquestionably will have a significant impact on the environment and, thus, requires a full environmental review in an environmental impact statement ("EIS"). Pursuant to Hawai'i Administrative Rules ("HAR") Chapter 11-200.1, "[i]n considering the significance of potential environmental effects, agencies shall consider and evaluate the sum of effects of the proposed action on the quality of the environment." Id. § 11-200.1-13(a). Moreover, "an action shall be determined to have a significant effect on the environment if it may," among other factors, "[i]rrevocably commit a natural, cultural, or historic resource," "[c]urtail the range of beneficial uses of the environment,"[1] or "[h]ave a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a[n] . . . estuary, fresh water, or coastal waters. Id. § 11-200.1-13(b) (emphasis added). The WKEP proposal readily meets these threshold standards for an EIS. Water diversion is a central and integral part of the proposed WKEP, and KIUC plans to seek a long-term (65-year) lease to divert an average of 11 million gallons of water per day ("mgd") from the Waiakōali, Kawaikōī, Kaua'ikinanā, and Kōke'e Streams. (DEA at ES-2.) By any measure, 11 mgd is a significant volume of flows.[2] This equates to 4 billion gallons of water annually. These proposed diversions represent a significant, irrevocable commitment of river flows, which would be removed from its watershed of origin, conveyed through the project, and ultimately directed to the Mānā Plain for irrigation and/or disposed as pollutant discharges through the Mānā drainage system and into the ocean. As further explained below, the DEA overlooks these impacts from a decades-long commitment of 11 mgd from the Waimea River, the discharge of up to 26 mgd of excess water along the shoreline, and potential double diversions of the Waimea River via both the Kōke'e 1 "Environment" is defined under HAR § 11-200.1-2 as "humanity's surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including . . . water." 2 For general perspective, 11 mgd is comparable to the total diversions allowed for the Waiāhole Ditch System on O'ahu and is more than the current instream flow standards for both Waihe'e and Wailuku Rivers in Nā Wai 'Ehā on Maui, the two largest rivers on that island. and Kekaha ditch systems. The proposed WKEP, a project that would outlast most of our lifetimes, not only "may," but will, have a significant impact on the environment and should, therefore, be required to undergo full environmental review and the preparation of a full EIS. An EIS would, among other benefits, enable a full analysis of alternatives, including a range of potential diversion amounts and the corresponding impacts.[3] Allowing the proposed WKEP to avoid full environmental review and the preparation of an EIS is not only legally mistaken, but also sets a negative precedent and sends the wrong message for this and other communities being asked to host such major renewable energy projects.[4] <u>B. The DEA fails to consider and analyze the full impacts of diversions on the Waimea River and stream habitat.</u> The DEA does not examine the full scope of potential impacts of Waimea River diversions. Instead, it looks at only a minor portion of the impacts by "consider[ing] that the Kōke'e Ditch Irrigation System is an existing diversion system that has been in place and	• Water diversion (Section 5.1 and Appendix G) • Potential impacts on ecosystem health and native stream species (Section 5.1 and Appendix G) • Potential impacts to land-based wildlife including native species (Section 5.3 and Appendix H) • Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Section 5.4 and Appendix I) • Potential impacts to archaeological and historic resources (Section 5.4 and Appendix J) B. Response from Dr. James Parham of Trutta Environmental Solutions: *"I received and read the comments concerning the Second Draft Environmental Assessment (DEA) for the West Kauai Energy Project (WKEP) authored by Elena L. Bryant, EARTHJUSTICE Attorney for Pō'ai Wai Ola/West Kaua'i Watershed Alliance and submitted to Lauren Yasaka, State of Hawai'i, Department of Land and Natural Resources.* *"My area of expertise is associated with instream habitat for native stream animals and stream hydrology. As the principal investigator of the report titled "Assessment of stream diversions associated with the Puu Opae/West Kauai Energy Project using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model" (Appendix G in the DEA), I focused on comments related to addressing the impacts of the WKEP on stream animals and their instream habitat.* *"With respect to assessing impacts of the diversions on stream habitat within Waimea River and its tributaries, I disagree with this comment. We analyzed four scenarios using the HSHEP model. The first two scenarios were intended to estimate minimum and maximum potential impact conditions, and these were the (1) No Diversion scenario which serves as an estimate of the minimum (no) impact to native stream animals' habitat and the (2) Full Diversion scenario which represents the maximum impact scenario for comparison. Two additional scenarios address specific project conditions. These include (3) IIFS Flow Restoration scenario that reflects flow conditions described by the state-mandated Interim Instream Flow Standards (IIFS) and (4) Current Conditions scenario based on conditions we observed during the project surveys.* *"While it is nearly impossible to address all aspects of stream ecosystem health, we did select the seven native stream species to serve as an indicator of stream ecosystem health. These species occur in streams across the islands of Hawaii. The species have distinct habitats ranging from the lower ends to the upper reaches of streams. In addition to using the seven native species, we also documented any other stream species observed during the surveys and their presence may be used as an indicator of the stream condition. For example, the presence of rainbow trout in Kauaikinana Stream indicates that water quality and habitat is suitable for these relatively large stream fish. Their presence above and below the diversion suggests that suitable instream habitat has existed consistently over a number of years at this location. It can be considered suitable because the rainbow trout require suitable water quality (temperature, dissolved oxygen, etc.), water quantity (adequate amount and depth of water), food, shelter and other needs consistently for several years to persist and grow in the stream. Thus, the presence of different species can be thought of as an indicator of stream ecosystem health. Although a rainbow trout's presence may be detrimental to native stream animals, its occurrence suggests suitable water quality and instream habitat exist consistently over time.* *"Additionally, the application of the HSHEP model was also intended to capture stream ecosystem health. The HSHEP model was designed to assess the impacts of stream diversion on stream species and to capture the major aspects of native stream animal ecology, the typical geomorphology of Hawaiian streams and common modifications to the environment. When we designed the HSHEP model, we hoped that providing adequate habitat for the native stream animals would capture the*	

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				operational since the early 1900's." (DEA at 5-17.) Comparing the proposed project's impacts to historical diversions, which destroyed habitat for native stream life by maximizing stream diversions, fails to fully analyze the full scope of proposed project's impacts with the closure of the plantation. Such an analysis ignores the full impacts from the long-term removal of 11 mgd on instream uses and values, including ecosystem health and Native Hawaiian rights. It also contradicts the recognition elsewhere in the DEA, under the "no-action alternative" analysis, that if the Kōke'e Ditch Irrigation System were to be closed and diversion structures were removed or modified resulting in all flow being retained in the stream, "there would be beneficial impacts to other native and invasive stream biota downstream of the diversions." (DEA at 5-76.) _____ 3 Compare HAR § 11-200.1-18 (describing draft environmental assessment content requirements, including a "[s]ummary description of the affected environment" and an "[i]dentification and analysis of impacts and alternatives considered") with HAR § 11-200.1-24 (more fully outlining requirements including that the EIS "fully declare the environmental implications of the proposed action and shall discuss all reasonably foreseeable consequences of the action," including "responsible opposing views, if any, on significant environmental issues raised by the proposal," "a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions," and an analysis of probable impacts on the environment including "consideration of all phases of the action and consideration of all consequences on the environment, including direct and indirect effects") (emphasis added). 4 In January 2019, KIUC issued a draft EIS preparation notice, but it subsequently opted to proceed with the preparation of an EA. (DEA, Appendix P PDF at 773, 784.)	*broader aspect of stream ecosystem health. Therefore, while we did not address all aspects of stream ecosystem health, the fieldwork and modeling approach was intended to use the native stream species as an indicator of stream ecosystem health. This approach has been accepted for stream impact studies throughout Hawaii."* ***Parham, J.E.** 2020. Assessment of the Environmental Impact of Stream Diversions on 33 East Maui Streams using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model. Prepared for Wilson Okamoto Corporation. Honolulu, HI. 444p.* ***Parham, J.E.** 2019. Assessment of Stream Diversions associated with the Upper and Lower Waiahi Hydropower System using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model. Project Report. Submitted to Kauai Island Utility Cooperative. 180 p.* ***Parham, J.E.** 2017. An Assessment of the Environmental Impact of the HELCO Wailuku Hydroelectric Plants on Native Stream Animals with Respect to Instream Habitat, Barriers to Migration, and Entrainment using the GIS Model-based Hawaiian Stream Habitat Evaluation Procedure. Submitted to SSFM, Inc. Honolulu, HI. 91 p.* ***Parham, J.E**. 2015. Ala Wai Flood Control Project Impact to Native Stream Animal Habitat and Possible Habitat Mitigation Options. Submitted to CH2MHill. Honolulu, HI. 58 pages.* ***Parham, J.E**. 2015b. The Hawaiian Stream Habitat Evaluation Procedure (HSHEP) model: Intent, Design, and Methods for Project Impact Assessment to Native Amphidromous Stream Animal Habitat. Submitted to Civil and Public Works Branch, U.S. Army Corps of Engineers, Honolulu District, HI. 178 pages.* ***Parham, J.E.** 2013. Quantification of the impacts of water diversions in the Nā Wai 'Ehā streams, Maui on native stream animal habitat using the Hawaiian Stream Habitat Evaluation Procedure. Commission on Water Resource Management. Honolulu, HI. 113p.* ***Parham, J.E.** 2013. Assessment of the environmental impact of the Upper and Lower Waiahi Hydroelectric Plants on the native stream animals with respect to habitat changes, barriers to migration, and entrainment using the GIS model-based Hawaiian Stream Habitat Evaluation Procedure. Kaua'i Island Utility Cooperative. 309 p."*	
				The DEA further acknowledges that "[i]f the West Kaua'i Energy Project is not constructed and water needs along Kōke'e Ditch remain consistent with current uses, more water on average would remain in the Waiakōali, Kawaikōī, Kaua'ikinanā, and Kōke'e Streams than during West Kaua'i Energy Project operation." (DEA at 4-192-193). But it does not address and analyze these benefits, and conversely, the negative impacts of the proposed project diverting these flows. The environmental and cultural costs of removing 4 billion gallons of river water per year must be fully addressed in this environmental review process. The DEA's focus on the "existing" diversions and "pre-diversion" conditions ignores that, currently, stream flows should be almost fully restored because little or no offstream uses exist, and the Watershed Agreement requires that stream flows be restored to the maximum extent possible and that any unused water remain in the stream to prevent unlawful waste. (DEA, Appendix A at 2, 6.) This restored condition would continue in the absence of the scale of diversions proposed for the WKEP. The DEA ignores this current condition and the impacts of renewing large-scale diversions and precluding a long-term restoration and revival of the stream ecosystems. Proper environmental review must analyze the impacts of the proposed 11 mgd diversion in relation to a no-diversion condition, or at the very least, in comparison to current flow conditions restored under the Watershed Agreement and the expected benefits from this almost full restoration of flows. <u>C. The DEA relies on a faulty stream habitat assessment for the conclusion that the proposed WKEP would not negatively impact native stream life.</u> The DEA also relies on a flawed stream habitat assessment (DEA Appendix G) that compares the proposed diversions to historical diversion amounts rather than current conditions. Based on the report, the DEA concludes that "West Kaua'i Energy Project diversions are expected to have minimal impact on native stream habitat for aquatic species of concern." (DEA at 4-193.) The DEA also concludes the Phase Two IIFS flow restoration scenario "as improving instream habitat conditions for native amphidromous stream animals compared to current conditions." (DEA at 5-70.) The stream habitat assessment the DEA relies upon in making these conclusions, however, assesses stream habitat and biota before plantation-	C. The field work conducted for the Stream Habitat Assessment (Appendix G) was conducted after Kekaha Agriculture Association removed all boards at the Kōke'e diversions, restoring stream flows to the maximum extent possible prior to diversion modifications that require permits and approvals. The absence of boards at diversions was witnessed in the field by Joule Group and Trutta at the time of the surveys, and a photograph of the Kōke'e Dam with pani boards removed is included in Section 4.1.2.5 of the EA Response from Dr. James Parham of Trutta Environmental Solutions: *"**Comment C:** The DEA also relies on a flawed stream habitat assessment (DEA Appendix G) that compares the proposed diversions to historical diversion amounts rather than current conditions. "**Response:** I disagree with this comment as it is factually incorrect. We analyzed four scenarios using the HSHEP model. The first two scenarios were intended to estimate minimum and maximum potential impact conditions, and these were the (1) No Diversion scenario which serves as an estimate of the minimum (no) impact to native stream animals' habitat and the (2) Full Diversion scenario which represents the maximum impact scenario for comparison. Two additional scenarios address specific project conditions. These include (3) IIFS Flow Restoration scenario that reflects flow*	

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				era diversions were fully restored and stream life was able to fully recover. The DEA maintains that the "instream habitat was in good condition during then current diversion operations that did not provide for implementation of the Phase One IIFS," and concluded that the "Phase Two IIFS through the Proposed Action would benefit instream habitat and aquatic biota." (DEA at 5-167; emphasis added.) This fails to account for the further benefits of full compliance with the Phase One IIFS, again ignoring the full scope of impacts of diverting stream flows compared to a condition of maximum required restoration under Phase One or natural flow. The stream habitat assessment was conducted between February and June 2018. (DEA at 5-18; see also DEA Appendix G.) While the Watershed Agreement was approved and adopted in May 2017, it is not clear that stream flows had been restored to the "maximum extent possible" by that time (DEA Appendix A at 6), and there are indications that this requirement remains unfulfilled, even to today.[5] In sum, while the DEA acknowledges that "[t]hese diversions would reduce the amount of water left in the stream downstream of each diversion and on the Waimea River" (DEA at 5-17), the DEA does not consider or assess the full range of impacts of this reduction. The DEA needs to openly and thoroughly assess the impacts that new long-term diversions would have on native stream life. <u>D. The DEA improperly relies on the Watershed Agreement's IIFS for its finding of no significant impact.</u> The DEA incorrectly relies on the Watershed Agreement to justify its proposed finding of no significant impact, suggesting in effect that the Watershed Agreement disposes of the need to conduct proper analysis of the impacts of flow diversions. According to the DEA, the proposed WKEP's "implementation of the Phase Two IIFS would minimize impacts to diverted streams by maintaining flow volumes in stream channels that have been determined by CWRM sufficient to meet the instream needs including those of aquatic habitat and stream biota." (DEA at 5-17.) The DEA further claims that the Phase Two IIFS "has been set by CWRM and deemed sufficient to meet the instream needs including stream biota and habitat" and "would improve habitat suitability." (DEA at 5-166, 7-7, 5-70.) These assertions misstate the intent and effect of the Watershed Agreement. In setting the IIFS for the Waimea River streams and tributaries, CWRM did not do any analysis or make any findings that the IIFS in the Watershed Agreement were sufficient to meet instream needs. Instead, it was understood by the parties to the Watershed Agreement that KIUC was to do its due diligence to ensure that the proposed project was environmentally and economically advisable and feasible. A guiding principle of the Watershed Agreement provides that "[a]ny diversion of water from a stream must be justified with no more water taken than is needed for other beneficial uses, and even then, the health of the stream must be preserved at all times." (DEA, Appendix A at 2; emphasis added.) In order to allow KIUC to move forward with the proposed project, certain understandings and agreements were made to allow KIUC 5 As reported to CWRM at its November 2020 Waimea Watershed Agreement compliance informational briefing, it was not until May 2020 that the Phase One diversion modifications were reportedly completed for Kekaha Ditch, but compliance for the Kōke'e Ditch had not been confirmed. The November 2020 briefing may be found at: https://www.youtube.com/watch?v=_pfPVbn3v8w&t=15857s. At the Commission's September 2022 Waimea Watershed Agreement compliance information briefing, it was reported that there are indications that the Kōke'e diversions have not been restored to the maximum extent possible. The September 2020 briefing may found at: https://www.youtube.com/watch?v=Ei697zIy0OI.	*conditions described by the state mandated Interim Instream Flow Standards (IIFS) and (4) Current Conditions scenario based on conditions we observed during the project surveys.* ***"Comment C:** Based on the report, the DEA concludes that "West Kaua'i Energy Project diversions are expected to have minimal impact on native stream habitat for aquatic species of concern." (DEA at 4-193.)* ***"Response:** This is relatively accurate. We estimated the amount of instream habitat for the native species of concern ('O'opu, 'Ōpae, and Hīhīwai) occurring under the four instream flow scenarios (see Response 2a). Based on the results of the study, we concluded that the location of the Kokee Ditch diversions at the back end of the Waimea River watershed minimizes the overall impact of these diversions on native stream animal habitat. It is important to realize that the Waimea River system is one of the largest in the Hawaiian Islands and the Kokee diversions are located far inland on upper tributary streams. The native stream animals of concern are all amphidromous. The adults live and reproduce in the freshwater streams. When the eggs hatch, the larvae must drift downstream to further develop in the ocean. After some time, they will return to migrate upstream as post-larvae to find suitable habitat to grow and reproduce. Results from the HSHEP model suggests that the majority of native stream animal habitat (89%) is located downstream of the Waiahulu diversion on the Kekaha Ditch system (not part of the Puu Opae/West Kauai Energy Project). Only opae kala'ole (Atyoida bisulcata) had suitable habitat above the Kokee diversions, amounting to only 3% of its suitable habitat in the entire Waimea River system. As a result of the migratory life history of these animals, impacts found lower in the watershed level have a greater effect than those found further upstream.* ***"Comment C:** The DEA also concludes the Phase Two IIFS flow restoration scenario "as improving instream habitat conditions for native amphidromous stream animals compared to current conditions." (DEA at 5-70.) The stream habitat assessment the DEA relies upon in making these conclusions, however, assesses stream habitat and biota before plantation-era diversions were fully restored and stream life was able to fully recover.* ***"Response**: This comment presents an impossible standard to achieve. Requiring assessments to wait until some unknown, future time as defined by "plantation-era diversions were fully restored, and stream life was able to fully recover" is an impossible standard to meet. When will this condition occur? Will it be 1 year from now, 10 years, 500 years? Who will know the condition has been met if no surveys are done?* *"Additionally, we modeled to the conditions expected under a "No Diversion" scenario where the diversion did not exist, and no water was removed from the streams. Thus, the "Current Condition" scenario was compared to the hypothetical condition where "plantation-era diversions were fully restored, and stream life was able to fully recover."* *"Following this the commentor stated that:* ***"Comment C:** The stream habitat assessment was conducted between February and June 2018. (DEA at 5-18; see also DEA Appendix G.) While the Watershed Agreement was approved and adopted in May 2017, it is not clear that stream flows had been restored to the "maximum extent possible" by that time (DEA Appendix A at 6), and there are indications that this requirement remains unfulfilled, even to today.* ***"Response:** This further highlights the impossible standard required by the commentor. If conditions are still not restored to the "maximum extent possible" in October of 2022, then based on the impossible standard presented, any prior assessment would be invalid. If no surveys were done while waiting for this unknown point in time where "stream life was able to fully recover", the valid criticism would be that no surveys were done to assess instream habitat for native species.*	

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				the ability to perform its due diligence on the project, including environmental and cultural studies and mitigation. (DEA, Appendix A at 4.) The Watershed Agreement also includes as an operating protocol that "[c]ontrolled releases and biological studies will be part of any protocol to help determine the best ongoing uses of water." (DEA, Appendix A at 10.) In sum, the Watershed Agreement was never intended to serve as a finding by the parties and CWRM that the proposed IIFSs and 11 mgd of offstream diversions were sufficient to meet instream needs, or a substitute for KIUC's responsibility to conduct the actual necessary analysis and disclosure of the impacts in an EIS. The DEA thus cannot simply rely on the Watershed Agreement to justify a finding that the removal of 11 mgd of water from the Waimea River would have no significant impact. Instead, the DEA must independently analyze impacts to instream uses and values. See HAR § 11-200.1-18 (requiring identification and analysis of impacts). <u>E. The DEA fails to analyze impacts from the discharge of diverted flows with no consumptive end use.</u> A key understanding and principle of the Watershed Agreement is that unused waters must remain in, or be returned to, the Waimea River system. (See DEA, Appendix A at 9.) The underlying intent and spirit are that water removed from the streams would be beneficially used for both hydropower generation and agricultural end uses, and not simply diverted for hydropower and then dumped and wasted. In line with this principle, the July 2022 Follow-Up Agreement requires that the use of water by the non-pumped storage portion of the proposed project be matched by agricultural and other mutually acceptable end uses on a 1:1 basis. The DEA indicates, however, that up to 26 mgd of the water diverted would not only be dumped, but also discharged along the shoreline, where it would contribute to ongoing problems of nearshore ocean water pollution. This is not consistent with KIUC's commitments under the Follow-Up Agreement. The DEA, for example, considers discharging water to "open floodable spaces" where it would be stored "before it is gradually pumped into the ocean." (DEA at 4-169.) This raises multiple concerns regarding the proposed WKEP's impact to environmental and cultural resources along the shoreline and nearshore waters, and the project's ability to meet KIUC's obligations under the terms of the Watershed Agreement and the Follow-Up Agreement. The understandings and commitments in these agreements are legally binding on KIUC, yet the DEA does not address how KIUC intends to comply with these commitments in the way it intends to run its hydro project. Moreover, the DEA must fully and transparently address the impacts of whatever form in which KIUC proposes to design and operate the project. In determining whether an action may have a significant effect on the environment, "the agency shall consider every phase of a proposed action, the expected impacts, and the proposed mitigation measures." HAR § 11-200.1-13(b) (emphasis added). Impacts include "ecological effects (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), . . . whether primary, secondary, or cumulative, whether immediate or delayed." Id. § 11-200.1-2.[6] The project discharges are primary impacts because they are directly caused by the project. Yet, the DEA omits the impact of the project discharges on the Mānā storm drainage system, the Mānā Plain, and most importantly, the shoreline and nearshore ecosystem. While the DEA asserts that "[t]he existing storm drainage system and the pressurized irrigation system on Mānā Plain is not part of the West Kaua'i Energy Project," (DEA at 4-169), this "out of sight, out of mind" perspective does not excuse the requirement to assess the impacts of project discharges. The impacts of discharging flows through that drainage system	***"Comment C:** In sum, while the DEA acknowledges that "[t]hese diversions would reduce the amount of water left in the stream downstream of each diversion and on the Waimea River" (DEA at 5-17), the DEA does not consider or assess the full range of impacts of this reduction. The DEA needs to openly and thoroughly assess the impacts that new long-term diversions would have on native stream life.* ***"Response**: The applicant disagrees with this comment. We "openly and thoroughly" assessed the impacts that new long-term diversions would have on native stream life. The full report titled "Assessment of stream diversions associated with the Puu Opae/West Kauai Energy Project using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model" was included with the DEA in Appendix G.* *"We surveyed the upper Waimea River and its tributaries (Mohihi, Waiakoali, Kawaikoi, Kauaikinana, Kokee, Waiahulu, and Poomau streams) in February and June of 2018 to collect habitat, biota, water quality and stream discharge data. The primary goal of this project was to document the current native stream animals' habitat both above and below the stream diversions on four tributary streams of the Waimea River and above the Waiahulu Diversion to provide baseline samples to assess impacts of the Puu Opae/West Kauai Energy Project.* *"In addition to information gained from the direct surveys in the streams impacted by the diversions, data from the surveys were used to help assess the impacts of the project under several conditions including the instream flow requirements as outlined in the Waimea River Mediation Agreement (Mediation Agreement).* *"The scope of the report was both "thorough" as it used both direct field surveys and modeling to address the impacts of the diversion to native stream species habitat and "open" as it was published for everyone to read and review."* D. The Applicant does not agree with this assertion. The potential impacts of the Project diversion are assessed and analyzed through the Stream Habitat Assessment (Appendix G). This comment also ignores the CWRM published Waimea IFSAR report documenting CWRM's due diligence work conducted as a separate effort to the mediation proceedings and in support of the IIFS. Further, the commenter participated in all the hydrology discussions throughout the mediation proceedings. E. WKEP provides a water delivery system for irrigation water to support agricultural uses. As noted above, the Waimea Mediation Agreement identifies renewable energy generation and agriculture both as beneficial uses. There is no stipulation that a consumptive end use is required after renewable energy generation in order for the use to be beneficial. As noted above, KIUC intends to keep the commitment to pursue the Follow-Up Agreement Phase Two discussions, which would include discussing "beneficial uses" agreeable to both parties. However, these discussions have not yet occurred, and both parties have agreed to the Waimea Mediation Agreement and its recognition that renewable energy generation and agriculture are both beneficial uses of water. Project discharge at Mānā reservoir would have been used twice at two separate powerhouses for the beneficial use (as recognized in the Mediation Agreement) of renewable energy generation. From Mānā Reservoir, the discharge would be delivered directly into KAA's irrigation system, directly to adjacent fields for irrigation, to the open floodable spaces thereby improving wetland habitat or into the storm drainage system. As noted in Section 4.1.2.14 of the EA, the open floodable spaces would restore and enhance habitat for native wetland plants and waterbird species, as well as allowing sedimentation in the storm drainage system to settle out so that discharges into the ocean are clear of sediment. It is the Applicant's view that restoring and enhancing habitat for native wetland plants and waterbird	

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				into the ocean would still need to be analyzed as a secondary effect since they are "caused by the [WKEP] and are later in time or farther removed in distance" and are "reasonably foreseeable." See HAR § 11-200.1-2 (defining "secondary impact"). In sum, the DEA fails to analyze the primary and secondary impacts of the project discharge on the shoreline, nearshore ecosystem, and ocean, including the pollution impacts from the use of legacy plantation ditches. 1. The DEA fails to analyze impacts to the shoreline, nearshore ecosystem, and ocean from the potential 26 mgd discharge from the proposed WKEP. The DEA states that the frequency and volume of discharge at Mānā Reservoir would vary, but modeled outflow "indicates a monthly average range of 8 to 17 MGD without any irrigation usage along the West Kaua'i Energy Project flowline above Mānā Reservoir, and a monthly average range of 0.8 to 9.5 MGD after irrigation withdrawals above Mānā Reservoir." (DEA at 4-164; emphasis added.) If this discharge cannot be used for irrigation or other beneficial uses on Mānā Plain, "it would be delivered though pipes to the storm drainage system." (DEA at 4-164.) Again, this is not consistent with the commitments in the Follow-Up Agreement that require "the use of the water by the non-pumped storage portion of the project [to] be matched by DHHL uses, and other agricultural or other mutually acceptable end uses of water on a 1:1 basis." Attachment A, Follow-Up Agreement at 6. 6 "Primary impacts" refers to those "effects that are caused by the action and occur at the same time and place," while "secondary impacts" or "secondary effects" refer to an "effect that is caused by the action and is later in time or farther removed in distance, but is still reasonably foreseeable," including "related effects on air, water, and other natural systems, including ecosystems." Id. § 11-200.1-2. During high streamflow scenarios, the DEA indicates that "[t]he full 26 MGD [used to generate electricity] would be discharged at Mānā Reservoir and assuming there would be no irrigation needs on the Mānā Plain due to rain, delivered to the open floodable spaces or pumped into the ocean at Kawai'ele or Nohili."[7] (DEA at 4-166.) Discharging stream water to open floodable spaces to later be pumped into the ocean is not a beneficial end use as envisioned by the Watershed Agreement and Follow-Up Agreement and conflicts with the commitment that water used by the WKEP would be matched with DHHL uses and other agricultural uses on a 1:1 basis. The discharge of up to 26 mgd along the shoreline also conflicts with the Hawai'i Coastal Zone Management Program's objective to protect valuable coastal ecosystems, including reefs, from disruption and to minimize adverse impacts on all coastal ecosystems. HRS ch. 205A-2(b)(4). The DEA misleadingly states "[t]he Proposed Action is not in a coastal area and would have no impacts to marine resources." (DEA at 6-41.) The impacts of the proposed WKEP do not stop at only the footprint of the proposed hydroelectric facilities. This artificially constricted view improperly disregards the nearshore water quality impacts of the discharge of up to 26 mgd of excess water through miles of legacy coastal drainage ditches and fails to analyze the impacts of such ongoing and increased pollution through these ditches on coral reefs, endangered species, and other marine resources. 2. The DEA fails to account for the pollution impacts from use of the legacy plantation drainage ditches. The DEA fails to analyze or address the primary, secondary, and cumulative pollution impacts from the proposed WKEP's use of legacy plantation drainage ditches. The DEA claims that "[a]ll Project discharge would be clean, filtered water from Kōke'e Streams." (DEA at 4-162.) But the DEA also acknowledges that "[u]nder the Proposed Action, existing diversion and earthen ditch infrastructure would continue existing operations." (DEA at 5-31.) Such	species is a beneficial use. And since the Follow-Up Agreement specifically names the potential for wetland type areas to be developed/support by the Project, it would seem as though PWO would consider restoring and enhancing habitat for native wetland plants and waterbird species as a beneficial use. However, as noted above, KIUC is committed to discussing beneficial uses agreeable to both parties in future discussions. As noted in the EA, Section 4.1.2.14, the Applicant is working with KAA to maximize the potential for beneficial uses of Project discharge from Mānā Reservoir including irrigation, specifically the approximate 100-acre kalo development in Field 119 and the potential for dryland taro development in the PV field array. Both of these agricultural uses in addition to the other diversified agricultural uses on Mānā Plain will require water. Also noted in Section 4.1.2.14, the Project discharge would not convey sediment or pesticides into the storm drain system. The storm drain system outfalls are used by multiple entities and are regulated through the Department of Health (DOH). The Applicant has worked with ADC and will continue to work with ADC and the DOH to address Project discharge that may enter the storm drainage system. The potential impacts of Project discharge are addressed in Sections 4.1.2.14, 5.1.1.2, and Section 5.14 of the EA. F. The Applicant does not disagree with the Waimea Mediation Agreement's intent to account for irrigation delivery through WKEP to Mānā Plain. The Applicant trusts CWRM (the Commission) in its authority and discretion to address the Waimea Mediation Agreement statement, Section D IIFS Numbers: If Phase Two goes into operation, the Commission will examine the amounts being diverted at Koaie and at Waiahulu with goal of increasing the total IIFS number for these two streams. The EA does assess and analyze the potential interplay between the Kōke'e and Kekaha Ditch Systems, but also defers to CWRM (the Commission) in its authority to make the decision regarding any amendments to IIFS numbers. The Waimea Mediation Agreement recognizes the continued operation of the Kekaha Ditch after commencement of WKEP operations in that it provides for the repowering of the Waiawa hydro facility and continued operations of the Waimea Mauka hydro facility. WKEP and WKEP operations as described in the EA are consistent with the Waimea Mediation Agreement in full. G. The water availability analysis, generation estimates and economic analysis do account for extreme stream flow variation including prolonged periods of drought and extreme high rain events as predicted will occur with climate change. Please see topic response Climate Change – Impacts & Considerations for more information. H. Section 5.4.1.3 has been revised to clarify the intent is to acknowledge that a Ka Pa'akai Analysis will be conducted for the Project as part of the Special Use Permit Application preparation process. The Applicant can commit to including PWO in the consultation process for the Ka Pa'akai Analysis when it occurs, which is anticipated to start in the first quarter of 2023. A Cultural Impact Assessment was conducted and is included in Appendix I. The results are discussed in Section 5.4 with avoidance and minimization measures described in Section 5.4.3. In accordance with the recommendations of the Cultural Impact Assessment, and as stated above, the Applicant will continue working with the community regarding impacts to traditional and customary Native Hawaiian rights including water.	

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				pollution discharge from these ditches have been the subject of recent federal lawsuits, in which the court has ruled the discharge unlawful without a federal Clean Water Act permit. See Nā Kia'i Kai v. Nakatani, 401 F. Supp. 3d 1097 (D. Haw. 2019). 7 The DEA indicates that the open floodable spaces "would provide an area where storm run-off could be delivered and stored until sediment settles and clear[s], clean water can be transported to the ocean at either Nohili or Kawai'ele." (DEA at 4-162.) Discharging diverted river water to "open floodable spaces" is not consistent with the Waimea Watershed Agreement and the Follow-Up Agreement. According to the DEA, the proposed project would discharge water to the existing Mānā storm drain system – a system comprising approximately 40 miles of earthen ditches and canals built in the early 1920's to drain storm water, which have been found to add pesticide-laden sediment to the waters it transfers. The U.S. District Court for the District of Hawai'i has found that the Mānā drainage ditch system's "forty miles of unlined, earthen drainage ditches add pesticide-laden sediment to the transferred waters." See Nā Kia'i Kai, 401 F. Supp. 3d at 1108 (emphasis added). Yet, the DEA fails to analyze any pollution impacts from the project discharge that would be flowing through these plantation-era dirt ditches, picking up sediment, pesticides, heavy metals, and other contaminants along the way, then discharging into the ocean. Even if, as the DEA maintains, "no foreign objects or chemicals are introduced to the water during its passage through the penstocks, pumps, or turbines," (DEA at 6-37), the pollution from the transport of project discharge through the Mānā storm drain system must be analyzed at least as a secondary and cumulative impact in the DEA. Instead, the DEA improperly ignores any direct, secondary, and cumulative impacts its discharges would have on the nearshore environment by simply claiming that "[t]he existing storm drainage system and the pressurized irrigation system on Mānā Plain is not part of the West Kaua'i Energy Project." (DEA at 4-169.) The DEA also appears to rely on the assertion that "ADC has submitted an NPDES application to DOH and the operations of the Mānā Plain storm drainage system would be regulated by the DOH through the NPDES permit." (DEA at 4-169.) Regardless of whose permit it is, HEPA review requires an analysis of the impacts that the proposed project discharge would have on the nearshore environment by contributing significant additional flows to the Mānā storm drain system. The DEA ignores the impacts on the environment resulting from the additional volume of water that the proposed project would push through the storm drain system.[8] The DEA suggests that project discharge "is expected to dilute existing potential pollutants or chemical contaminants that may be present in water from other sources in the existing storm drainage system," (DEA at 4-169), but ignores the nature of the pollution problem, which is caused by throughflow that picks up sediment and other contaminants as it travels through the drainage ditches. The DEA does not address this impact, but simply ignores it in focusing on the quality of the water entering the polluting drainage system. Moreover, the DEA relies on a yet-to-be-processed NPDES permit submitted by ADC to address WKEP discharges, but fails to indicate whether the NPDES permit application for the 8 "Cumulative impact" refers to "the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes the other actions." HAR § 11-2001.-2. Moreover, "[c]umulative impacts can result from individually minor but collectively significant actions taking place over a period of time." Id. Mānā ditch drainage system, submitted to DOH on June 5, 2020, accounted for the up to 26 MGD additional discharge waters that would be coming from the proposed WKEP. The DEA must disclose and analyze these details, including the primary, secondary, and cumulative	I. The commenter fails to acknowledge that WKEP will offset the burning of millions of gallons of fossil fuel every year, thereby having a significant positive impact on greenhouse gas emissions (GHG). Section 5.11 discusses the Project's impacts on air quality and greenhouse gas emissions during both construction and operation of the Proposed Action. The Proposed Action would reduce the need for fossil fuels that would equate to the reduction of 80,000 metric tons of carbon dioxide equivalent (MTCO2e) each year, or an estimated net reduction in GHG emissions of approximately 2,018,487 MTCO2e for the Proposed Action's operation stage and 2,508,877 MTCO2e for the Proposed Action's lifecycle over 25 years. The commenter is referring to a study that "found some reservoirs have GHG emissions equivalent to fossil fuel plants", (out of a study of 1,500 reservoirs over 100 were found to GHG emissions equivalent to fossil fuel plants). Without getting into the merits of this study, the Applicant notes that all the reservoirs identified in the study are much larger systems than those associated with this Project, and systems that have a greater surface area ratio to generation capacity than WKEP. The reservoirs that would be rehabilitated and utilized for WKEP operations are relatively small and will be cycled on a daily basis through store and release generation and irrigation delivery and through pumped storage. The reservoirs have been sized to match generation, and are not oversized to accommodate unutilized storage. All three reservoirs would have a consistent source of clean inflow and outflow. For these reasons, the study and results are not directly applicable to WKEP.	

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				impacts of the pollution discharges through the Mānā Plain drainage system, as well as proposed mitigation measures. <u>3. The DEA fails to account for actual agriculture needs and plans, particularly on the Mānā Plain.</u> The DEA suggests that water uses along the Kōke'e ditch system would meet or exceed the diversions of water that is proposed as part of the proposed WKEP; however, the DEA contains little data or analysis on current water demand or any information and support as to when the expected demand for "all Project discharge for irrigation or other beneficial uses" would potentially materialize, if ever. (See DEA at 4-162.) Ensuring beneficial use of water for actual agricultural needs on the Mānā Plain is a critical and central component of the operation of the proposed WKEP, whose express purpose and justification includes "[i]rrigation delivery to support diversified agriculture on lands adjacent to the Project site . . . and the agricultural fields on the Mānā Plain." (DEA at ES-1.) The Follow-Up Agreement makes clear that KIUC is to work with PWO "to develop a set of operating protocols for the use of the waters of the Koke'e Ditch which, among other things, will ensure that the water is matched by agricultural or other end uses acceptable to both parties." Attachment A, Follow-Up Agreement at 5. Specifically, the goal is to ensure diverted river flows would "be matched by DHHL uses, and other agricultural or other mutually acceptable end uses of water on a 1:1 basis," and that project operations would "minimize reliance on the Kekaha Ditch waters, minimize operational losses in the ditch systems, maximize continuing restoration of instream flows, and avoid waste generally." Id. at 6. The DEA states that "[a]fter being used for energy generation, all the water that entered the turbine (up to 18.55 MGD) would be discharged into Mānā Reservoir where it would be available for agricultural uses on Mānā Plain." (DEA at 2-3, 2-4.) The DEA further suggests that "[i]t is KAA's intent to use all Project discharge for irrigation or other beneficial uses"; however, the DEA fails to disclose any and all available data on current agricultural needs and future plans, the projections and timeframes for potential agricultural buildout, and the impacts of project operations under different stages or scenarios of actual buildout. Instead, the DEA lists potential, speculative uses for the project discharge water, including "lo'i kalo that is being developed"; "an agricultural component that would be implemented"; "future agricultural expansion" at the northern end of the Mānā Plain; "an estimated irrigation demand of 6 MGD for farming on Mānā Plain based on current license agreements and license agreements currently in discission for near term future farming"; agricultural options that "are being explored with KAA and local farmers"; and an "open floodable spaces project" being developed. (DEA at 4-168.) As the Follow-Up Agreement makes clear, without beneficial end uses, the project should not divert water. Thus, rather than simply speculating about potential end uses that may be implemented, a more diligent environmental review should consider alternative project scenarios in the event that end uses for the diverted water are not available. With no real plan in place, the DEA acknowledges that "in the event KAA is not able to use all Project discharge for irrigation or other beneficial uses, it would be delivered to the storm drainage system." (DEA at 4-162.) This does not comply with the Follow-Up Agreement. In any event, the DEA provides no basis for the projected demand for "all Project discharge," which is not supported by any available data. For example, agricultural water uses on the Mānā Plain so far in 2022 have averaged 2.49 mgd and over the many years since the Watershed Agreement have historically fallen more in a range between 1 and 2 mgd. This is nowhere near the projected project discharge volumes. In sum, the DEA fails to present any concrete information regarding current and		

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				projected actual agricultural need, which is critical to ensure the beneficial end use of the diverted flows in compliance with the Watershed Agreement and Follow-Up Agreement, as well as the mitigation of pollution impacts of discharged excess flows. Such information and analysis should include, at minimum, any and all available data on current agricultural needs and future plans, the projections and timeframes for potential agricultural buildout, and the impacts of proposed project operations under different stages or scenarios of actual buildout. F. The DEA fails to analyze the cumulative impacts of diversions from the Waimea River System by the Kōke'e and Kekaha Ditches. The DEA also fails to analyze the cumulative impacts of diversions from the Waimea River system by both the Kōke'e and Kekaha Ditches, both purportedly for agricultural and energy uses. Environmental review documents are required to identify and analyze all impacts of a proposed action, including cumulative impacts. HAR §§ 11-200.1-18(d)(7), 11-200.1-2. "Cumulative impact" is defined as "the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes the other actions." HAR § 11- 200.1-2 (emphasis added). The Watershed Agreement states that "the KIUC project is intended to serve both energy and agricultural uses which will enable the Commission to review the water needs of both systems with the goal of reducing the diversion of water into the Kekaha Ditch system" (DEA, Appendix A at 2.) Moreover, the Follow-Up Agreement reiterates KIUC's commitment to "coordinate the development of the operating protocols for KIUC's project with KAA/ADC's operation of the Kekaha Ditch system" and "secure the greatest possible use of the energy project waters to support any and all agricultural uses on the Mana Plain to minimize reliance on the Kekaha Ditch waters." According to the DEA, operations of the Kekaha Ditch Irrigation System would be affected by the proposed WKEP in only one way: the WKEP "would be able to deliver water to Menehune Ditch as a back-up source when the Kekaha Ditch Irrigation System is closed for repairs or maintenance," through a pipe KAA installed at the end of the southern branch of the Kōke'e Ditch that delivers water to Kekaha Ditch. (DEA at 4-189; emphasis added.) While the WKEP would also connect Mānā Reservoir with the Kōke'e Ditch, the "Mānā Reservoir is not currently operating as part of the Kekaha Ditch." (DEA at 4-189.) Other than these changes, "[t]here are no other changes to the Kekaha Ditch Irrigation System infrastructure or operations associated with the Proposed Action." (DEA at 4-189; emphasis added.) This does not comply with the Watershed Agreement and Follow-Up Agreement. The DEA fails to disclose and explain how project related infrastructure would integrate with Kekaha Ditch operations and agricultural plans on the Mānā Plain to ensure that the Kōke'e Ditch would provide the primary source of water for irrigation to the agricultural fields on the Mānā Plain and enable total cumulative diversions to be reduced. These details are necessary to ensure compliance with the Watershed Agreement and Follow-Up Agreement and to examine and disclose the cumulative impacts of all diversions of the Waimea River system. Most troubling, however, is the assertion in the DEA that the "Phase Two IIFS was established and approved on the Kōke'e Ditch Irrigation System for the Proposed Action and associated diversion and ditch operations, and with the understanding that the Kekaha Ditch Irrigation System would be operating simultaneously for both irrigation and hydroelectric purposes." (DEA at 5-166; emphasis added.) This conflicts with the Watershed Agreement, which provides that the Waiawa power plant on the Kekaha Ditch "must be either decommissioned or		

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				repowered to operate using such waters as are reasonably related to agricultural (as opposed to energy) uses," and that the Phase II IIFSs would be readjusted to account for the additional diversions if the KIUC project moved forward. (DEA, Appendix A at 10, 8.) The intent of the Watershed Agreement, as reaffirmed by the Follow-Up Agreement and confirmed by KIUC's own representations about the purpose of the proposed project, is that the proposed Kōke'e diversions would supply irrigation to the Mānā Plain so that diversions from the Kekaha Ditch would be minimized. Additionally, water should be diverted only insofar as it is needed for agricultural end uses, and not just energy production. (DEA, Appendix A at 10.) In any event, if KIUC believes that both the Kōke'e and Kekaha Ditches should be allowed to continue to divert flows for both irrigation and hydroelectric purposes, then all the more the DEA must disclose and analyze the cumulative impacts of those double diversions, including the impacts on the river ecosystem and the pollution impacts of dumping excess flows. The DEA does not even mention the existing Kekaha Ditch diversions and KAA's associated agricultural and hydropower uses, nor does it disclose the proposed interactions between those diversions and uses and the WKEP. Instead, the response to questions raised during KIUC's public outreach misleadingly claims that the Waiawa power plant is "not part of this project and [has] no relationship." (DEA, Appendix P PDF at 771.) Similarly, the DEA maintains that the majority of the stream habitat in the watershed is downstream of the Waiahulu diversion on the Kekaha Ditch side, which it maintains is "not within the Project area." (DEA at 5-70.) This ignores the recognized and understood interrelationship between the proposed project's diversions through the Kōke'e Ditch and additional diversions through the Kekaha Ditch on the same river and contradicts HEPA's requirement to analyze the cumulative impacts of diversions by both ditch systems. <u>G. The DEA fails to address the potential for climate change to affect the availability of stream flow necessary to operate the proposed WKEP.</u> The DEA acknowledges that changes due to climate change are already affecting Hawai'i through, among other factors, changing rainfall patterns and decreasing stream flows. (DEA at 5-161.) The DEA further recognizes that there would be "economic impacts resulting from a downward trend in stream flow since total volume of water that is available for diversion directly correlates to the amount of energy produced by the hydroelectric facility." (DEA at 5-164.) Apart from this general passing statement, the DEA offers no analysis regarding the impacts, such as the relationship between decreases in flows and resulting decreases in economic and energy benefits, and any actions or contingencies to mitigate these impacts. An analysis of economic impacts is an expressly included part of the environmental review process. HAR §§ 11-200.1- 18(d)(7), 11-200.1-2. Given KIUC's representation that a decrease in stream flow available for diversion would directly impact the economic benefits to KIUC ratepayers, accounting for different streamflow scenarios is crucial to understanding and reviewing the overall economic impacts of the proposed project. Proper disclosure is necessary to inform the public and decision-makers of the proposed project's true, long-term economic feasibility and efficiency and impacts to KIUC ratepayers. H<u>. The DEA's Ka Pa'akai analysis is inadequate.</u> In Ka Pa'akai o ka 'Āina v. Land Use Commission, the Hawai'i Supreme Court articulated a three-part analytical framework that state agencies must apply when making a decision with potential impacts on Native Hawaiian traditional and customary practices. 94 Hawai'i 31, 7 P.3d 1068 (2000). The Ka Pa'akai analysis requires state agencies, at a minimum, to make specific finding and conclusions as to the following: (1) The identity and scope of valued cultural, historical, or natural resources in the		

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				petition area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the petition area; (2) The extent to which those resources – including traditional and customary Native Hawaiian rights – will be affected or impaired by the proposed action; and (3) The feasible action, if any, to be taken by the LUC to reasonably protect Native Hawaiian rights if they are found to exist. 94 Hawai'i at 47, 7 P.3d at 1084. The DEA acknowledges that "[t]he community consultation process for this Project area has identified the importance of water to those residents of Hawaiian Home Lands and the Waimea Ahupua'a." (DEA at 5-86.) Moreover, the DEA recognizes that "[t]he traditional and cultural practices of the Waimea Ahupua'a in the past, present, and future all depend on the need for continued water sources." (DEA at 5-86; emphasis added.) However, despite the central importance of water on traditional and cultural practices, the DEA concludes that the proposed project, which seeks to divert a rolling average of 11 MGD from the Waimea River watershed for 65 years, "would not have any adverse effect on traditional and customary Native Hawaiian rights within the Waimea ahupua'a." (DEA at 5-89.) In reaching this conclusion, the DEA indicates that "information on the potential impacts to ongoing traditional cultural practices and traditional cultural resources related to the project area were gathered based on the data collected during the community consultation process and kama'āina interviews." (DEA Appendix I at 124.) During this process, five individuals representing various organizations contributed their mana'o.[9] None of PWO's leadership or members were contacted or consulted during this process, despite PWO's long standing participation in proceedings related to the WKEP and their memberships' reliance on Waimea River flows for a host of public trust purposes including, but not limited to, fishing and gathering, kalo farming, recreation, research and education, aesthetic enjoyment, spiritual practices, and the exercise of Native Hawaiian cultural rights and values. The failure to ensure proper consultation precludes a sufficient assessment of the identification and scope of traditional and customary Native Hawaiian rights exercised in the petition area, as well as the extent to which those rights will be affected or impaired by the proposed WKEP. Moreover, during the consultation process, the impact of water diversion within the vicinity of the project area as well as the entire ahupua'a was identified as "a major concern of impacts to the continued life source and sustainability to all ongoing cultural practices, traditional cultural rights and traditional cultural resources." (DEA at 5-90.) Although numerous traditional and cultural practices were identified within the project area, such as 9 While the DEA states that a total of eight individuals and organizations participated in this process, the Cultural Impact Assessment provides summaries of the interviews of only five individuals. Compare DEA at 5-86 with Appendix I at 98-122. traditional cultivation of lo'i kalo, caring for water and their ecosystems, mālama 'āina, aloha 'āina, fishing, and gathering of natural resources, the DEA summarily concluded that only one traditional and cultural practice – the traditional and cultural practice of mālama 'āina within a native forest located on a small pu'u – would be affected by the proposed project activities. (DEA Appendix I at 124-25.) This summary conclusion fails to take into account the traditional and cultural practices that would be impaired by the long-term diversion of 11 MGD from the Waimea River watershed, let alone address any feasible action to be taken to reasonably protect these Native Hawaiian rights. In sum, the DEA's Ka Pa'akai analysis fails to properly analyze potential impacts on Native Hawaiian traditional and customary practices. I. The DEA should fully address impacts related to greenhouse gas emissions.		

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				The DEA states that "[o]peration of the Proposed Action would not contribute to global GHG emissions and climate change." (DEA at 5-164.) Focusing primarily on the construction phase of the proposed project, the DEA's analysis of GHG impacts "was prepared for the first 25 years of the PPA (i.e., for the Solar Term) and not for the additional terms of the Pumped Storage Hydropower and Hydropower-only components of the Project." (DEA at 5-152.) In its analysis of GHG impacts, the DEA should also address the emerging research and concerns indicating that reservoirs often emit large amounts of methane and carbon dioxide (from subCHARd vegetation, nutrient inflows, etc.). Studies have found that some reservoirs have GHG emissions equivalent to fossil fuel power plants.[10] The DEA should examine these issues in the context of the proposed project and its rehabilitation and use of the Puʻu Lua, Puʻu ʻŌpae, and Mānā Reservoirs and include all such impacts in its overall analysis and proposed mitigation of life-cycle GHG emissions. J. Conclusion In sum, Pōʻai Wai Ola has serious concerns regarding the second DEA's failure to fully address the short- and long-term direct, secondary, and cumulative impacts of the Proposed Action, as well as alternative approaches and scenarios to project design and operation to comply with the Watershed Agreement and Follow-Up Agreement and minimize impacts. The historic significance of this proposed project and its potential for lasting impacts for decades to come necessitates full and meaningful analysis of the impacts in an EIS, rather than misleading 10 See Kavya Balaraman, 100+ hydro plants have greater warming impacts than fossil fuels: EDF study, Utility Dive, Nov. 19, 2019, https://www.utilitydive.com/news/hydropower-emissions-fossil-fuels/567572/; see also Chris Mooney, Reservoirs are a major source of global greenhouse gases, scientists say, The Washington Post, Sept. 28, 2016, https://www.washingtonpost.com/news/energy-environment/wp/2016/09/28/scientists-just-found-yet-another-way-that-humans-are-creating-greenhouse-gases/. claims that the flow diversion impacts of the proposed project are already "existing," or dismissive conclusions that directly interconnected issues and impacts are "not part of the Proposed Action." We look forward to proper disclosure of the proposed project's environmental impacts and proposed alternatives and mitigation measures in future environmental review documents.		
9	N/A	Jim Kauluwehi Aana	10/10/22	I am asking that a full Environmental Impact Statement be required for the KIUC/AES WKEP project. The Environmental Assessment is insufficient and raises more questions than answers about how this project will affect the historical, legendary Pu'u 'Opae watershed, the future health of Waimea River, and the quality of life for Waimea residents. As a founding member of Po'ai Wai Ola, we have asked KIUC to start a EIS for this project since 2017, due to the project's huge magnitude and construction footprint and impacts on the Waimea river. KIUC has refused to listen to it's own shareholders' concerns and arrogantly decided that the EA is all that's needed. ENVIRONMENTAL IMPACTS to the whole Kona district of Kauai will definitely happen, so an ENVIRONMENTAL ASSESSMENT is not enough. Please help the Kauai residents hold Kiuc to Hana i ka Mea Pono-Do the right thing.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts. While it is typical for an environmental assessment to not be as in depth as environmental impact statements, the WKEP EA is far more in depth than the typical environmental assessment. The EA provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices through the following: • Natural stream flow (Section 4.1.1.2 through Section 4.1.1.7) • Water availability (Section 4.1.1) • Water diversion (Appendix G) • Potential impacts on ecosystem health and native stream species (Appendix G) • Potential impacts to land-based wildlife including native species (Appendix H) • Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Appendix I)	Section 4.1.1.2 - Section 4.1.1.7, Section 4.1.1, Appendix G, Appendix H, Appendix I

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10		John K Aana	10/10/2022	I am a long time resident and taro farmer on the westside of Kauai. I strongly support requiring KIUC to do an EIS. A project of this magnitude requires an EIS to be done. The community needs to know if this project will benefit us or not.	Mahalo for your comments on the revised draftEnvironmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. In regards to benefits of the project, Table 2.1 in the final EA document contains a list of project benefits.	Table 2.1
11		Maile Alfiler	10/10/2022	I am writing in support of the WKEP project and I believe the revised DEA is a comprehensive analysis and the FONSI is well supported. As a granddaughter of a pineapple farmer and sugar cane plantation worker and as a native Hawaiian, I understand the importance of our land and water to our livelihood. The water and streams from which it flows is our most important resource and moving forward with this project will revitalize our ditches and irrigations system and will allow for more diversified agriculture for years to come. The project will create more job opportunities and serve as a educational facility for our keiki. In closing, I feel WKEP is a beneficial project for our Kaua'i Community and I would like to see it move forward.	Mahalo for your support for the West Kaua'i Energy Project.	
12		Jo Amsterdam	10/10/2022	Mahalo for this opportunity to give my observations about this project. First I ask if anyone else has noticed we are in a drought. I live in Kalaheo where it has not rained much for many a month. This has been happening for years but this year is extra dry. Climate change has been left out of the calculations it seems. I have worked in the loi in Waimea and know we need more fresh flow. The life-giving Wai comes from the Kokee watershed, and we need more now, for food production. 23 million gallons a day sounds like a whole lot of wet Kalo fields, to me. Let's reconsider. It has been suggested that using sea water in a closed system would be another way. Surely, we can do better than this.	Mahalo for taking the time to comment on the revised draft Environmental Assessment (EA) for the West Kaua'i Energy Project. We understand your concern for the dry conditions this year and potential climate change. impacts. The water availability analysis (Section 4.1.1.2) and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. Decreased stream flows are expected to occur during dry periods through the life of the Project. Operations addressing low stream flow periods is discussed in Section 4.1.2.1, Proposed Operations as well as the Proposed Operation sections for each diversion site (Section 4.1.2.2, 4.1.2.3, 4.1.2.4, and 4.1.2.5). Please see topic response Climate Change Considerations. Section 4.3 of the EA discusses alternatives considered including closed looped pumped storage. Using the ocean (sea water) as a reservoir for pumped storage is not considered a feasible replacement because it would not support DHHL's needs for delivery of DHHL's water reservation to the Pu'u 'Ōpae area that would allow development of those lands for Native Hawaiian beneficiary uses. As noted in Section 4.1.1 of the EA, the amount of water being diverted from four streams into the Kōke'e Ditch System is 11 MGD rolling average, not 23 MGD. Water diverted for WKEP would be for the purpose of energy production and irrigation including the Department of Hawaiian Home Land's water reservation of 6.93 MGD. Please see Section 2.1.1 for a description of how water will be used along the WKEP flowline for energy production and irrigation.	Section 4.1.1.2, Section 4.1.2.1 - 4.1.2.5, Section 4.3, Section 4.1.1, Section 2.1.1
13		Karen Anderson	10/07/2022	Please do all you can to insist that an EIS be done to evaluate the effects of this proposed project. Out of the many deleterious impacts, the fact that the facility would use 11 million gallons of water from the Waimea River EACH DAY sounds totally inappropriate and damaging to the ecosystem of beautiful Kaua'i. Once a place has been ruined, it cannot be restored. Please use your position for the good of Kaua'i and our imperiled planet.	Mahalo for taking the time to comment on the revised draft Environmental Assessment (EA) for the West Kaua'i Energy Project. Regarding your concern for the diversion volume, please see Section 2.1.1 for a description of how water will be used along the WKEP flowline for energy production and irrigation including DHHL's water reservation of 6.93 MGD. Water allocation and availability for the Project and irrigation is discussed in Section 4.1.1. Regarding the request for an EIS, please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	Section 2.1.1, Section 4.1.1
14		Sean Andrade	10/10/2022	I am writing to you on behalf of Kekaha Hawaiian Homestead Association, Puu Opae Farm and Irrigation Project (POFIP) Committee to request a full environmental statement for the West Kauai	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	Section 4.1.1.2 - 4.1.1.7, Section 4.1.2.8,

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				Energy Project being proposed by Kauai Island Utility Cooperative. The second environmental assessment they published still raises more questions and concerns. This project will have a huge impact on the future of our keiki and Kona Moku. It is only right that we take all the necessary steps available to us in ensuring everything is pono with thorough analysis. We want to also ensure that the WKEP proposal project does not cause more harm than good to our overall environment for decades to come. Here are a few comments and questions that I have on the KIUC WKEP. **What is the project method that KIUC and AES is using to supply a contact water flow to KHHA POFIP during construction?** With the construction to the hydro project being 2 years, what will the projected method be in suppling our project with daily water? We are currently utilizing approximately 100,000 gallons a day in our farming project. It is important that we receive our currently 100,000 gallons of water a day during the full construction of the project, as we have incorporated fish to fertilize our taro. Water flow is critical to the survival of our tilapia as it helps to aerate the water in their ponds to survive. We also plan to expand our famring and more water may be needed over the next couple of years while construction goes on. We were told that KIUC plans to truck water in for us, but I don't think that it will be a viable option. **What will be the quality of the water that would flow through the pump system from the Puu Opae reservoir for KHHA POFIP once the project is done?** In future we would be utilizing used hydro water to the pumped from the Puu Opae reservoir back up to the old plantation irrigation filters to supply not only KHHA POFIP, but the rest of DHHL ag lands that sits above the Puu Opae reservoir. What can we expect the water quality to be? This is critical information ensuring that this project is supplying healthy water for our POFIP and DHHL's Kuleana Project flowing through the hydropower plant for kalo cultivation and other diversified agriculture on the Puu Opae Plain. **Solar fields on the Mana plain are too close to the bird sanctuary.** What steps are being taken to ensure we don't love any type of fowl that can and will mistakenly see the approx. 350 acres of solar PV panels as mash and swap lands? The PV fields are too large and close to the Kawaiele Waterbird Sanctuary. **Do the Niu Valley road access improvements include guardrails?** I am unaware if there will also be guardrails installed to ensure the safety of those who will be using the road access at Nui Valley. I do not see info that's stating added safety while equipment and user's access at the same time. **Why is KIUC asking for a 65-year lease?** A 65-year lease is a really long time and with how dramatic climate change has been currently, predicting the conditions of our watershed in 65 years is not easily done. Will there be enough water to run the Puu Opae reservoir continuously for 65 years? In the event the Puu Opae hydro is not running, will we be assured that water supply to the Puu Opae area will happen even if there isn't enough water to run the Puu Opae hydro plant? Could we then branch off the main penstock to directly feed the old plantation filters, if the hydro is not in operation? **How does this proposal affect our electricity rates?** With some of the highest electricity costs, will West Kauai residents benefit from additional rate reduction in exchange for hosting the hydro project? Especially those that will be in the immediate area like the DHHL Kuleana Project at Puu Opae.	**What is the project method that KIUC and AES is using to supply a contact water flow to KHHA POFIP during construction?** Water delivery to the existing users along the western ditch branch, including KHHA during construction, is discussed in Section 4.1.2.8. Project representatives have discussed methods of providing water through construction a number of times with KHHA over the last several years and provided information regarding this commitment in writing to KHHA and DHHL. Water would be delivered through the ditch through as much as the construction phase as possible. When it is not possible to deliver water through the ditch due to construction activities, methods of providing water to KHHA would depend on the season and weather, length of time water cannot be delivered through the ditch and other specific considerations that may be occurring at the time. Trucking water into the site is one option. Providing storage tanks is another option. However, the commitment to provide water throughout the construction phase for the Project has been made as a firm commitment to KHHA. **What will be the quality of the water that would flow through the pump system from the Puu Opae reservoir for KHHA POFIP once the project is done?** Please see Section 5.1.2.2 of the EA, specifically the sections on the Upper Penstock, Pu'u 'Ōpae Powerhouse, Reservoir, and Facility Substation, Lower Penstock, and Mānā Reservoir, Powerhouse, Pumpstation and Facility Substation. Water provided for irrigation at the Pu'u 'Ōpae Reservoir would be clean water free from sediment and debris. Water from streams would be delivered through the Kōke'e Ditch System to the Upper Penstock to Pu'u 'Ōpae Reservoir. Water entering the Upper Penstock would be screened to remove any sediment or other debris. As noted in Section 5.1.2.2, operation of the Upper Penstock would have no impact on water quality and there would be no pollutants or chemical contamination to the water following the Upper Penstock. Operation of the Pu'u 'Ōpae Reservoir would not cause water pollution as no foreign objects or chemicals would be introduced to the water during its passage through the penstocks, pumps or turbines, as noted in Section 5.1.2.2. The recycling of water between Pu'u 'Ōpae and Mānā Reservoirs may cause the stored water to increase in temperature during sunny periods when there is limited flow through the Kōke'e Ditch Irrigation System but is not expected to be a significant change as to affect water quality being pumped from Mānā reservoir. **Solar fields on the Mana plain are too close to the bird sanctuary.** Please see Section 5.3.2.2 in the EA. As described therein, the Kawai'ele State Waterbird Sanctury is located approximately 1.75 miles away from the proposed PV Solar Array. Despite the proximity of the proposed PV Solar Array to known waterbird habitat, there is no evidence that solar arrays impact waterbirds or seabirds in Hawai'i. Since 2010, KIUC has been developing utility scale solar PV projects and currently has over 525 acres of solar PV panels in production, including 140 acres that are located within the Pacific Missile Range Facility (PMRF) and slightly closer to Kawai'ele Waterbird Sanctuary than WKEP's panels will be located. All of these sites are routinely monitored, and the PMRF site has had focused biological monitoring of the solar array area since 2019. There are no known incidences of waterbirds, seabirds or Hawaiian Hoary Bats colliding into solar panels at any of these facilities. There is no data anywhere in the state of Hawai'i to indicate that waterbirds or seabirds are at risk of collision with solar panels. KIUC works closely with U.S. Fish and Wildlife Service and the Department of Land and Natural Resources' Division of Forestry and Wildlife (DLNR DOFAW) on potential impacts to seabirds and listed waterbirds through the development and implementation of its Habitat Conservation Plan. **Do the Niu Valley road access improvements include guardrails?**	Section 4.1.2.10, Section 5.1.2.2, Section 5.3, Table 2.1

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					The rehabilitation of the existing road from the Mānā Plain to Pu'u 'Ōpae is described in Section 4.1.2.10 of the revised draft EA. Improvements for the road are still in the design phase but will be designed and constructed to safely accommodate users of the road. Based on preliminary design, improvements to the lower section of the existing Pu'u 'Ōpae Access Road may include drainage improvements, culvert replacement, and paving. Improvements to the upper section of the existing road are likely to include scraping and gravel resurfacing. The Pu'u 'Ōpae Access Road would be used for daily access during construction and Project operation. **Why is KIUC asking for a 65-year lease?** There are several reasons necessitating the 65-year lease which are described in the topic response Request for a 65 Year Water Lease. In regards to climate change and whether there will be enough water for the Proposed Action, including the availability of water for irrigation users, this is described in the topic response Climate Change. Sections 4.1.1.2 - 4.1.1.7 of the EA discuss water availability for WKEP and for irrigation. The future availability and variability of water was considered in the planning, development, and design of the Proposed Action to ensure the Applicant meets its commitments. Branching off the Upper Penstock to directly feed plantation filters is not possible due to the high pressure in the penstock at those locations. **How does this proposal affect our electricity rates?** Please see topic response Power Purchase Agreement and KIUC Debt. The project is projected to save ratepayers $20 per month on average over the life of the project, as compared to continuing to use oil-powered generation. KIUC has power generating facilities located in almost every community on Kaua'i and does not offer preferential electric rates for members in the immediate vicinity of the facilities. The Applicant notes the significant benefits (described in Table 2.1 of the EA) to the Department of Hawaiian Home Lands (DHHL) Kuleana Project, KHHA and other DHHL licensees in the immediate Pu'u 'Ōpae area, in addition to the beneficial impact to electric rates.	
15		Louis Antonelli	10/04/2022	My name is Louis Antonelli a recent graduate from UH Hilo. I studied environmental science and management and now operate an organic farm in Waimea. I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
16		Laurie Avilla	10/10/2022	We are writing in to Demand an EIS to your project! We, Do Not Want To Be Known for the Top State in Going Green, IF, it will affect the People of our Island! To divert all that water, for what? You all already taking from Our Sacred Wai'ale'ale! The building of that hydro plant, brings irreparable damage to our sacred area! And you, Mr.Aila what deal did you make for kiuc to proceed with this damage to our Aina? NO ENTITY should have a 65 year lease, common sense! If kiuc can build this ugly monstrosity thing, you, Mr.Aila, can do it, to Put Our People on Our Lands! ALL of you People who plan all this building on our Island, Do Not Live Here to Be "Affected" Who will Benefit from this? Not the People of Waimea! Just like the solar farm in Anahola, kiuc said, Anahola will Benefit, Where and Who? Nada! You all taking Precious Land and Now Our Water,from Our People, who are waiting for YEARS to get on Hawaiian Home Lands! Why don't you all, Help in that, first! We demand an EIS! We Do Not Want A Red Hill Happening Here 10,20 years from now! Mahalo again for taking the time to read Our testimony!	Mahalo for taking the time to comment on the revised draft Environmental Assessment (EA) for the West Kaua'i Energy Project. Regarding the demand for an Environmental Impact Statement (EIS), please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Regarding who will benefit from WKEP, please see Table 2.1 in the final EA that outlines the many benefits that would occur as a result of WKEP. Regarding the concern for a 65 year lease, please see topic response Request for a 65 Year Water Lease. Section 2.1 and Section 4.1 discusses how water diverted by WKEP would be used for energy generation and irrigation including the Department of Hawaiian Home Land's water reservation of 6.93 million gallons per day.	Table 2.1, Section 2.1, Section 4.1

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				"Ola I ka Wai" "Ua Mau ke ea o ka Aina I ka pono"		
17		Rae Banasihan	10/07/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. Our family will be devastated if the water that currently flows down and keeps our Lo'i thriving is diverted away. Not to mention the negative impact on the indigenous wildlife that is beginning to thrive in the valley. Our kids already suffer to save the birds, would you have the food taken from their tables as well?	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed, as well as a discussion on Impacts to wildlife and other natural resources. You may also find a discussion on potential impacts to wildlife and other natural resources in Section 5 of the final EA. We understand your concern for your Lo'i. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section.	Section 5
18		Walt Barnes	10/08/2022	I commend KIUC and its contractors for the thoughtful and thorough approach to the Westside Entergy Project. The Environmental Assessment just completed demonstrates and reinforces the community's trust in KIUC as a community-focused organization and as an environmental steward. Environmental Assessments are mostly designed to find negative impacts and this draft's finding of no significant impact is reassuring. However, as a longtime proponent of pumped storage for Kauai I want to stress the actual environmental impact of the project is significant and positive. This project will help preserve and protect the local environment and the global environment by enabling the reduction of the aggregate carbon footprint of Kauai.	Mahalo for voicing your support of the West Kaua'i Energy Project.	
19		Bonnie Bator	10/10/2022	GRATEFUL for the opportunity to say "No" to the audacious 'findings' in the draft E.A. of the proposed AES West Kauai Energy Project; by KIUC. NONE of it is forthright For KIUC to hang on the coattails of King Sugar is criminal. Lack of Rainfall is not addressed in the dE.A. Climate Crisis neither - is mentioned in conjunction with this shabai draft E.A. It's APPALLING that the entire island of Kaua`i is under HIGH FIRE Alert - that KIUC is seeking a 65-year lease for:  **ALREADY occurring documented failure to meet interim instead flow standards**. Waipo`o already is gone - lot's of times The state of Hawaii, Department of Land and Natural Resources must deny this proposal which *KIUC* proposes via this draft Environmental Assessment. It will prove the ineptitude of DLNR in protecting the sacred waters that this body purports to protect - 'if' this proposal and draft E.A is not denied. A federal Environmental Impact Statement is warranted for this proposal from KIUC. There are countless discrepancies in this shabai sorry excuse for Environmental Assessment. Injustice, hana hou for the Native Hawaiian who have non existent water rights. The host people whom suffer yet, without their birthright of clean water. The sheer immoral shamefulness of KIUC is clearly exposed by their proposing 'this'. Wai`ale`ale is not the wettest place on Earth	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see responses below. Regarding the concern for lack of rainfall, please see Sections 4.1.1 for a discussion on water availability and stream flow. The water availability analysis (Section 4.1.1.2) and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. Decreased stream flows are expected to occur during dry periods through the life of the Project. Operations addressing low stream flow periods is discussed in Section 4.1.2.1, Proposed Operations as well as the Proposed Operation sections for each diversion site (Section 4.1.2.2, 4.1.2.3, 4.1.2.4, and 4.1.2.5). Regarding the concern for climate change/crisis and drought, please see topic response Climate Change – Impacts & Considerations. Regarding the assertion that the applicant is already failing to meet instream flow standards, the Applicant is not the operator or diverter on the Kōke'e Ditch System at this time and as such is not the entity implementing instream flow standards for the streams diverted into the Kōke'e Ditch System. As noted in Section 1.2.2.1 of the EA, the Applicant is in compliance with the commitments made for the Phase One interim instream flow standard (IIFS) modifications and flow monitoring equipment on the Kōke'e Ditch System. Waipo'o Falls was artificially inflated through historic ditch system operations. Through the Waimea Mediation Agreement and implementation of the Phase One IIFS, Waipo'o Falls is being returned to its natural flow volume. Restoring Waipo'o Falls to the previous flow volume would require supplementing it with flow from other streams through the Kōke'e Ditch and would be in violation of the Waimea Mediation Agreement and the instream flow standards. Regarding concerns for injustices to Native Hawaiians, the Project would benefit Native Hawaiians in a number of ways. WKEP would deliver the Department of Hawaiian Home Land's (DHHL) water reservation to the Pu'u 'Ōpae lands and maintain the water delivery infrastructure through the life of the Project, and by doing so would support Native Hawaiians' rights to water and the ability for Native Hawaiians to utilize the Pu'u 'Ōpae lands. For a full list of benefits that would occur as a result of WKEP, please see Table 2.1 in the EA.	Section 4.1.1, Section 4.1.1.2, Section 4.1.2.1, Sections 4.1.2.2-Section 4.1.2.5, Section 1.2.2.1, Table 2.1, Section 4.1.1, Section 1.2, Section 4.1.1.1

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				PREVIOUS prevailing Tradewinds have died off at least a decade ago - DROUGHT plagues Kaua`i.  Please exercise common sense: deny this proposed KIUC sham for a 65-year lease to steal the limited, very limited current trickle of stream flow.  RESTORE STREAMFLOW Waipo`o IMMEDIATELY MAHALO NUI LOA for keeping The Pololei	Regarding the request for a federal Environmental Impact Statement, at this time it does not appear that the Project would trigger a federal nexus; however, the final determination of whether or not a federal Environmental Impact Statement would be required for the Project would be by the Army Corps of Engineers. Regarding concerns for inadequacy of this EA and a state EIS, please see topic response EA vs. EIS and Impacts. Regarding concerns for water theft, the Project would require Board of Land and Natural Resources approval of a water lease as discussed in Section 4.1.1 of the EA. Also, please see Sections 1.2 and 4.1.1.1 discussing the Waimea Mediation Agreement and allocation for WKEP in that agreement. An explanation of the request for a 65 year water lease can be found in the topic responses titled Request for a 65 Year Water Lease.	
20		Mary Baxter	10/05/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
21		Diana Bethel	10/06/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. As we face the possibility of more severe droughts as a result of global warming, we need to make absolutely sure that we protect our water sources by all means available to us. Otherwise, if we degrade our water, it will make Kauai uninhabitable. It is easier and cheaper to prevent harm to our water supply than try to clean it up after it has been polluted.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was conducted. We understand your concern for drought conditions and potential climate change. impacts. The water availability analysis (Section 4.1.1.2) and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. Decreased stream flows are expected to occur during dry periods through the life of the Project. Operations addressing low stream flow periods is discussed in Section 4.1.2.1, Proposed Operations as well as the Proposed Operation sections for each diversion site (Section 4.1.2.2, 4.1.2.3, 4.1.2.4, and 4.1.2.5). Please see topic response Climate Change Considerations. Section 4.3 of the EA discusses alternatives considered including closed looped pumped storage. Using the ocean (sea water) as a reservoir for pumped storage is not considered feasible on Kaua'i due to the potential for shoreline impacts that would be associated with that type of development. Information on water availability and the analysis of potential impacts of the Proposed Project diversion of 11 million gallons per day rolling average is located in the Stream Habitat Assessment in Appendix G, and in the DEA in Sections 4.1.1, 5.1.2.2, and 5.1.2.3. Water for the project has already been addressed through the Waimea Mediation Agreement, and the instream flow standards for the project have already been adopted and approved by Commission on Water Resource Management (CWRM) through the CWRM staff Instream Flow Standard Assessment Report (IFSAR) and the Waimea Mediation Agreement. The Proposed Project is consistent with what is outlined in the Waimea Mediation Agreement and what is available to divert after the instream flow standards are met based on the CWRM IFSAR. There is no impact to drinking water supply from the Project, and there is no expected pollution run off as a result of the Project. Operation of the Proposed Action would not cause water pollution or subsequent impacts to coastal ecosystems as no foreign objects or chemicals are introduced to the water during its passage through the penstocks, pumps, or turbines. Additionally, there is no heat removal or addition to the water as it passes through the powerhouses.	Appendix G, Section 4.1.1, Section 5.1.2.2, Section 5.1.2.3

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22		Emilie Bierly	10/10/2022	I am a Kauai resident, born and raised and live in Kekaha. I am urging DLNR due diligence to require a full environmental impact statement for the West Kauai Energy Project. This is absolutely necessary and ethical to complete. This project must consider impacts as it is a very large, and long intended project. There is no substitute for water, and there is no reversing damage as it is done. KIUC is accountable and must not try to get around doing an EIS. Decisions made today will cause lasting impact. Thank you for your time.	Mahalo for taking the time to submit comments on the revised draft Environmental Assessment (EA) for the West Kaua'i Energy Project. Regarding the request for an EIS, please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Protection of the Waimea watershed is the basis of the Waimea Mediation Agreement. A discussion of the Agreement can be found in Section 4.1.1.1 of the final EA. Please note that as part of the water lease process for the Project, the Applicant would work collaboratively with the State of Hawai'i Division of Forestry and Wildlife to develop a watershed management plan.	Section 4.1.1.1
23		Sara Bill	10/05/2022	I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by KIUC. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. It is our responsibility to ensure that the choices we make now positively impact future generations and I don't believe that this fulfills that promise. You owe it to our community to do the right thing.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. We understand and share the concern for proper stewardship of our resources. The West Kaua'i Energy Project will benefit future generations by significantly reducing greenhouse gas emissions, stabilizing and lowering electricity rates over time, and allowing for the expansion of local agriculture by delivering water for irrigation. A full list of project benefits can be found in Table 2.1 of the final EA.	Table 2.1
24		Irena Bliss	10/08/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. We know the devastating impact that stream diversions have on people and wildlife that depend on them. This project proposes to build on top of old sugar plantation diversions that have caused significant lasting harm to West Kaua'i's communities. Now is the time for innovative solutions to Kaua'i's climate challenges, and strategies to reduce energy consumption and impacts, and to restore and protect natural watersheds for the well-being of future generations and all life. That is why the community is amplifying their demand that KIUC complete a full EIS on the WKEP. Mahalo nui for your support in this. Ua mau ke ea o ka 'āina i ka pono. The life of the land is perpetuated in righteousness. I ka wā ma mua, ka wā ma hope. We look to the past as a guide to the future.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Potential impacts to wildlife were studied as part of the EA, and a discussion on this topic can be found in Section 5 of the final EA. Also included in Section 5 are the avoidance and minimization measures being implemented as part of the Project, which include recommendations by wildlife agencies to avoid and/or minimize potential impacts to wildlife and other natural resources. Stream diversion structures constructed by the plantations were designed to divert most or all of the streamflow during low- and normal flows. Through the Proposed Action, diversion modifications would be completed for the implementation of the Phase Two interim instream flow standard (IIFS), which were established by the Commission on Water Resource Management (CWRM) in 2017 and are intended to ensure mauka to makai flows at all times. The modification work would include installation of flow monitoring equipment and automation of the diversion control gates. The modifications associated with the Proposed Action would increase the reliability and consistency of IIFS implementation. All water diverted by the Project would be used for energy generation and/or agriculture, both of which are identified as beneficial uses in the Waimea Mediation Agreement. Water that cannot be used by the Project would not be diverted and would remain in the streams. Protection of the Waimea watershed is the basis of the Waimea Mediation Agreement. A discussion of the Agreement can be found in Section 4.1.1.1 of the final EA. Please note that as part of the water lease process for the Project, the Applicant would work collaboratively with the Division of Forestry and Wildlife to develop a watershed management plan. KIUC has a multi-faceted approach to addressing climate challenges, which includes reducing greenhouse gas emissions by developing renewable energy generation projects to reduce and eventually eliminate our use of fossil fuel. KIUC also has a wide variety of programs that encourage and enable energy conservation and efficiency for our members.	Section 5, Section 4.1.1.1

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25		Denise Boisvert	10/09/2022	Is 70 the new 50? Is orange the new black? Is a hydropower plant authorized without a thorough EIS the new sugar plantation water hog? Are the Big Five days that dominated and repressed local people and their rights to land and water really over? Please prove that those days are over by requiring a thorough EIS. The only question left is, 'Why not?'	Mahalo for taking the time to comment on the revised draft Environmental Assessment (EA) for the West Kaua‘i Energy Project. Regarding your request for an EIS, please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Regarding the concern for repression of the local people, the West Kaua‘i Energy Project would benefit future generations by significantly reducing greenhouse gas emissions, stabilizing and lowering electricity rates over time, and allowing for the expansion of local agriculture by delivering water for irrigation. A full list of project benefits can be found in Table 2.1 of the EA. WKEP would deliver the Department of Hawaiian Home Land’s water reservation to the Pu‘u ‘Ōpae lands and maintain the water delivery infrastructure through the life of the Project, and by doing so would support Native Hawaiians’ rights to water and the ability for Native Hawaiians to utilize the Pu‘u ‘Ōpae lands.	Table 2.1
26		Brooks Braun	10/06/2022	I’m in support of this WKEP project. It has lasting positive impacts to the Kauai community and energy independence to future generations on the island. I believe the revised DEA is comprehensive and the FONSI is well supported to Kauai’s best interests. I would like to see it move forward as soon as possible.	Mahalo for your support for the West Kaua‘i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft Environmental Assessment that support a Finding of No Significant Impact (FONSI).	
27		Grayson Breen	10/10/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Unity Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
28		Avery Brinkworth	10/07/2022	I’m writing to request a full environmental impact statement for the West Kaua’i Energy Project being proposed by the Kaua’i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
29		Jason Bryant	10/05/2022	This impact study is pretty extensive. It is obvious that KIUC is taken strong consideration where environmental impacts are concert. I support KIUC’s effort to produce renewable energy and am grateful for their existing stewardship of the supporting areas housing their renewable projects. If opposers of the project have questions beyond what is covered in this second draft I am sure KIUC would entertain answering questions which were formed by exercising the same scientific and engineering rigor used in the study itself.	Mahalo for your support for the West Kaua‘i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft Environmental Assessment that support a Finding of No Significant Impact (FONSI).	
30		Jeanne Butler	10/07/2022	I am writing to request a full environmental impact statement for the West Kaua‘i Energy Project being proposed by the Kaua‘i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. This will scar and desecrate the Island as well as affect the ancestors and all who live there.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	Section 7.1
31		June Cappiello	10/10/2022	I am joining others to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by KIUC. As a former resident with many friends on Kaua’i and a deep respect for the land and its people, it is imperative that those in leadership do everything in their power to protect natural resources that are precious and limited to ensure its availability for future generations.	Mahalo for your comments on the revised draft Environmental Assessment (EA). KIUC shares your concern for the environment and is committed to the protection of our natural resources, as evidenced by our achievement of 70% renewable generation well ahead of existing state mandates and benchmarks.	Section 4.1.1.1

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				The second environmental assessment that was published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. Water is life. Something that affects critical resources—which cannot easily be reversed—requires a thorough investigation.	Use of water for the Project is outlined in the Waimea Mediation Agreement, which was signed by KIUC, Earthjustice/ Pō'ai Wai Ola, the Department of Hawaiian Home Lands, the Agribusiness Development Association and the Kekaha Agriculture Association in 2017. The Agreement was the basis for interim instream flow standards (IIFS) adopted by the Commission on Water Resource Management that same year. The IIFS limits the amount of water that can be used by the Project for hydropower and irrigation for agriculture. Protection of the Waimea watershed is the basis of the Waimea Mediation Agreement. A discussion of the Agreement can be found in Section 4.1.1.1 of the final EA. Please note that as part of the water lease process for the Project, the Applicant would work collaboratively with the Division of Forestry and Wildlife to develop a watershed management plan.	
32		Shelley Choy	10/07/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. Please put a brake on the process so that the concerns of the people of Kaua'i will be properly and genuinely addressed. Please be a true steward of our most precious resources: water and land.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was conducted. Extensive outreach has been conducted since 2013 for WKEP. Outreach and community consultation has informed Project development and design. You can find a detailed description of community outreach efforts for WKEP in Appendix P of the final EA. We are conducting a careful review of comments submitted on the revised draft EA and are making amendments to the document and/or project as necessary.	Appendix P
33		Malia Chun	10/07/2022	As a concerned West Kaua'i resident, I have written countless testimonies and attended countless meetings regarding the West Kaua'i Energy Project. It's been over 5 years and none of my concerns and questions have been answered by KIUC. Here are a few of my most pressing concerns... · We asked for a COMPREHENSIVE EIS years ago and we waited and waited and waited and got an EA instead...this is unacceptable. · No single entity should hold or be granted a long term lease (65 years) of a PUBLIC TRUST and of our MOST PRECIOUS NECESSITY...WATER!! · NO entity should be legally able to harness 11 MILLION GALLONS of WATER PER DAY or ever, for any reason! I can go on and on about the long term environmental, cultural and human impacts such a drastic project will create, during a time of impending climate change, but if you're smart enough to create a billion dollar hydro system, you're smart enough to figure it out yourself. Yes, I enjoy the benefit and convenience of electricity, but 7 generations from now when our streams beds are dry and the ocean stops producing, my great grandchildren (who's ancestors have survived the majority of human existence without electricity) won't be grateful that they can conveniently switch on a light bulb, they will be GRATEFUL TO HAVE ACCESS TO FRESH, CLEAN, LIFE GIVING WATER!!! Go back to the drawing board and do better...	Mahalo for taking the time to comment on the second draft Environmental Assessment (EA) for the West Kaua'i Energy Project. Please see topic response EA vs. EIS and Impacts for an explanation of why an Enviornmental Assessment was completed. For an explanation of the lease term request, please see the topic response titled Request for a 65 Year Water Lease. Use of water for the Project is outlined in the Waimea Mediation Agreement, which was signed by KIUC, Earthjustice/ Pō'ai Wai Ola, the Department of Hawaiian Home Lands, the Agribusiness Development Association and the Kekaha Agriculture Association in 2017. The Agreement was the basis for interim instream flow standards (IIFS) adopted by the Commission on Water Resource Management that same year. The IIFS limits the amount of water that can be used by the Project for hydropower and irrigation for agriculture to a rolling average of 11 million gallons per day. A discussion of the Waimea Mediation Agreement can be found in Section 4.1.1.1 of the final EA. As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an understanding of potential impacts to stream biota and water resources. No significant impacts were identified.	Section 4.1.1.1, Appendix F, Section 4.1, Appendix G
34		Mauli Ola Cook	10/10/2022	My name is Mauli Ola Cook (aka Christine Anne Cook). I have been a resident of Kaua'i since 1986. I am a resource teacher in creative arts and Hawaiian studies and have taught principally in schools from Kapa'a to Hanalei but have taught at all public elementary schools throughout the island as well. I am a hula practitioner and have been teaching a small class in hula for over 20 years.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic responses EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed, as well as the topic response titled Request for a 65 Year Water Lease. Use of water for the Project is outlined in the Waimea Mediation Agreement, which was signed by KIUC, Earthjustice/ Pō'ai Wai Ola, the Department of Hawaiian Home Lands, the Agribusiness Development Association and the Kekaha Agriculture Association in 2017. The Agreement was the	Section 4.1.1.1, Section 4.1.2< Executive Summary

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				It is my kuleana to once again write to you to please ask you to require our KIUC to complete a full EIS for their project on the West Side of our island. Please be aware that the 11 million gallons of water per day that will be diverted from the Waimea River will have a significant negative effect on that important river. Already the river is very different than it was when it was in its fullest health. The waters are quite low in many places. It is concerning that heavy construction equipment will be used in the river and in important habitats for protected and endangered species, and areas of known 'iwi kupuna and historic sites. Personally, I am against the granting of a 65-year lease. I think that it is the right of the community to evaluate how KIUC is doing with the things they propose. We should be able to do that every year, not once in 65 years. I am appreciative of KIUC's desire to find solutions to lower our utility costs however I think they need guidance to find the solutions that will not perpetuate the mistakes of the past. It is evident to us all how much the diverting of waters has impacted our people, wildlife and natural habitats. Please require KIUC to conduct a full EIS on this project on the West Side. Mahalo nui loa for all the hard work and dedication you all give to our island home.	basis for interim instream flow standards (IIFS) adopted by the Commission on Water Resource Management that same year. The IIFS limits the amount of water that can be used by the Project for hydropower and irrigation for agriculture to a rolling average of 11 million gallons per day. A discussion of the Waimea Mediation Agreement can be found in Section 4.1.1.1 of the final EA. There is no heavy construction equipment use in streams. For a detailed summary of description of construction activities, please see Section 4.1.2 of the EA. For a detailed list of minimization and avoidance measures that would be implemented by the Project, please see the table in the Executive Summary.	
35		Meredith Cross	10/09/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
36		Michael Curtis	10/12/2022	I fully support this project and it's proven technology. That technology have was implemented over 60 years ago in Ludington Michigan. The Michigan utility company built a reservoir that adds water during low use/peak production times, and utilizes the kinetic energy to generate electricity during peak use times. The concept uses kinetic energy of water and gravity to store excess energy. It's simple concept is to store energy like a battery, without the chemical toxicity of battery technology. The added advantage of building water availability to surrounding Hawaiian Homes Lands makes this project Win/Win/Win.	Mahalo for voicing your support for the West Kaua'i Energy Project.	
37		Patricia Davis	10/10/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed and for information on your concern regarding mosquito breeding grounds. We understand your concern for agriculture. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section. Regarding cultural resources, a cultural impact assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures The majority of impacts would be during the construction phase which would be short-term, temporary, and minimized to the extent practicable through the implementation of Best Management Practices (BMPs). A table detailing construction impacts and proposed mitigation measures can be found at the end of the final EA Executive Summary.	Section 5.4.2, Appendix I, Executive Summary, Table 2.1

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				What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat? What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for. I live on the North Shore and what happens on the West side will affect all of us on the island. We need to protect our farmers so we can grow most of the food we need right here on Kauai. Why promote such a destructive project? It is not good for the island and will not help us sustain the prosperity of our beautiful Kauai.	There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The acreage for the two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Areas designated as critical habitat within the Project footprint are discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA. The closest communities to the Project are roughly 4 miles away, and no impacts such as dust, noise, traffic etc. are expected from Project operations. In fact, the Project will provide many benefits to west side communities and all other communities on Kaua'i. A list of Project benefits can be found in Table 2.1 of the final EA.	
38		Diane de Vries	10/08/22	At a time when our planet and our small island is in dire need of thoughtful planning and maximum conservation strategies, why are we being asked to accept Hydro Power as the only possible source for generating electricity on the Westside. Certainly there are other forms to consider. KIUC has offered only to produce an EA, providing the least amount of inquiry into their plan. A more thorough look through an EIS would help the decisionmakers find the most effective, least invasive solutions to the future needs for power. How can we possibly commit to a 65 year water lease, when the condition of our planet and the environment is so uncertain. At the very least, we would need an EIS to assess the effects of hydro power on all aspects of the environment: damage to water usage, damage to near shore waters and fisheries, sacred and historical sites, recreational use, endangered species, etc. The EIS should also take into account the naturally conservative nature of the Westside people, who I believe, would want to use the least amount of power and water, our most valuable resource. Please consider requiring KIUC to at least provide the community with the information of an EIS. It feels like we're being lead toward a conclusion that KIUC wants Hydro Power their way and with no chance for thorough discussion.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The alternative renewable energy sources considered are discussed in Section 4.3 of the EA. An explanation of the reasons for the lease request can be found in the topic response titled Request for a 65 Year Water Lease. Potential impacts to flora and fauna have been studied and are included in Appendix G and H of the final EA. Potential impacts to cultural and historic resources are included in Appendix I, J, K and L of the final EA. KIUC has conducted extensive community outreach on WKEP dating back to 2013. A summary of public outreach efforts can be found in Appendix P of the final EA.	Section 4.3, Appendix G, Appendix H, Appendix I, Appendix J, Appendix K, Appendix L, Appendix P
39		Jessica dos Santos	10/07/22	Although I am a resident of Oahu I am cognizant of the harmful effects of water diversion from streams and especially in ecologically sensitive areas. DLNR should be fully aware of the damaging effects of stream diversion and the development of industrial sized energy facilities. It is also time that companies, especially AES, and the state agencies that allow them to develop include community needs and concerns in the decision making process. Consultation does not equate to free, prior and informed consent. I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed and for information on your concern regarding mosquito breeding grounds. We understand your concern for agriculture. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section. Regarding cultural resources, a cultural impact assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures The majority of impacts would be during the construction phase which would be short-term, temporary, and minimized to the extent practicable through the implementation of Best Management Practices (BMPs). A table detailing construction impacts and proposed mitigation measures can be found at the end of the final EA Executive Summary. There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which	Section 5.4.2, Appendix I, Executive Summary, Table 2.1, Table 4.5, Section 5.3

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				grounds during low-flow periods to the various social determinants of health connected to the health of and access to ʻāina? What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat? What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.	are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The acreage for the two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Areas designated as critical habitat within the Project footprint are discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA. The closest communities to the Project are roughly 4 miles away, and no impacts such as dust, noise, traffic etc. Are expected from Project operations. In fact, the Project will provide many benefits to west side communities and all other communities on Kaua'i. A list of Project benefits can be found in Table 2.1 of the final EA.	
40		Noreen Dougherty	10/10/22	It is imperative that the most thorough **Environmental Impact Statements** (plural) be completed and reviewed, not only by the state agencies involved, but the people of Hawaii. This is a serious proposal that should not be taken lightly, nor begun before the reports are completed and reviewed. In 1988, the state passed a law stating that NO streams and waterways can be diverted, not even by the State of Hawaii. Committing to a 65 year lease on a project that is not wanted by many, not proven to be beneficial, astronomically expensive and extremely disruptive to the environment is absolutely out of the question. I ask that you consider the Kauai that our children will inherit. PLease thoroughly look at other ways to achieve the goal.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The Applicant does not agree with the commenter's interpretation of the law passed in 1988. Per the Commission on Water Resource Management's Waimea Instream Flow Standard Assessment Report (IFSAR) (Appendix B of the EA), the administrative rules passed in 1988 required CWRM to establish instream flow standards for all streams in Hawai'i, and established in interim instream flow standard based on then-current conditions. The CWRM Waimea IFSAR discussed the 1988 administrative rules in detail as well as beneficial uses of water diverted from streams. An explanation of the reasons for the lease request can be found in the topic response titled Request for a 65 Year Water Lease.	Appendix B
41		Drae	10/09/22	I am emailing you to request a full environment impact statement for the West Kauai Energy Project being proposed by KIUC. The second environment assessment they published raises for questions than answers about how this project will affect the health of the Waimea River, as well as the quality of life for Waimea residents. Diverting 11 million gallons of water per day as they did in plantation era days is going backwards, not forward.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Use of water for the Project is outlined in the Waimea Mediation Agreement, which was signed by KIUC, Earthjustice/ Pōʻai Wai Ola, the Department of Hawaiian Home Lands, the Agribusiness Development Association and the Kekaha Agriculture Association in 2017. The Agreement was the basis for interim instream flow standards (IIFS) adopted by the Commission on Water Resource Management that same year. The IIFS limits the amount of water that can be used by the Project for hydropower and irrigation for agriculture to a rolling average of 11 mgd. A discussion of the Waimea Mediation Agreement can be found in Section 4.1.1.1 of the final EA.	Section 4.1.1.1
42		Ellen Ebata	10/09/22	The two large power projects being proposed by KIUC come with equally large concerns. Firstly, the intended use of ground or surface water triggers Hawaii's water statute requiring an Environmental Impact Statement to assess the projects' impact of permanently removing huge amounts of water from multiple watersheds. Compliance with HRS 171.58 is mandatory. Approval should only be granted in the absence of any negative environmental impacts. Can these streams sustain the amounts of water withdrawal proposed? A well done EIS should review current data on stream sources and the quantity of water flowing through them. Climate catastrophe has not spared anyone or anything on earth and as evidenced by increasingly violent and destructive weather phenomenon we cannot rely on what has happened in the past, like KIUC's last 100 years of stream gauge data. As sea levels rise, millions of acres of land are being destroyed by wildfires fueled	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Sections 4.1.1.2 – 4.1.1.7 of the EA discuss water availability that considers and utilizes the all flow data available on the four available streams. The instream flow standards for the Project have been set by the Commission on Water Resource Management (CWRM) through the approval of the Waimea Mediation Agreement and are discussed in Section 1.2.2.2 of the EA. Further, theCWRM Waimea Instream Flow Standard Assessment Report (Appendix B of the EA) models amounts available for diversion on the Kōke'e and Kekaha Ditch Systems.	Section 1.2.2.2, Section 4.1.1.2, Section 4.1.1.3, Section 4.1.1.4, Section 4.1.1.5,

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				by droughts. The impact of droughts on Kauai's agriculture has been devastating. No water, no crops. The segmentation of an EIS is not allowed - it must assess the impact on the environment and all of Kauai. The West Side is the driest part of the island. Why extract water from there? The inherent definition of a coop is an organization that operates to meet the needs of all members. A wholistic approach is called for: What will be the environmental, economic and social impacts of these projects? Please do not accept KIUC's second DEA which does not adequately address the impact on our natural resources and community. Water is one of our most precious resources and KIUC must be held to account. Please stop this speeding train. The impact on our water resources as well as on the community and agriculture must be assessed. You are tasked with protecting Kauai's people and its natural resources. Now more than ever, as climate catastrophe looms, diligence, wisdom, foresight and courage are called for. Thank you for your serious consideration of these matters.	The project will deliver numerous benefits. A full list of the benefits of WKEP can be found in Table 2.1 of the final EA. In addition to the studies associated with the EA, KIUC has conducted extensive community outreach on WKEP dating back to 2013. A summary of public outreach efforts can be found in Appendix P of the final EA.	Section 4.1.1.6, Section 4.1.1.7, Appendix B, Table 2.1, Appendix P
43		Michelle Emura	10/10/22	I strongly believe that the revised draft environmental assessment is comprehensive in its analysis and the FONSI is well supported. This continues to uphold my very firm belief that the WKEP project is a great for the community and the quicker it moves forward the better.	Mahalo for your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
44		Luke Evslin, Council member, Kauai County Council	10/07/22	I am writing in my capacity as an individual member of the Kaua'i County Council in support of Kaua'i Island Utility Cooperative's revised draft environmental assessment for the West Kaua'i Energy Project (WKEP). I believe that the draft environmental assessment is comprehensive and the finding of no significant impacts is well supported. The WKEP is vital to reducing our island's reliance on oil, helping residents save money on their utility bills, and enabling our community to reach its stated goals of 100% renewable energy and reducing our contribution to climate change. Every year of delay results in tens of thousands of metric tons of carbon dioxide that could have otherwise been avoided. Thank you for your timely consideration of this important project. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.	Mahalo for your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
45		Kalen Fleming	10/05/22	I am writing to request a full EIS for the West Kaua'i Energy Project being proposed by KIUC. The second environmental assessment published raises more questions than answers about how this project will affect the health of Waimea River and Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs; EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
46		Peleke Flores	10/11/22	My name is Peleke Flores and I am a Waimea descendant, resident, community member, farmer, cultural specialist, and traditional hawaiian food systems manager. I have been trying to do my due diligence as a community member to make the best of whats left of our island of Kaua'i. I humbly request that a full Environmental Impact Statement be done fir the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. A Cultural Impact Assessment (CIA) was conducted as part of the EA. The CIA can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures. The Project would benefit Native Hawaiians in a number of ways. WKEP would deliver the Department of Hawaiian Home Land's water reservation to the Pu'u 'Ōpae lands and maintain the water delivery infrastructure through the life of the Project, and by doing so would support Native	Appendix I, Section 5.4.2, Table 2.1

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					Hawaiians rights to water and the ability for Native Hawaiians to utilize the Pu'u 'Ōpae lands. For a full list of benefits that would occur as a result of WKEP, please see Table 2.1 in the EA.	
47		Randall Francisco	10/07/22	I am writing in support of the WKEP Revised DEA which provides a detailed analysis and the FONSI as being well supported. These thus will continue to help the WKEP to become a great project that will benefit Kaua'i. I therefore support its continuation in moving forward and helping the island achieve its energy goals which have been and continue to be an examplary model across the United States as well as Hawai'i. Mahalo Nui Loa.	Mahalo for your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
48		Bridget Hammerquist, Friends of Maha'ulepu	10/07/22	I serve as President of the Board of Directors of Friends of Māhā'ulepū, a non-profit corporation and Kia'i Wai o Wai'ale'ale, an unincorporated association. Please find our comments on the above-referenced Second Draft Environmental Assessment (2d DEA) below. Please do not approve KIUC's second DEA, it is premature, it fails to include an adequate environmental assessment of the source waters without which their proposed projects could not operate. Their 2d DEA appears to be seeking project approval as leverage to obtain a 65-year water lease without first establishing the impact to the environment. They are putting the cart before the horse and their 2d DEA must be denied. 1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources. *a. Project prolongs development of natural streams and forestalls restoration* Applicants Kaua'i Island Utility Cooperative (KIUC) and AES West Kaua'i Energy Project, LLC (AES) (collectively, "Applicants") rely heavily on a mediation agreement that arose from a water wasting complaint filed by Pō'ai Wai Ola and West Kaua'i Watershed Alliance. The whole point of that initial complaint was that there was no reason for Waimea stream to continue to be diverted while many of the former-plantation lands lay fallow. Upwards of 20 million gallons per day (mgd) were being diverted from the Waimea watershed, much more than what was needed for Kekaha Agricultural Association (KAA) and the Agribusiness Development Corporation (ADC) to operate. Much of the water was being diverted for existing hydropower plants instead of being allowed to sustain natural streams. This includes an older hydroplant near the Waimea tunnel, then entering the Kekaha ditch, as well as another existing hydroplant on the Mānā plain. Now, Applicants are proposing an even larger hydropower project to monopolize much of Waimea watershed water. Applicants' project would prolong the historical and existing interbasin transfer of water into ditches and pumps and defers, for at least 65 years, restoring the, much-longer historied, landscape of wetland agriculture and well-watered Waimea valley and delta. 2d DEA at 1-5. Project lands include "B" grade agricultural lands that will be used for industrial solar panels instead of growing food. The bounty of streams will be, again, channelized from their natural courses. Generational knowledge of the Mānā plain, Kekaha, and Waimea areas as a natural wetland will not be sustained through the continued deformation of the landscape. The potential future full restoration of West Kaua'i to its pre-diversion state will be forestalled in order to utilize the lands and waters for this project for another lifetime. These are significant impacts. *b. No disclosure of foreseeable impacts of failure to meet interim instream flow standards.* The 2d DEA assumes all operations will achieve compliance with Phases I and II of the interim instream flow standards (IIFSs). However, mediation parties including KIUC have not been complying with the relatively less restrictive Phase I IIFSs. In their recent September 20, 2022 report on implementation of the mediation agreement, Pō'ai Wai Ola and West Kaua'i Watershed Alliance attorneys cited 173 days	Mahalo for your comments on the revised draft Environmental Assessment (EA). Responses to your comments are listed below. 1. Please see topic response EA vs EIS and Impacts for an explanation of why an Environmental Assessment was conducted. The WKEP EA is far more in depth than the typical environmental assessment. The draft EA provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices and Archaeological and Historic Resources. Attention is called to the following sections and appendices that specifically discuss these topics: • Natural stream flow and water availability (Section 4.1.1.2 through Section 4.1.1.7) • Water diversion (Section 5.1 and Appendix G) • Potential impacts on ecosystem health and native stream species (Section 5.1 and Appendix G) • Potential impacts to land-based wildlife including native species (Section 5.3 and Appendix H) • Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Section 5.4 and Appendix I) • Potential impacts to archaeological and historic resources (Section 5.4 and Appendix J) 1.a. The Proposed Action as described in the EA is consistent with the Waimea Mediation Agreement. The pumping of water from Mānā Plain is necessary to prevent flooding of Kekaha town and the Pacific Missile Range Facility (PMRF), and would occur regardless of whether or not WKEP is constructed. Of the 12,500 acres of State-owned agricultural lands on the Mānā Plain, no more than 350 acres would be used for the PV Solar Array. As described in Section 4.1.2.15 of the EA, the location for the PV Solar Array was selected based on recommendations made through collaborative discussions with local farmers because this area is less suited for agricultural production due to water retention issues and heavy clay content. Nonetheless, the PV Solar Array area will include a compatible agricultural component. Further, the Proposed Action would support diversified agriculture through irrigation delivery to lands owned by the Department of Hawaiian Home Lands (DHHL) and the Agribusiness Development Corporation (ADC). 1.b. Section 1.2.2.1 of the EA discusses the Phase One Interim Instream Flow Standard (IIFS) KIUC commitments, and KIUC is fully in compliance with the Waimea Mediation Agreement for this work. KIUC is not currently operating the Kōke'e Ditch System and therefore is not the current diverter. The IIFS "violations for the lower Waimea River" referred to in the comment are all regarding IIFS for Kekaha Ditch diversions and operations. Sediment collection at the mouth of Waimea River is explained in a report prepared for the Commission on Water Resource Management (CWRM) by Element Environmental, LLC titled *Investigation of Kōke'e and Kekaha Ditch Irrigation Systems*, a copy of which can be found on the	Section 2.1, Section 2.1.1, Sections 4.1.1.2 - 4.1.1.7, Section 4.1.2.1, Section 4.1.2.2, Section 4.1.2.3, Section 4.1.2.4, Section 4.1.2.5, Section 4.1.2.15, Section 4.3, Section 5.1, Section 5.3, Section 5.4, Section 5.14, Appendix G, Appendix H, Appendix I, Appendix J, Table 2.1 Section 3.2, Table 2.2, Section 5.9

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				of IIFS violations for the lower Waimea river between October 1, 2020 and July 31, 2022. This means IIFSs were not being met 61% of the time during low-flow conditions.[1] Phase I IIFSs are not being met most of the time. Thus, it is reasonably foreseeable that IIFSs will continue not to be met under the more complicated controls imposed by the project. The 2d DEA fails to consider potential significant impacts to instream uses under scenarios including delayed repairs, persistent drought, and whatever other reasons KIUC, Kekaha Agricultural Association, and other diverters have been putting forth to excuse their noncompliance with the existing IIFSs. Foreseeable impacts on instream habitat are not disclosed. The Stream Habitat Assessment notes it was "difficult to apply" modeling to the current condition scenario. 2d DEA V. 4, Appx. G at 79-80. Further, such assessment would only review stream habitat and not other impacts of failure to implement IIFSs (e.g. sand incursion and sand bar buildup at the Waimea River mouth, increasing silt island formation in the Waimea River from lack of adequate flushing, etc.). Stream depletion, including that in violation of the IIFSs, is foreseeable consequent to the project's complicated integration of off-stream uses and ongoing record of violations. For instance, during non-solar hours, the project involves: (1) a 24.68 mgd release from the Puʻu Moe Divide into the Kōkeʻe ditch (with 0.5 mgd going to DHHL pastoral lots); (2) then a 24.18 mgd release to a new 4 MW Puʻu ʻŌpae hydroelectric plant (with 5.63 mgd going to satisfy DHHL's reservation); (3) then 18.55 mgd would enter a lower penstock going towards the new 20 MW Mānā Powerhouse, with the balance spilling into Mānā plain and the KAA irrigation system. 2d DEA at 2-4. One impact to especially Waimea river consequent to the failure to implement sufficient IIFSs is the build up of a sand bar near the rivermouth. Chuck Blay, a geoscientist and sedimentologist who has been studying sand movement on Kauai's Westside has opined that diversion of stream flow reduces the number of "flushing" events that w ould otherwise reduce incidents of sandbar build up . [2] With the implementation of more regular streamflow at Kahoma stream, in Lahaina, Maui, under IIFSs in recent years, build-up of sediment and other blockages at the stream mouth no longer occurs, reducing the need for clearing with machinery. The 2d DEA does not assess significant impacts of reducing available water for flushing makai areas, including at the mouth of the Waimea river. *c. A Long-term water lease constitutes a significant impact requiring an environmental impact statement.* The claim that the project, which will deform an entire watershed, taking up hundreds of acres, and requiring millions of dollars to construct with many millions of gallons of water lost daily, not returned to the stream of origin or any stream will have *no* significant impacts defies common sense and insults the reader's intelligence. Applicants should be required to prepare a full environmental impact statement (EIS) in any case, but even more so because an EIS is required by State law. The project proposes to seek a long-term 65 year lease from the Board of Land and Natural Resources. 2d DEA at 2-11. Hawai'i Revised Statutes (HRS) §171-58 provides in pertinent part: "(c) Disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for temporary use on a month-to-month basis under those conditions which will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law; provided that any disposition by lease shall be subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both in any regular or special session next following the date of disposition; provided further that after a certain land or water use has been authorized by the board subsequent to public hearings and conservation district use application and environmental impact statement approvals, water used in nonpolluting ways, for	CWRM website. This report addresses sedimentation in the Waimea Watershed and states, "The heavy siltation buildup within the lower portions of the Waimea River described in the Earthjustice complaint is not believed to be related to the diversions of stream flow into KODIS and KEDIS. Rather, the observed build-up of sediment in the lower sections of the Waimea River is believed to reflect a process known as aggradation, where the fines that are transported down the river begin piling up, and in a kind of reverse ooze, reach back upstream several miles due to a change in condition at the point of discharge of the river. In the case of the Waimea River, it is believed that aggradation and the associated increased sedimentation in the lower sections of the Waimea River resulted from a combination of episodic and long-term climatic/geologic/ecological events as well as from man-made alterations made the the shoreline." More details can be found in the report. WKEP would involve modifications to Kōke'e Ditch diversions to ensure reliable implementation of the Phase Two IIFS. With respect to assessing impacts of the diversions on stream habitat within Waimea River and its tributaries, the Stream Habitat Assessment (Appendix G of the EA) analyzed four scenarios using the Hawaiian Stream Habitat Evaluation Precedure (HSHEP) model. The first two scenarios were intended to estimate minimum and maximum potential impact conditions, and these were the (1) No Diversion scenario which serves as an estimate of the minimum (no) impact to native stream animals' habitat and the (2) Full Diversion scenario which represents the maximum impact scenario for comparison. Two additional scenarios address specific project conditions. These include (3) IIFS Flow Restoration scenario that reflects flow conditions described by the state-mandated Interim Instream Flow Standards (IIFS) and (4) Current Conditions scenario based on conditions we observed during the project surveys. 1.c. Determination of whether an EIS is required for the Project is at the discretion of the Board of Land and Natural Resources (BLNR). 2. WKEP would be offsetting fossil fuel generation for current electrical demand. Even with KIUC's already high levels of renewable generation, Kauaʻi's 2022 electrical demand has required over 174,000 megawatt hours (MWh) of fossil fuel generation through October, and that amount is expected to be between 210,000 to 220,000 MWh for the full year 2022. As stated in the draft EA, WKEP will provide an annual average of 110,000 MWh, which will reduce KIUC's current fossil fuel consumption by approximately 50% (110,000 / 210,000 to 220,000). The remaining amount of fossil fuel consumption (well over 100,000 MWh annually) will allow for near-term continued development of other renewable energy resources (such as rooftop solar with or without storage, and utility-scale solar and storage). Longer term, many existing renewable projects are nearing the end of their term soon after WKEP is expected to come online. For example, the Kapaʻa solar, Port Allen solar, ʻŌmaʻo solar, McBryde hydro, and Green Energy biomass Power Purchase agreements (PPA) expire between March 2031 and January 2036, or roughly 6-11 years following WKEP coming online. These projects combined produce over 80,000 MWh annually. The result is that, even if Kauaʻi's electrical demands remain stagnant or even decline, WKEP is needed to avoid a significant amount of fossil fuel consumption going forward. 2.a. WKEP would be offsetting fossil fuel generation for current electrical demand with existing renewable energy generation already operating on KIUC's system. Section 4.3 of the EA discusses alternatives considered including other renewable energy projects. Also, Table 2.1 explains the improvements to grid reliability as a result of the Proposed Action because the Proposed Action would provide KIUC with firm capacity without the intermittent nature and variability associated with existing PV and other non-firm renewable energy sources. Other renewable initiatives include additional solar plus battery projects and use of biofuels in KIUC's conventional	

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				nonconsumptive purposes because it is returned to the same stream or other body of water from which it was drawn, essentially not affecting the volume and quality of water or biota in the stream or other body of water, may also be leased by the board with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution." *Id.* (emphasis added). The statute anticipates the preparation of an EIS even for leases of water for nonconsumptive uses. The open-loop pumped storage project is clearly consumptive. An EIS is all the more necessary for a long term lease for this even higher-impact project. 2. The Need for Project energy contribution is insufficiently described, thereby curtailing discussion and assessment of reasonable alternatives. *a. No discussion of other renewable energy initiatives or integration of project into KIUC system.* In their pre-consultation comments, Earthjustice requested the DEA: "explain the project's impacts on KIUC's island-wide power system, i.e., how the project would integrate into KIUC's grid planning and operations, including but not limited to how the project's contributions would enable the displacement, replacement, or retirement of other, less environmentally preferred resource options." 2d DEA V.5 at PDF 654. Applicants affirmed they would do so but the 2d DEA again fails to include specifics of the project benefits. *Compare id.* at 656 and V.1 at 2-2. Disclosing the project will meet 23.6 % of KIUC's renewable portfolio standards is not meaningful without including other renewable energy projects *or* efforts to curtail energy *use* and energy-utilizing development. *b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed* The number of electricity consumers on Kaua'i has steadily risen since 2006. Without maintaining a ceiling on energy users, gains for each of KIUC's energy projects, including both the pumped storage and Pu'u 'Ōpae hydroelectric plant, may be "eaten away" by further build out. Reviewing their DEA does not reveal how much of the island power need is currently met by large solar farms that have been added in the last 2 years. Without an island wide ceiling or total required daily energy need the project need is speculative. The "reliability" of KIUC power grid is generally beneficial, but also licenses *reliance* on regular, affordable electricity that may forestall behavioral, development planning, and other changes that would not rely on a centralized power grid. These include various kinds of conservation, rooftop solar, reductions in conventional housing subdivisions, and more careful consideration of larger energy-utilizing projects, such as surf wave pools previously planned for the island. These impacts are discussed further *infra* Part 3. The issue is not only whether Applicants subscribe to voluntary conservation initiatives, but whether a ceiling, cap, or limitation on the number of consumers and amounts of energy used would also be a means of achieving the 24 MW/ 18% energy objectives described both in the 2d DEA and KIUC's other reports.[3] *c. Significant impacts of building two new hydroplants outweigh their need.* The necessity for both the pumped storage and Pu'u 'Ōpae hydroelectric plant in this project is unclear. Rather the pumped-storage portion of the project appears to be an attempt to "greenwash" the ongoing impacts of hydroplants in this area. As discussed *supra* Part 1.a and in the 2d DEA, the	generators. However, these other renewable initiatives do not address long term storage (in the case of solar plus battery), and are more expensive (in the case of biofuels), and therefore would not change the need for WKEP. 2.b. KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the Public Utilities Commission (PUC), is to provide electrical service to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members. 2.c. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. The pumped storage portion of the Proposed Action is not a separate project, and would contribute significant benefits, including to the reliability of the Kaua'i grid, as described in Table 2.1. As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus would provide significant support for agriculture on the west side of Kaua'i. Table 2.2 of the EA outlines irrigation delivery along the Project flowline, and irrigation delivery through the Project is further discussed in Section 4.1.1.7.3. Please see topic response Climate Change – Impacts & Considerations. Please see beneficial impacts of WKEP on air quality, global warming and climate change in Table 2.1, Environmental, as listed below. • Provide significant renewable energy to KIUC's grid, contributing approximately 23.6% to KIUC's Renewable Portfolio Standard (RPS) in 2024 (year 1) and 18.1% in 2048 (year 25). This would assist KIUC in achieving the State's RPS. • Allow KIUC to utilize approximately 8.5 million fewer gallons of fuel annually, resulting in approximately 212 million gallons less fuel being used over the initial 25-year term of the Power Purchase Agreement (PPA). This would provide a significant positive effect on reducing KIUC and the State's reliance on fossil fuels, on fuel and energy price volatility, on export of funds for fuel imports, and on fuel supply reliability risk, consistent with HRS Section 269-6. To demonstrate just how significant this impact would be, for all of 2021, KIUC utilized just under 13.5 million gallons of fuel. • Significantly reduce KIUC's greenhouse gas (GHG) emissions, also consistent with HRS Section 269-6. KIUC estimates that the Project would result in an estimated net reduction in GHG of approximately 2,018,487 metric tons of carbon dioxide equivalent (MTCO2e) for the Project's operation stage and 2,508,877 MTCO2e for the Project's lifecycle over 25 years, which would have beneficial impacts on air quality, global warming, and climate change. • Result in additional air quality improvements by reducing the production and release of various air pollutants by an estimated annual amount of (1) 30.5 tons of carbon monoxide; (2) 13.9 tons of particulate matter; (3) 0.4 tons of sulfur oxides; (4) 294.7 tons of nitrogen oxides; (5) 6.0 tons of volatile organic compounds, and (6) 1.5 tons of ammonia. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. Decreased stream flows are expected to occur during dry periods. Operations addressing low stream flow periods is discussed in Section 4.1.2.1, Proposed Operations as well as the Proposed Operation sections for each diversion site (Section 4.1.2.2, 4.1.2.3, 4.1.2.4, and 4.1.2.5). Proposed changes to the Kōke'e Ditch System are limited to modifications to the diversions to implement the Phase Two IIFS, replacement of a failed section of ditch with a buried, pressurized pipe, and rehabilitation of Pu'u Lua and Pu'u 'Ōpae Reservoirs. The Project also involves	

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				succession of hydroplants to plantation agriculture has been a primary culprit in the continued diversion of streams in the Waimea watershed area. The pump-storage addition was intended to minimize the environmental drain on the watershed and the Waimea River and for that reason received community support. Most of the West side community and the island was unaware of the additional new hydropower plant planned for Pu'u 'Ōpae. Many of our members do not find adequate justification for such an enormous diversion of water which ultimately will cast the watershed as much or more than what was taken during the plantation era. At present, the Mānā plain is pumped out to sea because of a high-water table and the propensity for flooding. Directing more water from the Pu'u 'Ōpae to this location will only serve to increase the permanent loss to our freshwater resources. 3. Projects likely to adversely impact development of resilience to climate change The 2d DEA failed to consider reasonably foreseeable significant impacts of the project in light of climate change including drying trends that may reduce streamflow availability and normalizing reliance on centralized Though the 2d DEA refers to "changing rainfall patterns," it does not discuss how these may impact the viability, operations, and especially impacts of the project. Will reduced streamflows consequent to climate change engender even greater non-compliance with the IIFSs in favor of the project operations? *b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption.* Normalizing or increasing reliance on centralized power grids undermines resilience to climate change. That is, the reliability of KIUC's energy services engenders an expectation of the availability of that energy as a matter of course and dissuades the development of non-energy utilizing alternatives, reduction of energy usage, and associated behavioral and policy changes. Development of renewable energy projects, including the one at issue here, may mask or reduce the impact of climate change crises without materially changing natural processes that will anyway require increasingly drastic measures. The mere substitution of renewable energy projects for fossil fuel burning is akin to the "unintended consequence" of beach nourishment projects that, while mitigating impacts of sea level rise, also permit high-end development in places vulnerable to sea level rise.[4] The project will produce energy without consequences for most energy users and without entailing mandatory reductions in use or providing alternatives to energy use. That is, while Applicants profess a need for extensive land and water resources to meet a renewable energy mandate, there is no mandate to limit some of the most energy-intensive industries and operations on Kaua'i, including tourism and luxury housing outgrowth. The project also ignores the massive consumption of water and drastic changes proposed for the ditch system, draining the watershed allowing for and encouraging evasive species and a total upending of stream flora and fauna. There is no explanation/quantification of non-green energy that will be retired. Rather, the KIUC/AES proposed projects constitute an enormous land and water take that threatens the very sustainability of our most precious resource, water at a time of clear climate change. The 2d DEA does not address the potential, damaging positive-feedback loop of increased power generation and increased usage foreseeably exacerbated by the project. One means of doing so would be to incorporate an environmental justice analysis into the assessment of economic impacts of	rehabilitation of the Mānā Reservoir. This is all existing infrastructure located in heavily disturbed areas. 3. Please see beneficial impacts of WKEP on air quality, global warming and climate change in Table 2.1, section titled "Environmental," as listed below. • Provide significant renewable energy to KIUC's grid, contributing approximately 23.6% to KIUC's Renewable Portfolio Standard (RPS) in 2024 (year 1) and 18.1% in 2048 (year 25). This would assist KIUC in achieving the State's RPS. • Allow KIUC to utilize approximately 8.5 million fewer gallons of fuel annually, resulting in approximately 212 million gallons less fuel being used over the initial 25-year term of the Power Purchase Agreement (PPA). This would provide a significant positive effect on reducing KIUC and the State's reliance on fossil fuels, on fuel and energy price volatility, on export of funds for fuel imports, and on fuel supply reliability risk, consistent with HRS Section 269-6. To demonstrate just how significant this impact would be, for all of 2021, KIUC utilized just under 13.5 million gallons of fuel. • Significantly reduce KIUC's greenhouse gas (GHG) emissions, also consistent with HRS Section 269-6. KIUC estimates that the Project would result in an estimated net reduction in GHG of approximately 2,018,487 metric tons of carbon dioxide equivalent (MTCO2e) for the Project's operation stage and 2,508,877 MTCO2e for the Project's lifecycle over 25 years, which would have beneficial impacts on air quality, global warming, and climate change. • Result in additional air quality improvements by reducing the production and release of various air pollutants by an estimated annual amount of (1) 30.5 tons of carbon monoxide; (2) 13.9 tons of particulate matter; (3) 0.4 tons of sulfur oxides; (4) 294.7 tons of nitrogen oxides; (5) 6.0 tons of volatile organic compounds, and (6) 1.5 tons of ammonia. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. Please see topic response Climate Change – Impacts and Considerations. 3.b. WKEP would be offsetting fossil fuel generation for current electrical demand. KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the Public Utilities Commission (PUC), is to provide electrical service to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members. Hydroelectric generation is not a consumptive use of water, therefore water used for hydroelectric generation would be available for irrigation along the Project flowline. As noted in the Waimea Mediation Agreement, the Project would deliver DHHL's water reservation to DHHL's Pu'u Opae lands. Please see topic response Disproportionate Burden to West Side Community. Furthermore, The Applicant notes the significant benefits (described in Table 2.1 of the EA) to the Department of Hawaiian Home Lands (DHHL) Kuleana Project, Kekaha Hawaiian Homestead Association (KHHA) and other DHHL licensees in the immediate Pu'u 'Ōpae area, in addition to the beneficial impacts listed in Table 2.1. 4. a, All energy generated by WKEP would be delivered into KIUC's electrical transmission grid and provide power for the entire island of Kaua'i, including west side residents. There is no displacement of west side residents due to the Project. The entire Project footprint is located in non-residential areas and the majority of the Project footprint is on land that is not publicly accessible. Please see	

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				burdening West Kaua'i communities with the impacts of the large-scale project and alienating the benefits towards other areas of the island. *See infra* Part 4. The impacts of renewable energy projects, including the instant one, should be more equitably distributed to prevent insulating the benefitting communities and thereby engendering a perception that further development can be endlessly supposed by more and more energy projects. 4. Significant impacts of the project on social and economic welfare undisclosed. *a. Project displacement of impacts to West Kaua'i community is an environmental justice issue.* The project will burden West Kaua'i communities with a land- and water-intensive project, while the surplus of the energy generation will be incorporated into the KIUC power grid for use elsewhere. Even without the project, most of the energy produced in the area is committed back to the KIUC grid instead of being used in West Kaua'i as shown in the below chart excerpted from the 2d DEA. West Kaua'i residents responding to Applicants' call for comments pointed out the absence of the specific benefits from KIUC existing projects on the local communities that host them. *See* 2d DEA V.5 at 858 (Malia Chun, Hawaiian homesteader: questioning "how any benefits KIUC's existing solar farm on Anahola Hawaiian Homelands is directly and positively impacting DHHL beneficiaries. Where is the revenue going? Who and how is it directly benefiting homesteaders and our community?). The project exacerbates environmental injustice through the unequal distribution of the benefits and consequences of the project, with the latter burdening the lower-income communities of West Kaua'i. Similarly, Earthjustice's comment requested that Applicants' describe "all community benefits KIUC plans to provide in connection with the development of the project" with specific reference to "DHHL, homesteaders, and other stakeholder organizations" and "the broader West Side community where the project will be sited." 2d DEA V.5 at 654. Applicant stated this information would be included in the DEA. However, despite that assurance, the 2d DEA includes no such particularized benefits for the most-burdened community. *Id.* V.1 at 2-1. Urban planner Nanea Lo commented that Applicants' DEA "does not provide facts to support 'saving the Kaua'i rate payers money by shifting those expenditures so that more of the dollars are retained locally.'" 2d DEA V.5 at 856. As currently proposed, the project does not even recognize the unequal burdens imposed on Kaua'i's most vulnerable communities. In fact, KIUC in their Board meeting, recently discussed their plan to increase their rates in a planned ratepayer hearing before the PUC. The issue means more than providing funding for West Kaua'i communities to compensate them for unequal economic burdens. As discussed *supra* Part 3.b, rendering the burdens and costs of renewable energy projects more visible and immediate to the benefitting communities elsewhere on Kaua'i is one means of mitigating the false sense that energy can be endlessly manufactured to support unsustainable growth and energy consumption. One means of accomplishing this would be to develop other pumped storage projects in areas where the energy is most used, but not generated, such as Līhu'e and Princeville. *See infra* Part 6. *b. Financial benefits of the project will not remain in Kaua'i and information disclosed appears inconsistent with Public Utilities Commission filings.* Under Applicants' proposal, significant amounts of Kaua'i land and water are proposed to be recruited into a power purchase agreement (PPA) that promises large financial awards to a Colorado-based corporation (AES). This is a significant impact to social and economic welfare because it deprives	Table 2.1 of the EA for the extensive benefits provided to the west side community through the Project as well as island wide benefits from the Project. Please see topic response Disproportionate Burden to West Side Community. Furthermore, The Applicant notes the significant benefits (described in Table 2.1 of the EA) to the DHHL Kuleana Project, KHHA and other DHHL licensees in the immediate Pu'u 'Ōpae area, in addition to the beneficial impacts listed in Table 2.1. 4.b. Regarding PUC rates, the Power Purchase Agreement (PPA) specifies that the contract price for energy is $71.60 per MWh, or $81.00 per MWh in the event the State of Hawai'i Refundable Tax Credit is not available. In addition, the pumped storage hydro and hydropower-only monthly capacity charges are $538,649.25 and $205,008.00, respectively. The EA describes the Project cost as follows: Under the PPA, KIUC conservatively expects to receive an annual total of 110 gigawatt hours (or 110,000 MWh), resulting in an average annual cost of $156.44 ($0.16 per kWh) with the State of Hawai'i Refundable Tax Credit. The cost described in the EA is the combination of the price for energy and the capacity charges that were reported in the PPA. The $0.07 – 0.08 per kWh is for the solar PV/BESS (battery energy storage system) portion of the Project only. Please see topic response Power Purchase Agreement and KIUC Debt for more information. As noted in Section 5.9 of the EA, the PPA with AES will lower the risk of the Project for KIUC's members and allow the Project to take advantage of tax credits which ultimately lower the cost of energy. 5. The Project use of "B" lands is identified in the EA in Section 5.14, and would be subject to Hawai'i Revised Statutes Chapter 205. WKEP provides a water delivery system for irrigation water to support agricultural uses. The Project benefits agriculture on the west side of Kaua'i through the rehabilitation and long-term maintenance of existing irrigation infrastructure and the delivery of water for irrigation. Of the 12,500 acres of State-owned agricultural lands on the Mānā Plain, no more than 350 acres would be used for the PV Solar Array. As described in Section 4.1.2.15 of the EA, the location for the PV Solar Array was selected based on recommendations made through collaborative discussions with local farmers because this area is less suited for agricultural production due to water retention issues and heavy clay content. Nonetheless, the PV Solar Array area will include a compatible agricultural component. Further, the Proposed Action would support diversified agriculture through irrigation delivery to lands owned by DHHL and ADC. 6.a-b Section 4.3 of the EA discusses alternatives considered including other pumped storage options on Kaua'i and closed looped pumped storage. Using the ocean (sea water) as a reservoir for pumped storage is not considered a feasible replacement because it would not support DHHL's needs for delivery of DHHL's water reservation to the Pu'u 'Ōpae area that would allow development of those lands for Native Hawaiian beneficiary uses. 6.c As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. The store and release hydroelectric generation is only possible via use of the powerhouse at Pu'u 'Ōpae Reservoir. Please see Table 2-1 for the Project benefits that are realized by the fully integrated system which includes the Pu'u 'Ōpae hydro. 6.d KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the PUC, is to provide electrical service to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for its members. 7. KIUC does not assume debt for construction and operation of WKEP. Please see topic response Power Purchase Agreement and KIUC Debt.	

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				communities of Kaua'i and Hawai'i of an opportunity to utilize these place-based resources for community-based renewable energy initiatives. Instead, it increases the economic hold of foreign entities on Hawai'i. The 2d DEA fails to take a hard look at the basic financial structure imposed by the project. It is also evident that AES may be obtaining greater economic benefits than that approved by the Public Utilities Commission (PUC). In approving the PPA for this project, the PUC found "the contract price for energy is $71.60 per MWh, or $81.00 per MWh in the event the State of Hawaii Refundable Tax Credit is not available" (or $0.07-$0.08/kWh) and "[w]ith or without the benefit of the State of Hawaii Refundable Tax Credit, the PPA at issue here provides a more favorable rate than either AES Lawai (at $110.80 per MWh) or AES Kekaha (at $108.50 per MWh)" (or $0.11-$0.10/kWh).[5] However, in this 2d DEA, Applicants' "Economic Impact Assessment" states: "[u]nder the PPA, KIUC will purchase electricity from the developer at a levelized cost of $0.14 per kWh." 2d DEA V.5 Appx. N at 1. Elsewhere, the 2d DEA states: "[u]nder the PPA, KIUC conservatively expects to receive an annual total of 110 GWh (110,000 MWh), resulting in an average annual cost of $156.44 ($0.16 per kWh) with the State of Hawaii Refundable Tax Credit." *Id.* V.1 at 5-140. These rates of payment to AES in the 2d DEA appear to be double what KIUC put before the PUC in obtaining approval for this project. So, how much is it that KIUC has actually contracted to pay AES and why are they reporting different numbers to the PUC from those of their 2d DEA?? 5. Project water allocations significantly impact food production and agriculture. The project is utilizing agricultural lands and reallocating water resources to industrial chemical development operations, none of which contribute to food security and sovereignty. 2d DEA v.2 at 138 (Appx. B, IFSAR). The project facilitates offstream diversion of water to "ADC agricultural fields on the Mānā Plain" which fields are currently used by non-food producing operations including the above. *Id.* V.1 at 3-2. The solar portion of the project is proposed for valuable agricultural "B" lands. 2d DEA V.5 at PDF665. 6. Additional feasible alternatives should be considered The 2d DEA does not consider a plethora of reasonable and feasible alternatives that *could* lack significant impacts, while addressing the coming climate crisis and Kaua'i island energy needs. *a. Develop several closed-loop pumped storage projects in areas across Kaua'i, including areas where most of the energy need is generated.* A relatively recent U.S. Department of Energy study compared the environmental impacts of open-loop and closed-loop pumped storage hydropower projects.[6] The report concluded closed-loop projects generally have fewer environmental impacts as compard to open-loop projects: (1) are located "off-stream," potentially minimizing aquatic and terrestrial impacts, and; (2) often have greater siting flexibility than open-loop projects. Also, the impacts to aquatic resources are typically lower for closed-loop projects than for open-loop, as closed-loop projects are not continuously connected to any naturally-flowing body of water. Applicants could develop several closed-loop pumped storage projects in areas across Kaua'i, including areas where most of the energy need is generated. These include areas where there are existing		

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				reservoirs and large expanses of developed properties, such as golf courses that would anyway require energy and could integrate the closed-loop storage projects into water features. *b. An ocean reservoir closed-loop project would not remove freshwater from natural sources.* From 1999-2016, the Yanbaru seawater pumped storage power station operated in Okinawa, producing electricity until the *lack* of need for energy in Okinawa, associated with reduction in military forces, made station operation unprofitable. There are also many closed-loop pumped hydropower projects operating throughout Japan that could be exemplary models for Kaua'i because of their minimally consumptive use. Seawater is plentiful around Kaua'i and could be a better substrate for storing energy as it would not compete with other needs for freshwater. *c. Remove the Pu'u 'Ōpae hydroplant from the proposal.* For reasons described *supra* Part 1, the project should remove at least one hydropower plant from its proposal. There is no clear need for this hydropower plant to be sited in this community. Installation of more infrastructure along the diversions and ditches, including the Pu'u 'Ōpae hydroplant, increases the risk that the water will not be returned to the stream, further competing with he IIFSs need. *d. Implement mandatory energy usage reductions* KIUC could develop mandatory energy cutbacks in order to phase out improper, wasteful, and unnecessary energy uses. These differ from elective efforts and public education campaigns in that these would initiate more effective behavioral and economic changes in KIUC users. Current practices have only facilitated further, energy consuming actions and developments. Addressing levels of consumption, instead of production, is a feasible alternative to at least part of the project. 7. Failure to Adequately Address Economic Impacts for the Proposed Project In their 2d DEA there is a glaring failure by KIUC to consider the financial impact of these projects on the ratepayers of Kaua'i. As the following table from their independent financial audit details, KIUC, not-for-profit COOP and its ratepayers have a current dept load (already incurred) of $255,000,000. How much additional costs for the development of these projects is it reasonable to require commercial and residential accounts to bear, particularly where the need for them is not clearly and quantifiably put forth. Kaua'i is a small island and it is outrageous to feel that the 30 plus thousand commercial and residential accounts will ever be capable of retiring the existing debt load let alone a significant increase thereof for the proposed projects. When making a determination on KIUC's 2d DEA/FONSI, shouldn't KIUC have to explain how these projects are of no significant impact on an environment with significant limitation in solid waste (landfill on borrowed time from the EPA), five aging wastewater treatment, overcrowded roads and a limited water supply currently restricting development, all of which were not analyzed when addressing the need for these proposed power producing projects.		
49		Erica Garabilez	10/09/22	I am writing to request a full environmental impact statement for the West Kauai energy project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published has raised more questions than answers about how this project will affect the health of Waimea river and the quality of life for its residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	

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50		Hayley K Giorgio	10/07/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
51		Rich Gioscia	10/10/22	My home is located at 8589 Kaumualii Hwy in Kekaha. I have the following concerns and questions regarding the project: - What will be the hours of operation for construction of the project? Will there be night time activities? - WIll construction and deliveries be performed on weekends? - What will be done to mitigate the increased traffic on Kaumualii Hwy ? - How will the safety of residents walking and biking along the highway be ensured? - The highway already has uncontrolled speeding that is not being regulated. What steps will be taken to ensure that this situation is not compounded by the project? I would like speed mitigation measures installed.	Mahalo for your comments on the revised draft Environmental Assessment (EA). These issues are addressed in Section 5.8 of the final EA and in Appendix M. Hours of Operation during the construction phase are anticpated to be between 7:00 am and 6:00 pm on weekdays. Weekend work would be limited to managers and superintendents. Construction-related deliveries during the weekday morning and afternoon peak hours (6:30 AM to 7:30 AM and 4:00 PM to 5:00 PM) would be avoided to the extent possible. If night work occurs, appropriate permitting and monitoring would be employed. The following mitigation measures will be utilized during construction: • Workers would be encouraged to carpool from an off-site location to the extent possible • All loading and unloading activities would be coordinated to ensure all construction vehicles can be accommodated on site to minimize construction vehicle queues on adjacent roadways. • Heavy equipment transportation and truck traffic would be limited as much as possible to weekdays and during daytime hours. • If heavy equipment and truck traffic occur after normal working hours, appropriate permitting would be employed. Traffic impacts once the project is in operation are expected to be minimal. The Proposed Action would be operated automatically and monitored remotely around the clock by means of a SCADA system and a combination of West Kaua'i Energy Project employees and KIUC dispatchers. Maintenance of Pu'u Lua Access Road and Dam Embankment Road, Trail 1 Road, Pu'u 'Ōpae Access Road, and existing roads on Mānā Plain would be a beneficial impact for access throughout the area A traffic management plan will be prepared and reviewed by the applicable government agencies to ensure the safety and well-being of motorists, workers, pedestrians and recreational users on the roads.	Section 5.8, Appendix M
52		Sharon Goodwin	10/09/22	KIUC seeks a Permit to pull 23.5 million gallons daily (mgd) out of the Koke`e Watershed for a large new hydro power plant. KIUC released a 2nd Draft EA 9-8-2022, after their 1st Draft EA released Fall 2021 was failed by DLNR. With both Draft submittals, KIUC claims their project will have "findings of no significant impact to the environment". A FONSI is simply not believable. The KIUC/AES proposed projects push is a huge land and water grab that will threaten Kauai`i's most precious resource, WATER! A proposed 65-year lease as scientists struggle to learn about changes in climate; weather that is resulting in horrific storms, hurricanes, tornadoes, floods, droughts, cold and heat extremes, wind patterns, land structures, land and mountain erosion, beach erosion and accretion, changes in water flows, last but not least, human interventions.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. As stated in Section 2.2.1 of the draft EA (DEA), the Proposed Action would involve diverting a rolling average of 11 million gallons per day (MGD) for renewable energy generation and irrigation. The information on water availability and the analysis of potential impacts of the Proposed Project diversion of 11 MGD rolling average is located in the Stream Habitat Assessment in Appendix G, and in the DEA in Sections 4.1.1, 5.1.2.2, and 5.1.2.3. Water for the project and instream flow standards for the project are outlined in the Waimea Mediation Agreement, which has been adopted and approved by the Commission on Water Resource Management (CWRM). The Proposed Project is consistent with what is outlined in the Waimea Mediation Agreement and what is available to divert after the instream flow standards are met based on hydrology modeling for the Project, and consistent with the CWRM Waimea Instream Flow Standard Assessment Report (IFSAR). More information on the request for a water lease can be found in the topic response titled Request for a 65 Year Water Lease.	Section 2.2.1, Appendix G, Section 4.1.1, Section 5.1.2.2, Section 5.1.2.3, Section 4.1.1.1, Table 2.3

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				That changes in climate have been visited globally upon our Earth and on Kaua'i Island begs for 2 immediate considerations and approvals from KIUC: 1) That this Project in its scope requires an Environmental Impact Statement (EIS) so the public has opportunity to voice concerns and so environmental, economic, social and cultural impacts may be disclosed. 2) That KIUC accept a year-to-year lease like that of RP 7340 (Wai`ale`ale--Blue Hole Diversion) which requires the following (1) Approved EIS (2) KIUC abide by HRS 171-58 (3) Conservation district use application applied for and approved (4) The extracted water be non-consumptive and be used in non-polluting ways (5) The extracted water be returned to the Stream of Origin (6) KIUC pay for the water (7) The Lease have prior approval of the Governor and prior authorization of the Legislature by Concurrent Resolution	For more information on the future availability of water and climate change concerns, see topic response titled Climate Change. Relating to consideration #1, please see clarification of the requested 65-year lease term in the aforementioned topic response section. Relating to consideration #2, we offer the following responses: 1. While a long-term lease for the Blue Hole Diversion will require compliance with Chapter 343, it has not been determined that an EIS is required. 2. Protection of the Waimea watershed is the basis of the Waimea Mediation Agreement. A discussion of the Agreement can be found in Section 4.1.1.1 of the final EA. Please note that as part of the water lease process for the Project, the Applicant would work collaboratively with the Division of Forestry and Wildlife (DOFAW) to develop a watershed management plan. 3. Table 2.3 lists the permits and approvals that may be required for the proposed action. A Conservation District Use Permit (CDUP) is included in this list. 4. The Waimea Mediation Agreement allows for beneficial use of the water for both hydropower production and irrigation for agriculture. Use of the water for hydropower would be non-consumptive. Use of the water for irrigation would be consumptive. 5. Use of the water per the Waimea Mediation agreement would not allow for return of the water to the Stream of Origin. 6. In order to divert water for the project KIUC will need to obtain a lease from the Department of Land and Natural Resources. There is every expectation that there will be costs (I.e., lease payments) associated with use of this water. 7. It is KIUC's intent to apply for a water license/lease and follow the process as governed by Hawai'i Revised Statutes Section 171-58 and Act 216 (amendment to HRS Section 171-58).	
53		Sheryl Grady	10/06/22	I am writing to convey my support of KIUC's revised draft environmental assessment. I believe a comprehensive analysis was conducted and the FONSI is well supported. The WKEP is a beneficial project for the community of Kauai and I would love to see this project move forward. Thank you very much for your time and consideration.	Mahalo for your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that supports a Finding of No Significant Impact (FONSI).	
54		Madeleine Greczyn	10/07/22	I am writing to request a full environmental impact statement for the west Kauai energy project being proposed by KUIC. Their proposed lease of 65 years will not only affect an entire generation of residents within that time, but also has many unknown impacts on the natural ecosystems of that area. It is a civil duty for them to be held accountable, be transparent, and have done due diligence before going forward. This affects not only the community, but will set a precedent for the future.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The reason for the 65 year lease term is further explained in the topic response titled Request for a 65 Year Water Lease. Please note that extensive community outreach has been conducted for the project since 2013. A summary of outreach efforts is compiled in Appendix P.	Appendix P
55		Grove Farm	10/09/22	Grove Farm Company, Incorporated is in strong support of Kaua'i Island Utility Cooperative's (KIUC) Draft Environment Assessment relating to the West Kaua'i Energy Project (WKEP). This project is important to building a sustainable energy model for Kaua'i and to serve the many beneficial users of the water system. This innovative project will be a critical component that will allow KIUC to successfully reach their renewable energy goals. Hydropower is the cheapest form of renewable energy, and it is firm power, meaning it is available 24/7. And most importantly, these facilities displace the consumption of fossil fuel.	Mahalo for your support for the West Kaua'i Energy Project and for recognizing some of the many benefits that would be provided by the Project.	

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				The water that flows through the historic plantation era water systems - making it a "non-consumptive" use of water will continue to benefit many end users including taro farmers and the agricultural industry. Aside from these beneficial uses of water, a// KIUC members benefit from the savings of operating the least expensive and most reliable form of renewable energy, combined with the reduced generation of greenhouse gases. Furthermore, during adverse weather - which has been occurring more frequently -- it is KIUC who has the oversight to clear rocks and debris to ensure the systems are running properly. This alleviates government from having to maintain the historic water system. We strongly urge you to support the Draft Environmental Assessment for KIUC's WKEP. This project brings KIUC closer to achieving their renewable energy goals that benefits our island's residents.		
56		Danielle Guion	10/07/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. A full EIS is needed to analyze alternatives to the major impact on existing life in this area; to evaluate harms this project would inevitably incur, and the LAW requires an EIS. To give a free pass to this project would be a dereliction of your duty in the eyes of a community reaching much farther than the island of Kauai.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
57		Hawai'i Alliance for Progressive Action	10/10/22	I am writing on behalf of the Hawai'i Alliance for Progressive Action (HAPA) to request a full environmental impact statement (EIS) for the West Kaua'i Energy Project (WKEP) being proposed by the Kaua'i Island Utility Cooperative (KIUC). The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. HAPA supports the goals of increasing renewable energy production, water allocations for the development of Hawaiian Homesteads, and increasing local food production. While the WKEP seeks to address all of these goals, it is not clear that KIUC has conducted significant analysis to ensure that these needs are being met sustainably. The Long-term Impacts of Consumptive Use of 11MG/D are not Analyzed in the Draft EA: We know the devastating impact that stream diversions have on the people and wildlife that depend on them. We should not double-down on the destructive choices of the past. Now is the time for new innovative solutions to Kaua'i's climate challenges. We need solutions that protect water as a vital lifeblood that it is. Solutions that do double-duty producing renewable electricity and growing food for local consumption. Decreased rainfall due to climate change is already occurring and only projected to worsen in the future. Will diverting 11MG/D be sustainable decades from now? Long term leases, such as the 65 year allocation of 11MG/D that this project is currently proposing require a greater deal of scrutiny that the more in-depth analysis of an EIS can provide. KIUC has explored the possibility of pumped storage, non-consumptive hydropower generation which would allow more water to stay in the stream. However, from the brief description in the EA, it is not clear why DHHL developments are contingent upon KIUC's preferred consumptive model. Any	Mahalo for your comments on the 2nd draft EA for the West Kaua'i Energy Project. Responses are below. In regards to your request for an EIS, please see the topic response EA vs. EIS and impacts for an explanation of why an Environmental Assessment was completed. The Applicant acknowledges your support of the goals of increasing renewable energy production, water allocations for the development of Hawaiian Homesteads, and increasing local food production. The development and planning of the Proposed Action, as described in the EA, considers the sustainable achievement of these goals throughout the Project's life. As stated in Section 2.2.1 of the EA, the Proposed Action would involve diverting a rolling average of 11 million gallons per day (MGD) for renewable energy generation and irrigation. The information on water availability and the analysis of potential impacts of the Proposed Project diversion of 11 MGD rolling average is located in the Stream Habitat Assessment in Appendix G, and in the EA in Sections 4.1.1, 5.1.2.2, and 5.1.2.3. Water for the project and instream flow standards for the project are outlined in the Waimea Mediation Agreement, which has been adopted and approved by the Commission on Water Resource Management (CWRM). The Proposed Project is consistent with what is outlined in the Waimea Mediation Agreement and what is available to divert after the instream flow standards are met based on hydrology modeling for the Project, and consistent with the CWRM Waimea Instream Flow Standard Assessment Report (IFSAR). For more information on the future availability of water, see topic response Climate Change. The Applicant notes HAPA's suggestion that we need "solutions that do double-duty producing electricity and growing food". This is what the West Kaua'i Energy Project would do – produce renewable energy and deliver irritation water to support agriculture.	Section 1.3, Section 1.4, Section 2.2.1, Section 4.1.1, Section 4.1.2.14, Section 5.1.2.2, Section 5.1.2.3, Appendix G

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				supposed immediate cost savings should be weighed with the possible long-term costs and impacts related to excessive water diversion - impacts on the local stream ecosystem, downstream users, the impact of water dumping from ditches into nearshore fisheries, water availability in the long-term etc. No Clear Plan for Diversified Agriculture & Local Food Production: Furthermore the reservation of 3.55 MG/D for Mānā ADC tenants does not appear to be informed by any analysis of needs. The burden falls on diverters to demonstrate a reasonable use to justify this consumptive allocation. No such analysis of the Mānā ADC tenants needs has been articulated in this assessment. While the EA vaguely mentions the possibility of "diversified agriculture" that could provide food for local consumption in the Māna, there is no clear plan or strategy to inform how this will occur. The licenses/leases for the 12,500 acreage of public ag lands under the purview of the Agribusiness Development Corporation (ADC) are largely devoted to agrochemical research and development, not food for local consumption. Any allocation of waters for diversified agriculture should be based on demonstrated needs and a real plan for increasing local food production, not based on a vague commitment. ADC Lands Home to Most Frequent Application of Restricted Use Pesticides: An analysis of 2019 statewide data on the application of restricted use pesticides (RUP's) shows the 12,500 acre west Kaua'i ADC parcel as home to the most frequent application and greatest combination of RUP's in the state of Hawai'i. RUP's are classified as more highly toxic than general use pesticides and are therefore more strictly regulated. These RUP's are applied on test fields directly adjacent to the ocean and Polihale State Park. All of the RUP's utilized on these ADC lands have well documented associated health and environmental impacts (including toxicity to aquatic species), yet no comprehensive environmental assessment of how this ever changing cocktail of RUP's might affect the local environment and public health has been conducted. Given that RUP usage data has only been mandated and publicly available since 2019, up until recently it has been impossible to know what exactly to test for in adjacent waterways & ditches. Many studies have found that various types of pesticides regularly drift off-target and migrate through run-off. This could make sustainable farming practices, such as farmers seeking organic certification, almost impossible on these lands. Furthermore the EA does not assess the environmental impacts of off target migration of pesticides from adjacent ditches into the ocean. The consumptive water use proposed in this project only exacerbates run-off. Local residents fish and recreate at nearby beaches. It is not clear how increased and potentially pesticide laden run-off might impact both the local fisheries and those who depend upon them. Please require KIUC to conduct a full environmental impact statement to ensure that the waters of West Kaua'i are managed sustainably for future generations.	Regarding concerns about decreased rainfall, the draft EA contains results from two separate hydrology modeling efforts. The Hydrology Report located in Appendix F is one hydrology modeling effort with assumptions identified in the report. The results (and assumptions) of a more recent and detailed hydrology modeling effort are summarized within the body of the draft EA in Section 4.1. The Hydrology Report in Appendix F used nine years of representative data (3 wet years, 3 dry years and 3 average years) for modeling purposes in an effort to provide a high-level bracketing of streamflow availability and operational considerations at Puʻu Lua Reservoir. The more detailed hydrology modeling summarized in Section 4.1 uses the entire period of record available for all streams and projected flows for Waiakōali, Kauaʻikinanā, and Kōkeʻe based on the entire period of record for Kawaikōī Stream. Hydrology modeling for WKEP was informed by Commission on Water Resource Management (CWRM) hydrology modeling and the CWRM Instream Flow Standard Assessment Report (IFSAR), and hydrology modeling conducted by all the parties throughout the mediation process for the Waimea Mediation Agreement. The hydrology modeling and generation estimates for the Project account for seasonal variation, periods of drought and extreme rainfall events, as predicted for future climate change impacts to stream flows. We do not agree that the hydrology modeling and generation estimates are not conservative. It is industry standard to use historic flow data to project future stream flow, and errors of margin that are standard in this methodology have been considered. Hydroelectric turbines have the ability to operate within a wide range of flows, and the technology has been successfully operating around the world in conditions where extreme stream flow variability exists including here in Hawai'i. Regarding Department of Hawaiian Home Lands (DHHL) plans that are contingent on the Project, please see Section 1.3 and 1.4 of the EA. Delivery of water to DHHL lands requires the utilization and long-term maintenance of the Kōke'e Ditch, the rehabilitation and long-term maintenance of Puʻu Lua Reservoir, and diversion and delivery of water through Project infrastructure to DHHL's Puʻu ʻŌpae lands. Current uses and future plans on DHHL's lands require water. Irrigation is a consumptive use of water. Hydroelectric generation is not a consumptive use of water, therefore water used for hydroelectric generation would be available for irrigation along the Project flowline. As noted in the Waimea Mediation Agreement, the Project would deliver DHHL's water reservation to DHHL's Puʻu Opae lands. A closed loop pumped storage project would not include the Kōke'e Ditch or Puʻu Lua Reservoir, and would not deliver DHHL's water reservation. The Proposed Action would be providing a water delivery system along the Project flowline to support agriculture. All water diverted by the Project would be used for renewable energy generation and/or irrigation. Regarding current and in-development irrigation uses on Mānā Plain, please see Section 4.1.2.14, Proposed Uses of Project Discharge at Mānā Reservoir. Specifically, in addition to other food crops grown on Mānā Plain, Kekaha Agriculture Association is working with local farmers to develop approximately 100 acres of loʻi kalo in Field 119 immediately adjacent to Mānā Reservoir that would utilize approximately 3.5 MGD. As noted in Section 1.4 of the EA, DHHL's Puʻu ʻŌpae Kuleana Homestead Settlement Plan addresses water needs for DHHL development of the Puʻu ʻŌpae lands, a final EA for which was published in July 2020. Also, WKEP would be delivering DHHL's water reservation of 6.93 MGD as approved by CWRM and discussed in Section 1.3 of the EA	

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					Comments regarding Agribusiness Development Corporation (ADC) agricultural development of its lands on Mānā Plain and concerns regarding potential pesticide uses on those lands should be directed to ADC. As noted in Section 5.1.2.2 of the EA, there is no expected pesticide runoff associated with the project. Project discharge would be delivered to Kekaha Agriculture Association's (KAA) irrigation system, agricultural fields directly adjacent to Mānā Reservoir for irrigation, the existing storm drainage system and/or the open floodable spaces being developed by KAA. Project discharge entering the existing storm drainage system and the open floodable spaces would not come into contact with agricultural fields and would not come into contact with any natural streams. Project discharge would be clean, screened water, and would not convey sediment into KAA's irrigation system or the existing storm drainage system.	
58		Kehaulani Harpstrite	10/05/22	I hope that this message finds you well. I am writing in hopes that we can make the best choices for the greater ecosystem that we are a part of, specifically the watershed above West Kauai that I call home. I request a full environmental impact statement for the West Kauai Energy Project being proposed by KIUC . The second environmental assessment that they published raises major concerns about how such a project will impact the land, river, and fishery areas. Much of my family's food sources come from the fish in the waters in question, so this directly affects us. We, and all of the residents of the Waimea River area, deserve to have a say, and full transparency regarding any major project that will impact our health and livelihoods, which is directly affected to the health of the land and waters. Mahalo for reading this. I pray that you and all those involved make choices with the holistic consideration of not just the present moment and potential profits, but also seven generations ahead, considering with the utmost importance the wellbeing of our land and waters, our most valuable resource.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The Project would implement the Phase Two Interim Instream Flow Standard (IIFS) and is not expected to have a significant impact of the overall downstream volume and water quality of Waimea River. Project diversion into Kōke'e Ditch System is estimated to represent approximately 14.2% of overall volume in Waimea River at USGS Station #16031000. Further details are discussed in Section 4.1.1.4 of the EA. As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an understanding of potential impacts to stream biota and water resources. No significant impacts were identified.	Section 4.1.1.4, Appendix F, Appendix G
59		Frank Hay	10/10/22	I have been a resident of the West Side of Kauai for almost fifty years. I have followed the West Kauai Energy Project since its inception. I believe that it is an intelligent and innovative solution to the energy needs on our island. I strongly support the project.	Mahalo for voicing your support for the West Kaua'i Energy Project.	
60		Don Heacock	10/10/22	My name is Don Heacock, I am a fisheries biologist who has recently retired after 40 years as the Kauai District Fisheries Biologist, Division of Aquatic Resources (DAR), Hawaii Dept. Natural Resources. The mission of DAR is to protect and enhance the living aquatic resources and their habitats within the State of Hawaii, both in freshwater and marine ecosystems. Also I have been a member of the American Fisheries Society (AFS) for most of my professional life. AFS's mission is to improve the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science. AFS was established in 1870 and is the world's oldest and largest organization dedicated to conserving fisheries resources. According to the AFS, "despite its (hydropowers) portrayal as a "clean" or "green" renewable energy source, hydropower development has caused significant environmental damage. Major river systems in the United States (e.g., the Columbia River on the West Coast, the Connecticut River on the East Coast, and the Colorado River in the Intermountain West) have lost the majority of their free-flowing reaches due to dams and impoundments. Declines of native fish populations, including important sport, commercial, and rare and endangered species, in these rivers range from an almost total loss of stream fauna to declines of 73% or more".	Mahalo for your comments on the revised draft Environmental Assessment (EA) for the West Kaua'i Energy Project and for sharing your experience with the Division of Aquatic Resources – Department of Land and Natural Resources and the American Fisheries Society. Responses are below. Regarding representations made by the American Fisheries Society (AFS) on impacts of mainland hydropower development, large scale hydropower development on the mainland and associated impacts to mainland river systems is not comparable to the Proposed Project. The West Kaua'i Energy Project is a multi-purpose project that serves the community and the State in ways beyond energy generation (see Section 2.3 of the EA) and involves small scale, sustainable hydroelectric generation and irrigation water delivery. The Project would implement the CWRM approved Phase Two instream flow standards established for the Project as described in Section 1.2.2.2 of the EA. Regarding the generalized statements of hydropower being the most environmentally damaging of all renewable resources dewatering and reduction of base flows, the Applicant does not agree with these opinions. Numerous studies and reports indicate significant impacts of other renewable energy resources. Potential impacts of hydro development are specific to the project, the water resources and water availability, the ecosystem and the instream needs of the relevant streams/rivers. While there are some large hydro projects on the mainland that involve significant impacts, this does not	Section 5.3.1.6, Section 1.2.2.2, Section 2.3, Sections 4.1.1.2 - 4.1.1.4, Section 1.2, Sections 4.1.2.1 – 4.1.2.5, Section 4.1.2.7, Section 4.1.2.8,

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				Hydropower development and operation is the most environmental damaging of all renewable energy sources. Hydropower development dewaters and significantly reduces the base flows of rivers and streams. It is the base flows that determine the carrying capacity (biomass and abundance) of these flowing ecosystems; therefore when there is a reduction in base flows there is a concomitant reduction in the carrying capacity and biomass of native Hawaiian stream animals, a loss of public trust fishery resources. Furthermore, during the operation of hydropower facilities, which include stream diversions, forebays, penstocks, turbines and tailraces, native fish, shrimp and snails in either adult, larval and/or juvenile forms become entrained and funneled out of the stream and into the hydropower system's diverted water intake where they are injured or killed by debris screens at the diversion or at the forebay, killed by impingement (being struck by turbine impellers), by extreme pressure change while passing from penstock (often around 3,000 lbs/sq in) into turbine, and if these public trust fishery resources survive this far they will most likely be killed in the tailrace from "gas bubble disease" caused by the supersaturation of nitrogen generated by high-pressure water striking the high velocity impeller blades of the turbine. While I was professionally employed by DLNR/DAR's Environmental Protection Branch, I reviewed and commented on many hydropower proposals including Environmental Impact Statements on many of Kauai's rivers (e.g., Wailua, Hanalei, Waimea, Wainiha, Lumaha'i, etc.) yet none of these proposed hydropower projects assessed the potential biological impacts on river/stream ecosystems (such as impacts caused by reduced base flows on the abundance and biomass of native stream biota). Additionally, none of these assessments conducted studies to determine the survival rate of our larval and adult native fishes, shrimps, and snails, of which about 90% are endemic and found nowhere else on earth, at any of the existing hydropower facilities on Kauai or elsewhere in order to determine actual impacts to public trust fishery resources. Furthermore, in all the DEA's and EIS's I have reviewed, there has been no economic analysis (i.e., cost-benefit analysis) on the monetary value of public trust fishery resources that are being killed and lost in the existing hydropower developments on Kauai. Our amphidromous native Hawaiian fishes, shrimp and snails have larval forms that drift from one island to another; therefore any cumulative impact studies on the effects of hydropower development on stream ecosystem biota should consider hydropower facilities statewide. Finally, based upon the AFS policy on hydropower's negative environmental impacts, and on other published and peer-reviewed studies on the negative impacts of hydropower developments on lotic ecosystems (rivers and their streams), I recommend the following steps be taken on the proposed KIUC hydropower developments: 1. 1) Look at alternatives to reducing base-flows of rivers and streams, such as diverting only portions of high flows and using these public trust waters for pumped-storage energy production; diversion of a portion of these high-flow waters will not significantly affect the stream biota like diverting of base-flows will; 2. 2) Install diversion wings, rotating fish-screens and other known methods to prevent our native Hawaiian migratory fishes, shrimps and snails from being entrained into hydropower diversion ditches. Our native fishes, particularly our 'o'opu nakea is so economically and culturally important that it is the only species of fish, in both freshwater and marine, that early Hawaiians named a god after it. These materials and methods to prevent entrainment should be developed in direct cooperation with the US Fish and Wildlife Service, Army Corps of Enginners and the HDLNR; 3. 3) When hydropower development assessments are made, they must consider the cumulative impacts of all existing hydropower facilities on both lotic and nearshore marine ecosystems, since most of the larvae of our stream biota become food for nearshore marine fishes and invertebrates, these ecosystems are inextricably connected;	mean all hydro projects have the same impacts. Regarding potential impacts to native Hawaiian stream animals, public trust fishery resources, and biological impacts on river/stream ecosystems, please see the Stream Habitat Assessment in Appendix G of the final EA and a summary of the findings of this report, and the analysis of potential impacts on stream biota in Section 5.3.1.6 of the EA. Regarding the concerns for reduction of base flows, please see Sections 4.1.1.2 – 4.1.1.4 of the EA, which discusses water availability, stream diversion and stream flow data, and fractional flows that would be diverted from Waimea River. The interim instream flow standards for Waimea River, its tributaries and for the Project as noted in the Waimea Mediation Agreement have been approved and adopted by the Commission on Water Resource Management (CWRM), which is discussed in detail in Sections 1.2 of the EA. Extensive hydrology analyses occurred as part of the mediation process, which informed the hydrology analyses performed for WKEP. Also, CWRM staff conducted a separate and independent assessment of the hydrology, instream uses, and non-instream uses for the hydraulic unit of Waimea, which includes Waimea River and its tributaries, and published an Instream Flow Standard Assessment Report (IFSAR). The CWRM IFSAR report is the standard process by which CWRM staff derives IFS recommendations throughout Hawai'i. A copy of the Waimea IFSAR is located in Appendix B of the EA. Below is an additional response regarding concerns for reduction of base flows from Dr. James Parham of Trutta Environmental Solutions: *"I agree that base flows in a stream are one important factor in determining carrying capacity. This issue was studied and modeled in the report and the state mandated Interim Instream Flow Standards were instituted to minimize these impacts.* *"In our study, we analyzed four scenarios using the HSHEP model for WKEP. The first two scenarios were intended to estimate minimum and maximum potential impact conditions, and these were the (1) No Diversion scenario which serves as an estimate of the minimum (no) impact to native stream animals' habitat and the (2) Full [baseflow] Diversion scenario which represents the maximum impact scenario for comparison. Two additional scenarios address specific project conditions. These include (3) IIFS Flow Restoration scenario that reflects flow conditions described by the state mandated Interim Instream Flow Standards (IIFS) and (4) Current Conditions scenario based on conditions we observed during the project surveys.* *"The flow conditions described by the state mandated Interim Instream Flow Standards in scenario 3 were the continuous return of a portion of the base flow specifically to mitigate for the loss of habitat during low flow conditions. The IIFS scenario eliminates dewatered streams and reduces the loss of habitat compared to full baseflow diversion."* Regarding the comments on potential impacts from hydropower operations including injury or death resulting from screens at diversions, and other impacts associated with penstocks and turbines, the potential for entrainment at the diversions and into the hydro system was analyzed and modeled in the Stream Habitat Assessment (Appendix G). Based on the Stream Habitat Assessment, only opae kala'ole (Atyoida bisulcata) had suitable habitat above the Kōke'e diversions, amounting to only 3% of its suitable habitat in the entire Waimea River system. The model assumed 100% mortality for any species leaving the streams and entering the ditch system. However, because only 3% of suitable habitat for opae kala'ole occurs at the diversions and there is low probability for them to occur at the	Section 4.1.2.12, Section 2.1.1, Appendix G, Section 5.3.1.6, Appendix B

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				4. 4) Inter-basin transfer of river/stream water from one watershed to another should be prohibited, primarily to stop the movement of alien aquatic species; instead, government should focus on restoration of instream flows, particularly base-flows, and on the overall restoration of watershed integrity (form and function); 5) Finally, government agencies should work as soon as possible with the affected watershed communities, particularly with native Hawaiians, to develop a comprehensive and sustainable watershed resources management plan.	diversion locations that far back in the watershed, any potential entrainment caused by the Proposed Action would result in minimal impact. Regarding other analyses, EAs or EISs conducted for hydropower projects around the state, a response from Dr. James Parham from Trutta Environmental Solutions is below: *"While Mr. Heacock refers to many hydropower projects in his general comments that are not covered under this environmental assessment for WKEP, he is incorrect with respect to our assessment of the impacts of the stream diversion on native stream species habitat. We estimated the amount of instream habitat for the native species of concern ('O'opu, 'Ōpae, and Hīhīwai) occurring under the four instream flow scenarios. Based on the results of the study, we concluded that the location of the Kokee Ditch diversions at the back end of the Waimea River watershed minimizes the overall impact of these diversions on native stream animal habitat. It is important to realize that the Waimea River system is one of the largest in the Hawaiian Islands and the Kokee diversions are located far inland on upper tributary streams. The native stream animals of concern are all amphidromous. The adults live and reproduce in the freshwater streams. When the eggs hatch, the larvae must drift downstream to further develop in the ocean. After some time, they will return to migrate upstream as post-larvae to find suitable habitat to grow and reproduce. Results from the HSHEP model suggests that the majority of native stream animal habitat (89%) is located downstream of the Waiahulu diversion on the Kekaha Ditch system (not part of the West Kauai Energy Project). Only opae kala'ole (Atyoida bisulcata) had suitable habitat above the Kokee diversions, amounting to only 3% of its suitable habitat in the entire Waimea River system. As a result of the migratory life history of these animals, impacts found lower in the watershed level have a greater effect than those found further upstream."* Regarding an economic analysis of the monetary value to public trust fishery resources and cumulative statewide effects, as noted above, WKEP is not expected to result in a significant impact to public fishery resources through the hydroelectric equipment or at the diversions. 1) Regarding the suggestion to look at alternatives for diversion volumes, this type of analysis has been conducted for the Project, the results of which are contained in the Stream Habitat Assessment in Appendix G and summarized in Section 5.3.1.6 of the EA. WKEP diversion into the Kōke'e Ditch System is for the store and release hydro and irrigation component of the Project as described in Section 2.1.1 of the EA. Diversion by WKEP would also include the Department of Hawaiian Home Land's (DHHL) water reservation. 2) Regarding the presence of native species expected to occur at the Kōke'e Ditch diversions (such as the o'opu nakea) and ditch entrainment of native aquatic species, please see the Stream Habitat Assessment in Appendix G as well as Section 5.3.1.6 of the EA. Overall the potential for ditch entrainment is expected to be low as only opae kala'ole (Atyoida bisculata) had suitable habitat above the diversions, amounting to only 3% of its suitable habitat in the entire Waimea River system. As noted above, entrainment of aninmals is not expected to occur within the hydroelectric system during Project operations. Materials and methods would be reviewed and approved by the appropriate governmental agency during the permitting process. 3) Response from Dr. James Parham of Trutta Environmental Solutions below. *"We completed field surveys and modeling analyses on native stream species habitat within the Waimea River system.*	

<table>
<tr><th>#</th><th>Agency</th><th>Person Commenting</th><th>Date of Letter</th><th>Comments Received</th><th>Response</th><th>Location Discussed in Final EA</th></tr>
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"Specifically, we completed a study on this particular topic and reported the findings in the document titled "Assessment of stream diversions associated with the Puu Opae/West Kauai Energy Project using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model". This document was included as Appendix G in the DEA.

"We surveyed the upper Waimea River and its tributaries (Mohihi, Waiakoali, Kawaikoi, Kauaikinana, Kokee, Waiahulu, and Poomau streams) in February and June of 2018 to collect habitat, biota, water quality and stream discharge data. The primary goal of this project was to document the current native stream animals' habitat both above and below the stream diversions on four tributary streams of the Waimea River and above the Waiahulu Diversion to provide baseline samples to assess impacts of the Puu Opae/West Kauai Energy Project.

"In addition to information gained from the direct surveys in the streams impacted by the diversions, data from the surveys were used to help assess the impacts of the project under several conditions including the instream flow requirements as outlined in the Waimea River Mediation Agreement (Mediation Agreement).

"We analyzed four scenarios using the HSHEP model. The first two scenarios were intended to estimate minimum and maximum potential impact conditions, and these were the (1) No Diversion scenario which serves as an estimate of the minimum (no) impact to native stream animals' habitat and the (2) Full Diversion scenario which represents the maximum impact scenario for comparison. Two additional scenarios address specific project conditions. These include (3) IIFS Flow Restoration scenario that reflects flow conditions described by the state mandated Interim Instream Flow Standards (IIFS) and (4) Current Conditions scenario based on conditions we observed during the project surveys.

"In addition to assessing different stream diversion scenarios, we included the following stream species:
<table>
<tr><th>Organism Type and Family</th><th>Scientific name</th><th>Hawaiian name</th></tr>
<tr><td rowspan="4">Freshwater fish
(family Gobiidae)</td><td>Awaous stamenius</td><td>ʻOʻopu nākea</td></tr>
<tr><td>Lentipes concolor</td><td>ʻOʻopu alamoʻo</td></tr>
<tr><td>Stenogobius hawaiiensis</td><td>ʻOʻopu naniha</td></tr>
<tr><td>Sicyopterus stimpsoni</td><td>ʻOʻopu nōpili</td></tr>
<tr><td>Freshwater fish
(family Eleotridae)</td><td>Eleotris sandwicensis</td><td>ʻOʻopu akupa</td></tr>
<tr><td>Freshwater shrimp
(Crustacean)
(family Atyidae)</td><td>Atyoida bisulcata</td><td>ʻŌpae kalaʻiole</td></tr>
<tr><td>Freshwater prawn
(Crustacean)
(family Palaemonidae)</td><td>Macrobrachium grandimanus</td><td>ʻŌpae ʻoehaʻa</td></tr>
<tr><td>Freshwater snail
(Mollusk)
(family Neritidae)</td><td>Neritina granosa</td><td>Hīhīwai</td></tr>
</table>
"These species were included for a number of reasons:

These species were identified as "Species of Greatest Conservation Need" in the Hawaii Statewide Aquatic Wildlife Conservation Strategy (Meadows et al. 2005).

</td><td></td></tr>
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					• *These species have been observed on Kauai and statewide.* • *All of these species have a diadromous life history, meaning that they migrate from the freshwater stream to the ocean and back again (McDowall 2007). This potentially exposes the migrating animals to barriers in the stream pathway, entrainment into water diversion systems, and elimination of suitable habitat resulting from structures associated with the ditch system and its diversions.* • *The DAR Aquatic Surveys Database has distribution and habitat use information for each of these species.* • *The HSHEP model has habitat suitability indices developed for each of these species.* • *Hapawai (Neritina vespertine) was not included as it is primarily a marine/estuarine species and would not be found far inland in freshwater streams.* *"Thus, we did address the impact of the diversions on native stream species ('O'opu, 'Ōpae, and Hīhīwai). In addition to addressing the impact of the diversions on native stream species, we used a well-researched and critically reviewed approach for the assessment. The HSHEP model was selected for this project because the model was created specifically to assess the impacts of stream diversion on stream species and captures the major aspects of native stream animal ecology, the typical geomorphology of Hawaiian streams, and common modifications to the environment. I was the lead creator of the HSHEP Model along with my colleagues at the Hawaii Division of Aquatic Resources. The modeling and field methods used for this project have been developed on, used in and critically reviewed for use in Hawaiian streams. The HSHEP model has been applied across the state for stream impact assessment projects."* 4) CWRM adopted instream flow standards to restore flows to the Waimea River and its tributaries through the approval of the Waimea Mediation Agreement. More detailed information regarding the Waimea Mediation Agreement and flow restoration through instream flow standards is discussed in Section 1.2 of the EA. WKEP would implement the Phase Two Interim Instream Flow Standard (IIFS) set by CWRM at all four Kōke'e diversions being utilized by the Project. The Kōke'e Ditch System has been operating since the early 1900's and any potential transfer of alien aquatic species that would result of ditch operations has already occurred. WKEP would not introduce new alien species into the ditch system or streams. 5) As part of the water lease process, the Applicant would work collaboratively with the Division of Forestry and Wildlife (DOFAW) to develop a watershed management plan.	
61		Larry Heller	10/10/22	The Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources. Why hasn't looked into just using ocean water in such a closed pump storage system instead of pulling from our fresh water streams? An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS). There has been No discussion of other renewable energy initiatives on island or integration of these	Mahalo for your comments on the revised draft Environmental Assessment (EA). The final EA includes studies that examined potential impacts on stream biota (Appendix G) as well historical and cultural resources (Appendix I). No significant impacts were found. Section 4.3 of the EA discusses alternatives considered including other pumped storage options on Kaua'i and closed looped pumped storage. Using the ocean (sea water) as a reservoir for pumped storage is not considered a feasible replacement because it would not support DHHL's needs for	Appendix G, Appendix I, Section 2.3, Section 4.3 Table 2.1

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				projects into KIUC system. Running a grid on renewable power sources is difficult enough without adding in the significant impact of building two new hydro-plants. Also the Financial benefits (if any) from the project will not remain in Kaua'i (off island operator, AES). Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be $0.07-0.08/kWh but in the DEA KIUC reported payments of $0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop $256,000,000 debt or how ratepayers will cover this debt and that which will be added to by these projects. Try much more aggressive conservation of electricity use before any new expensive projects go into effect.	delivery of DHHL's water reservation to the Pu'u 'Ōpae area that would allow development of those lands for Native Hawaiian beneficiary uses. More information on KIUC's Request for a 65 Year Water Lease can be found in the topic response section. Please see Table 2.1, which outlines the benefits of WKEP including the complimentary relationships of combing solar and hydro on KIUC's system, and the grid stability provided by WKEP. More information on the financial benefits of the Project – including the role of AES – can be found in the topic response section titled Power Purchase Agreement and KIUC Debt.	
62		Orlando Hernandez	10/10/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. Your action on this issue is crucial, both to respect and protect Hawaii's people and environment, and to stop the destructive choices that have led to the climate crisis we're in today.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. We agree that urgent action relating to climate change must be taken. A list of environmental benefits of the Project is included in Table 2.1 of the final EA.	Table 2.1
63		Lorna Holmes	10/07/22	Please make sure that they do a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. An environmental assessment such as they published is totally inadequate. We are all concerned about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
64		Kevin Houck	10/11/22	I am writing to state my opposition to WKEP project. I appreciate the talk story sessions that were held in the last year and I am thankful to the committee for answering the questions from the community, and I am grateful to Ms. Huff for receipt of these comments. Unfortunately I cannot be in support of the project on the grounds that it will negatively affect recreational user days for whitewater kayak users. Portions of the Waimea River section from Wiliwili Camp to Waimea town are boatable for experienced rafters / paddlers on flows > 100 cubic feet per second on the Waimea town gauge. There is no doubt that the WKEP project will most significantly affect flows on days of low-moderate flow, hence limiting usability for recreational kayakers and paddlers. If you would like more information about this please do not hesitate to contact me. While I appreciate the renewable energy approach I cannot stress enough the importance of maintaining natural river flows for the guarantee of recreational use. Professional whitewater users agree that the Waimea and Wailuku (Maui) rivers are the only reliably boatable rivers in the state. The WKEP project puts this precious resource in jeopardy.	Mahalo for your comments on the revised draft Environmental Assessment (EA). We appreciate your participation in our public meetings Based on the hydrology modeling completed for the Project and conducted by the Commission on Water Resource Management (CWRM) and published in the Waimea Instream Flow Standard Report (IFSAR), the Project may have some impact during shoulder periods, but this is not expected to represent a significant number of days Waimea River has flows of more than 100 cubic feet per second. The numerous benefits of the Project listed in Table 2.1 and including benefits to the Department of Hawaiian Home Lands (DHHL) and DHHL beneficiaries, agricultural opportunities on the west side of Kaua'i, KIUC's renewable energy generation targets mandated by the State, the rehabilitation and long term maintenance of Pu'u Lua Reservoir which allows continuation of the very popular trout fishing program, and the broadscale benefits to the entire island of Kaua' i outweigh any potential limitations on the number of days whitewater kayaking may be possible higher up on Waimea River, and diversion operations on Kekaha Ditch would be the limiting factor lower in the watershed.	Table 2.1,
65		Mele Huddy		I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
66		Joshua Dean Iokua IkaikaLoa Mori	10/10/22	I am writing to request a full Environmental Impact Statement. I am requesting an EIS as a Waimea resident who serves the community as the Executive Director of Iwikua, a wellness based non-profit, and as a farmer who supplies the westside with some of the only locally produced organic and regenerative vegetables within our moku. Our relationship to our 'aina and our wai is one that has suffered for generations due	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts. We understand your concern for agriculture. The Project will support expanded agricultural production in west Kaua'i by delivering water for irrigation to lands owned by the Department of	Section 4.1.1.1

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				to the old plantation water diversions, but now we finally have a chance to start talking about the impact that they had and future projects will have on our community, land, and water source. The information in the EA is simply not enough to convince me, and I have attended every KIUC meeting about this project over the past 8 years. It also is not enough to convince the majority of our community that giving away millions of gallons of water each day, from our already depleted waimea river, to a foreign company for 60 years, will have little to no impact on our land, our people, and our relationships. The quality of life for our people runs parallel to the health of our water source, so if a project of this scale does not complete an EIS, it is a massive mistake. Mahalo for your time.	Hawaiian Home Lands and the Agribusiness Development Corporation. More information on how the Project supports agriculture can be found in the topic response titled Support for Agriculture and Potential Impacts to Downstream Farmers. We appreciate your effort to attend meetings and stay informed about the Project. Water use for the project is outlined in the Waimea Mediation Agreement. The Agreement ensures that the interim instream flow standard for Waimea River will be maintained, thereby protecting the water resource. A discussion of the Waimea Mediation Agreement and water use for the project can be found in Section 4.1.1.1 of the final EA. For more information on the requested length of the water lease, see the topic response titled Request for a 65 Year Water Lease. Information about Project financials and the role of AES can be found in the topic response titled Power Purchase Agreement and KIUC Debt.	
67		Kim Jorgensen	10/09/22	Please require a thorough Environmental Impact Statement for the West Kaua'i Energy Project. Don't let future generations dealing with the fallout have to wonder why one was not done.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts .for an explanation of why an Environmental Assessment was completed.	
68		Roselani Kahoohalahala	10/11/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
69		Holly Kaiakapu	10/10/22	I am writing as a member of the West Kauai community to request accountability for the diversion of Waimea River with an environmental impact statement for the West Kaua'i Energy Project that is proposed by the Kaua'i Island Utility Cooperative. They published a second environmental assessment that raised more questions than it did answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. I believe the only way forward is to complete a full EIS.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Use of water for the Project is outlined in the Waimea Mediation Agreement, which was signed by KIUC, Earthjustice/ Pō'ai Wai Ola, the Department of Hawaiian Home Lands, the Agribusiness Development Association and the Kekaha Agriculture Association in 2017. The Agreement was the basis for interim instream flow standards (IIFS) adopted by the Commission on Water Resource Management that same year. The IIFS limits the amount of water that can be used by the Project for hydropower and irrigation for agriculture to a rolling average of 11 million gallons per day. A discussion of the Waimea Mediation Agreement can be found in Section 4.1.1.1 of the final EA.	Section 4.1.1.1
70		Terry Kamen	10/06/22	I believe the revised DEA is comprehensive and the FONSI is well supported, I feel WKEP is a beneficial project for the community and I would like to see it move forward. Self sufficiency for Kauai is becoming more and more important as the world gets more unstable. We cannot delay important projects any longer. Please approve ASAP.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
71		Kaneakala	10/10/22	Please do not allow this to happen. The water already runs warm. By taking more water with cause change to the river. This will kill our native wildlife and faunal. Yet his will also destroy the kalo crops of the native Hawaiian farmers! The warm water will allow for bacteria grow and cause the kalo to die. The lack of the water flow will also cause invasive algae choke out the life from the stream! Please let the stream flow the way it has flowed for thousands of years if they take the water put back where it belongs. Please do the right thing and conduct the proper testing and environmental impact statements. It is only right.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The Project would implement the Interim Instream Flow Standard (IIFS) set by the Commission on Water Resource Management, and is not expected to have a significant impact of the overall downstream volume and water quality of Waimea River. Project diversion into Kōke'e Ditch System is estimated to represent approximately 14.2% of overall volume in Waimea River at USGS Station #16031000. Further details are discussed in Section 4.1.1.4 of the EA. As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an	Section 4.1.1.4, Appendix F, Appendix G

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					understanding of potential impacts to stream biota and water resources. No significant impacts were identified.	
72		Jacqueline Kanna	10/10/22	My name is Jackie Kanna and I am born and raised on the Westside of Kauai. After college, I returned back home to raise my family as most of us Westsider's tend to do if jobs permit. I believe that the revised DEA is a solid and comprehensive analysis and the FONSI is well supported. I also strongly believe that WKEP is a beneficial project for our community and for our island and would like to see it move forward. Sustainability and using our resources to help our community is important to me. I am in support of WKEP.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
73		Andy Kass	10/04/22	I'm grateful for all the careful planning and mitigation work that is being done for the WKEP. Our island needs this renewable energy source and storage facility. As a frequent visitor to Koke'e and Waimea Canyon State Parks, I am heartened to see the rehabilitation of the Koke'e ditch, so long in disrepair and limited in access. My one comment about the project is at the site of the Waiakōali Diversion. I have noticed the damages to the dam and I am glad it will be rehabilitated. However, the old infrastructure also includes some small cement dams or weirs downstream of the dam and road, near the camping area. These old and unmaintained structures create stagnant ponds and are a hazard near the campground. I would like to see these structures assessed and addressed by this project, and then hopefully removed as part of the stream restoration and flow management included in this project.	Mahalo for voicing your support for the West Kaua'i Energy Project. Regarding the small cement weir below the Waiakōali Diversion, this was discussed during the mediation proceedings leading up to the Waimea Mediation Agreement. It is the Applicant's understanding that Commission on Water Resource Management (CWRM) staff wants to leave the weir in place and use it as a control point to monitor stream flow before the diversion. However, during the mediation proceedings, KIUC committed to provide a portion of funding for removal of the structure, if CWRM staff determines they will not use it as a monitoring point.	
74		Kauai Chamber of Commerce	10/10/22	The Kaua'i Chamber believes that the revised DEA is a comprehensive analysis and the FONSI is well supported. The WKEP is a beneficial project for the community and the Chamber would like to see the project move forward.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Signficant Impact (FONSI).	
75		Laurel Brier		As people deeply concerned about the Climate Crisis, we are dedicated advocates for low carbon, renewable alternatives to fossil fuel. The West Kaua'i Plan for pumped storage electrical generation, offering firm energy at all times, appears to be an ideal opportunity for residents and KIUC to lower greenhouse gas emissions, and reduce our dependency on fossil fuel. Yet, many concerns are coming to light which should warrant a deeper investigation and the required EIS, because there will be impacts, environmentally and socially. It is curious that the proposed pump storage operation for West Kaua'i has been lumped together with the little known proposed hydro power plant for the Koke'e watershed. Considering the water demands of these project is daunting. Apparently it will require 23 million gallons daily. Many of us were under the impression that the pumped storage operation was a closed loop project with water returning and being reused. Kaua'i like the rest of world, to one degree or another, is experiencing the impacts of climate change. Kaua'i is experiencing extreme weather with rain bombs and decreased rainfall and present drought conditions. How do we know the water needed for these projects, as proposed, will be available? What will be the impacts on the Waimea River and its tributaries be given the likely decrease in future rainfall? What will be the impact on the aquatic ecosystems or the plans for mandated streamed restoration? How can we say a project of this magnitude will have 'no significant impact' and be okay with a 65 year water lease with a precarious future for our water supply and other climate impacts? Why these two huge projects without a transparent calculation for future energy needs? Is KIUC gearing up to meet	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. The pumped storage is not a separate project. As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus provides significant support for agriculture on the west side of Kaua'i. As noted in Section 4.1.1 of the EA, the amount of water being diverted from four streams into the Kōke'e Ditch System is 11 million gallons per day (MGD) rolling average, not 23 MGD. While you note that there was a belief that the pumped storage operation was a closed loop project with water returning and being reused, the Waimea Mediation Agreement clearly identifies the Project would have a flow through hydro and irrigation component through the establishment of water for the Project in the amount of 11 MGD rolling average. The draft EA contains results from two separate hydrology modeling efforts. The Hydrology Report located in Appendix F is one hydrology modeling effort with assumptions identified in the report. The results (and assumptions) of a more recent and detailed hydrology modeling effort are summarized within the body of the draft EA in Section 4.1. The Hydrology Report in Appendix F used nine years of representative data (3 wet years, 3 dry years and 3 average years) for modeling purposes in an effort to provide a high-level bracketing of streamflow availability and operational	Section 2.1, Section 2.1.1, Section 4.1.1, Section 2.3, Section 4.1, Appendix F

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				the extraordinary demands of the military radar that was proposed for Kaua'i? How can our coop afford these two projects at a time when KIUC's debt in the hundreds of millions? There is a need for more information, greater transparency, better planning and exploration of alternatives with the serious, scientific consideration of the future impacts of climate chaos. We absolutely need a full Environmental Impact Study.	considerations at Puʻu Lua Reservoir. The more detailed hydrology modeling summarized in Section 4.1 uses the entire period of record available for all streams and projected flows for Waiakōali, Kauaʻikinanā, and Kōkeʻe based on the entire period of record for Kawaikōī Stream. Hydrology modeling for WKEP was informed by Commission on Water Resource Management (CWRM) hydrology modeling and the CWRM Instream Flow Standard Assessment Report (IFSAR), and hydrology modeling conducted by all the parties throughout the mediation process for the Waimea Mediation Agreement. The hydrology modeling and generation estimates for the Project account for seasonal variation, periods of drought and extreme rainfall events, as predicted for future climate change impacts to stream flows. We do not agree that the hydrology modeling and generation estimates are not conservative. It is industry standard to use historic flow data to project future stream flow, and errors of margin that are standard in this methodology have been considered. Hydroelectric turbines have the ability to operate within a wide range of flows, and the technology has been successfully operating around the world in conditions where extreme stream flow variability exists including here in Hawaiʻi. For information regarding the need for a 65 year lease, please see the topic response titled Request for a 65 Year Water Lease. In addition to existing renewable energy generation already operating on KIUC's system, WKEP would be offsetting fossil fuel generation for current electrical demand. For information about Project financials, please see the topic response titled Power Purchase Agreement and KIUC Debt.	
76		Sabra Kauka	10/07/22	This is a request to require an EIS for the West Kaua'i Energy Project. We need to know more about what the impact could be on the Mānā plain. And we need to look at this as thoroughly as we can in advance of the project. I support KIUC's goal for Kaua'i to be energy self-sufficient and I congratulate KIUC on doing remarkably well thus far. Please take a closer look at the impact of diverting millions of gallons of water from the Waimea River to the Mānā Plain.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assesment was conducted. Information regarding the Project's potential impacts on Mānā Plain is located in Sections 4.1.2.13 and 4.1.2.14 of the EA.	Section 4.1.2.13, Section 4.1.2.14
77		Eileen Kechloian	10/07/22	Please accept my comment. It's all about the water. Our State has historically and by law recognized water as one or our most precious resources. The public trust doctrine was developed so that every level of State government is responsible and is charged with protecting our water and other natural resources. In this case, the first evaluation that needs to be done by DLNR is whether there is sufficient water and land to do what KIUC proposes. The proposed site is Ag land. Has the LUC been involved to redistrict hundreds of acres of Ag land that will be used to support the proposed commercial production of power? This second EA must not be approved. DNLR is required by law to confer with the LUC and determine if this project is in their purview prior to any decision making. KIUC has not adequately assessed the availability and sustainability of the water withdrawal they propose to consume and permanently remove from multiple watersheds. These projects are both require copious amounts of water and there has been no determination that there will be enough water to operate them.	Mahalo for your comments on the revised draft Environmental Assessment (EA). The EA describes the Proposed Action's consistency with the various State Plans in Section 6.2, including Hawa'ii Revised Statutes (HRS) Chapter 205 (State Land Use Law), and HRS Chapter 174C, (State Water Code). Table 2.3 in the EA list the Permits and Approvals for the Project including the Special Use Permit under the authority of the Land Use Commission and HRS Section 171-58 for the Water Lease process under the authority of the Board and Land and Natural Resources. The Interim Instreamflow standard (IIFS) for Waimea River, its tributaries and for the Project as noted in the Waimea Mediation Agreement have been approved and adopted by the Commission on Water Resource Management (CWRM), which is discussed in detail in Sections 1.2 of the EA. Extensive hydrology analyses occurred as part of the mediation process, which informed the hydrology analyses performed for WKEP. Also, CWRM staff conducted a separate and independent assessment of the hydrology, instream uses, and non-instream uses for the hydraulic unit of Waimea, which includes Waimea River and its tributaries, and published an Instream Flow Standard Assessment Report (IFSAR). The CWRM IFSAR report is the standard process by which CWRM staff derives IFS recommendations throughout Hawaiʻi. A copy of the Waimea IFSAR is located in	Section 6.2, Table 2.3, Section 1.2, Appendix B, Section 4.1,1.2, Section 5.13.2.2, Section 2.1.1, Table 2.2, Section 4.1.1.7, Table 2.1,

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				I am a KIUC ratepayer and very concerned that the Coop to which I belong is proposing two power projects that each rely on water to produce power without first evaluating the sustainable availability of the water they will need and the impacts of the large withdrawal of water on the watersheds involved. KIUC's second draft EA is akin to proposing the construction of a new age modern spaceship without first considering the availability of fuel to launch the spaceship. I am appalled at the amount of money my Coop has invested in two EAs when Hawaii's water statute requires that anyone wanting to use ground or surface water needs to first have an approved Environmental Impact Statement (EIS) prior to issuance of a 65 year water lease. In the last 2 sessions of our legislature, bills were advanced proposing to change that requirement of HRS 171.58. The proposed amendments suggested deleting the EIS language and replacing it with language that required compliance with HEPA (which includes both EA and EIS). Those proposed amendments failed. HRS 171.58 requires an approved EIS as a "prerequisite" to any water permit or 65 year lease. Since KIUC states they intend to apply for a 65 year water lease, it makes sense to me that they do an EIS to show the water they want to remove from the ground or surface will not have a significant environmental impact. Once HRS 171.58 is complied with and approved than they can come to you with these projects. That would be the logical and proper order of events. The last thing our Coop needs is the expense of a hydropower plant with no water. I don't find any detailed review of the stream sources or the quantity of water flowing through them. I found one stream gauge that KIUC averaged using the last 100 years of data. They then extrapolated that stream and treated the other streams as if they would all have similar data without confirming it or doing a comprehensive hydrologic analysis. There is little question that those wanting to avoid an accurate picture of climate change will try to use years of outdated data and extrapolation to hide the reality of climate change. I have lived on Kaua'i for more than 2 decades and I know our climate is today not what it was 25 years ago. A more accurate picture of what is happening with our water could have been gleaned by studying the rainfall information collected by the US government. There is a drought.gov website serviced by NOAA (National Oceanic and Atmospheric Administration). KIUC does not consider the 17 periods of severe drought and 15 of moderate drought with the months of drought increasing steadily since 2000. From 2019 to present with the exception of a few months, Kauai County as been in either moderate or severe drought. If KIUC had done an EIS to evaluate the impact likely from their proposed projects, they would have found the profound change in rainfall Kauai has experienced in the last 20 years. This site is current, interactive and contains more detail then reflected in the following charts. These charts, however, do establish we are in for longer periods of varying drought conditions as you'll notice. Even moderate conditions of drought impact 100% of the island. https://www.drought.gov/states/hawaii/county/kauai Drought has been catastrophic to Ag on Kauai. We need our Ag lands and we need them to have sufficient water. Neither an EA nor an EIS is allowed to be segmented. This project should not be segmented, allowing for consideration of their project concept without a true evaluation of the impact to the environment and all of Kauai. See the following Civil Beat article where farmers had to receive government aid just recently to survive the drought. https://www.civilbeat.org/2012/09/usda-declares-kauai-drought-a-disaster/ It is very disappointing that my Coop failed to consider the social, economic and environmental injustice of their projects on the West side. They are proposing to take a giant quantity of water from the driest side of the island with the greatest percentage of active agriculture. This makes no sense. The West side provides much of the islands workforce. Does KIUC think there will be no one in the community who objects and no one on the rest of the island that will object? Saddling all of us with the hundreds of thousands of dollars spent on two EAs seeking to get agency approval without any evaluation of the source waters must not be allowed.	Appendix B of the EA. Section 4.1.1.2 discusses water availability for the Project using methods standard in hydrology modeling. Also, the CWRM published Waimea IFSAR resulted in similar modeling results. The future availability and variability of water was considered in the planning, development, and design of the Proposed Action to ensure the Applicant meets its commitments. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change, as further described in Section 5.13.2.2 of the EA. Please see the topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The draft EA contains results from two separate hydrology modeling efforts. The Hydrology Report located in Appendix F is one hydrology modeling effort with assumptions identified in the report. The results (and assumptions) of a more recent and detailed hydrology modeling effort are summarized within the body of the draft EA in Section 4.1. The Hydrology Report in Appendix F used nine years of representative data (3 wet years, 3 dry years and 3 average years) for modeling purposes in an effort to provide a high-level bracketing of streamflow availability and operational considerations at Puʻu Lua Reservoir. The more detailed hydrology modeling summarized in Section 4.1 uses the entire period of record available for all streams and projected flows for Waiakōali, Kauaʻikinanā, and Kōkeʻe based on the entire period of record for Kawaikōī Stream. Hydrology modeling for WKEP was informed by Commission on Water Resource Management (CWRM) hydrology modeling and the CWRM Instream Flow Standard Assessment Report (IFSAR), and hydrology modeling conducted by all the parties throughout the mediation process for the Waimea Mediation Agreement. The hydrology modeling and generation estimates for the Project account for seasonal variation, periods of drought and extreme rainfall events, as predicted for future climate change impacts to stream flows. We do not agree that the hydrology modeling and generation estimates are not conservative. It is industry standard to use historic flow data to project future stream flow, and errors of margin that are standard in this methodology have been considered. Hydroelectric turbines have the ability to operate within a wide range of flows, and the technology has been successfully operating around the world in conditions where extreme stream flow variability exists including here in Hawaiʻi. The Applicant notes the commenters statement: *We need our Ag lands and we need them to have sufficient water.* As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus provides significant support for agriculture on the west side of Kauaʻi. Table 2.2 of the EA outlines irrigation delivery along the Project flowline, and irrigation delivery through the Project is further discussed in Section 4.1.1.7. The Project also involves the rehabilitation of three State-owned reservoirs, which would provide storage for irrigation users along the Project flowline thereby providing a buffer during dry periods. The Project is projected to save ratepayers $20 per month on average over the life of the project, as compared to continuing to use oil-powered generation. The Applicant notes the significant benefits of the Project including the social, economic, and environmental benefits described in Table 2.1 of the EA, in addition to the beneficial impact to electric rates. Regarding social, economic and environmental injustice concerns, please see topic response Disproportionate Burden to the West Side Community.	Section 3

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				Please, stop this travesty and force KIUC to consider the water first which is absolutely essential and pivotal to the operations they propose. If KIUC's position is they want approval and then they will go evaluate the water it should be obvious that their approach is clearly backwards. No question, in their second DEA, they have put the cart before the horse at ratepayers expense. With all of their work to increase solar power on island, our rates have not gone down and we just learned from the recent Board meeting that they intend to ask the PUC for a 7% rate hike. KIUC has long term fuel purchase agreements that prevent them from retiring fuel based power generation. They aren't proposing to retire any old hydro power generators. Their second DEA doesn't clearly establish why these projects are needed at this time. We have roads that are overcrowded and in poor repair. We have a landfill that is on borrowed time. Our fresh water resources are limiting new construction and we have one source of all the water on the island which has been steadily getting less rain for the past 23 years. Please do not accept KIUC's second DEA. It is truly flawed and fails to consider so many aspects of the impacts from these projects on the community, its economic burden on ratepayers and the risk in depleting our natural resources and ability to grow our own food.	KIUC's request for a rate increase is not relevant to the Project and would move forward regardless of whether or not WKEP is constructed. KIUC has no long-term fuel contracts that would prevent it from retiring conventional power plants, although there are currently no plans to do so. Please see Section 3 of the final EA titled Purpose and Need for a discussion of why the Project is needed at this time. As discussed therein, the Project would significantly reduce the amount of fossil fuel burned for electricity and produce up to 25% of the total electrical energy requirements for Kaua'i's grid, thereby allowing KIUC to achieve significant progress toward 100% renewable energy.	
78		Mary Lu Kelley	10/10/22	I am very concerned about KIUC's plan to pull 23.5 million gallons daily (mgd) out of the Kokee watershed for a new large hydro power plant. There is a concurrent plan to also develop a large pump storage operation in Kekaha. I approve of the pump storage project but do not approve of the new large hydro power plant for Kekaha without further study of its combined impact with pump storage project and community approval. We need to support agriculture on the westside and water is key resource. I have many other concerns as listed below: 1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources. a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar. b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards. c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS). 2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable alternatives. a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system. b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed. c. Significant impacts of building two new hydroplants outweigh their need. 3. Projects likely to adversely impact development of resilience to climate change.	As noted in Section 4.1.1 of the EA, the amount of water being diverted from four streams into the Kōke'e Ditch System is 11 million gallons per day (MGD) rolling average, not 23 MGD. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. The pumped storage is not a separate project. As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus provides significant support for agriculture on the west side of Kaua'i. Table 2.2 of the EA outlines irrigation delivery along the Project flowline, and irrigation delivery through the Project is further discussed in Section 4.1.1.7. 1. The draft EA provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices through the following: • Natural stream flow and water availability (Section 4.1.1.2 through Section 4.1.1.7) • Water diversion (Appendix G) • Potential impacts on ecosystem health and native stream species (Appendix G) • Potential impacts to land-based wildlife including native species (Appendix H) • Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Appendix I) Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawai'i Administrative Rules (HAR) Section 11-200.1-13, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the DLNR or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS. 1.a. WKEP as described in the EA is consistent with the Waimea Mediation Agreement, and would involve implementation of the Phase Two Interim Instream Flow Standard (IIFS) through diversion modifications and WKEP operations.	Section 4.1.1, Section 2.1, Section 2.1.1, Table 2.2, Section 4.1.1.7, Section 4.1.1.2 – Section 4.1.1.7, Appendix G, Appendix H, Appendix I Section 1.2.2.1, Section 4.3, Section 3.2, Table 2.1

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				a. No disclosure of reduced rainfall on Project operations. b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption. 4. Significant impacts of the project on social and economic welfare undisclosed. a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island. b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue. c. Financial benefits of the project will not remain in Kaua'i (off island operator, AES). d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be $0.07-0.08/kWh but in the DEA KIUC reported payments of $0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers. 5. Project water allocations significantly impact food production and agriculture. 6. Additional feasible alternatives were not considered. a. Develop several closed-loop pumped storage projects in areas across Kaua'i, including areas where most of the energy need is generated, Lihue, Princeville, etc.. b. An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities. c. Remove the Pu'u 'Ōpae hydroplant from the proposal. Pump storage makes sense but pulling out 23.5 million gallons daily from the watershed does not. d. Before spending more of ratepayers money to make power that is not yet needed, KIUC should implement mandatory energy usage reductions. 7. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop $256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.	1.b. The Applicant assumes this comment is referencing KIUC's commitment to diversion modification and flow monitoring associated with the Phase One IIFS (not relevant to WKEP). Section 1.2.2.1 of the EA discusses the Phase One IIFS KIUC commitments, and KIUC is fully in compliance with the Waimea Mediation Agreement for this work. KIUC is not currently operating the Kōke'e Ditch System and therefore is not the current diverter. 1.c. Please see the section titled Request for a 65 Year Water Lease in the topic response section for more information. 2. WKEP would be offsetting fossil fuel generation for current electrical demand. 2.a. WKEP would be offsetting fossil fuel generation for current electrical demand in addition to existing renewable energy generation already operating on KIUC's system. Section 4.3 of the EA discusses alternatives considered including other renewable energy projects. The section includes a discussion of feasible and unfeasible renewable technologies, along with a discussion of alternative fuels which have been reviewed by KIUC. Other renewable initiatives include additional solar plus battery projects and use of biofuels in KIUC's conventional generators. However, these other renewable initiatives do not address long term storage (in the case of solar plus battery), and are more expensive (in the case of biofuels), and therefore would not change the need for WKEP. 2.b. KIUC's obligatory role as Kaua'i's franchise electrica utility, regulated by the PUC, is to provide electrical service to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members. 2.c. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. Please see Table 2.1 of the EA for the extensive benefits provided by the Project. 3. Please see beneficial impacts of WKEP in Table 2.1 (Benefits of the Proposed Project) of the final EA. The section on environmental benefits reads as follows: • Provide significant renewable energy to KIUC's grid, contributing approximately 23.6% to KIUC's Renewable Portfolio Standard (RPS) in 2024 (year 1) and 18.1% in 2048 (year 25). This would assist KIUC in achieving the State's RPS. • Allow KIUC to utilize approximately 8.5 million fewer gallons of fuel annually, resulting in approximately 212 million gallons less fuel being used over the initial 25-year term of the Power Purchase Agreement (PPA). This would provide a significant positive effect on reducing KIUC and the State's reliance on fossil fuels, on fuel and energy price volatility, on export of funds for fuel imports, and on fuel supply reliability risk, consistent with HRS Section 269-6. To demonstrate just how significant this impact would be, for all of 2021, KIUC utilized just under 13.5 million gallons of fuel. • Significantly reduce KIUC's greenhouse gas (GHG) emissions, also consistent with HRS Section 269-6. KIUC estimates that the Project would result in an estimated net reduction in GHG of approximately 2,018,487 metric tons of carbon dioxide equivalent (MTCO2e) for the Project's operation stage and 2,508,877 MTCO2e for the Project's lifecycle over 25 years, which would have beneficial impacts on air quality, global warming, and climate change. • Result in additional air quality improvements by reducing the production and release of various air pollutants by an estimated annual amount of (1) 30.5 tons of carbon monoxide;	

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					(2) 13.9 tons of particulate matter; (3) 0.4 tons of sulfur oxides; (4) 294.7 tons of nitrogen oxides; (5) 6.0 tons of volatile organic compounds, and (6) 1.5 tons of ammonia. 3.a. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. Please see topic response Climate Change – Impacts and Considerations. 3.b. WKEP would be offsetting fossil fuel generation for current electrical demand. 4. All energy generated by WKEP would be delivered into KIUC's electrical transmission grid and provide power for the entire island of Kaua'i, including west side residents. 4.b There is no displacement of west side residents due to the Project. The entire Project footprint is located in non-residential areas and the majority of the Project footprint is on land that is not publicly accessible. Please see Table 2.1 of the EA for the extensive benefits provided to the west side community through the Project. 4.c. See topic response Power Purchase Agreement and KIUC Debt. 5. Project water allocations positively impact food production and agricultural capacity on the west side by providing rehabilitation and long-term maintenance of existing irrigation infrastructure, and through the delivery of water for irrigation along the Project flowline. 6. a. b. and c. Section 4.3 of the EA discusses alternatives considered including other pumped storage options on Kaua'i. Using the ocean (sea water) as a reservoir for pumped storage is not considered a feasible replacement because it would not support DHHL's needs for delivery of DHHL's water reservation to the Pu'u 'Ōpae area that would allow development of those lands for Native Hawaiian beneficiary uses. 6. d. KIUC's obligatory role as Kaua'i's franchise electrica utility, regulated by the PUC, is to provide electrical servicegeneration to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficieny programs for KIUC members. http://www.kiuc.cop/ 7. See topic response Power Purchase Agreement and KIUC Debt.	
79		Kyle Kettle	10/05/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the heath of the Waimea River, and the quality of life for Waimea residents. Of specific concern is the impact this will have on agriculture as this project is anticipated to use a significant amount of fresh water and also increases the risk of polluted runoff. Fresh water should be protected from pollution and prioritized for agriculture purposes to ensure a safe source of drinking water and locally grown food supply. When something has any potential to jeopardize any fresh water supply it should not be pursued especially when there are other sustainable alternatives available. In addition to the reasons listed above the impact on 'iwi kupuna and important historical sites should also be considered. If this project risks disturbing either of these things it should not be considered feasible or worthwhile.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. There is no impact to drinking water supply from the Project, and there is no expected pollution run off as a result of the Project. As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus provides significant support for agriculture on the west side of Kaua'i. Table 2.2 of the EA outlines irrigation delivery along the Project flowline, and irrigation delivery through the Project is further discussed in Section 4.1.1.7. A Cultural Impact Assessment was completed as part of the final EA and can be found as Appendix I. The final EA also includes an Archaeological Literature Review and Field Investigation Report (Appendix J), and an Archaeological Inventory Survey Report (Appendix K). The Project will provide many benefits to the Department of Hawaiian Home Lands and DHHL beneficiaries. A list of all Project benefits can be found in Table 2.1 of the final EA.	Section 2.1.1, Table 2.2, Section 4.1.1.7, Appendix I, Appendix J, Appendix K, Table 2.1

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80		Michelle Kinimaka-Aranio	10/10/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raised more questions than answers about how this project will affect the health of Waimea River, and the quality of life of Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
81		Fiona Langenberger	10/09/22	I am writing in support of the West Kauai Energy Project. It's great to see how Kauai is leading the state in shifting towards renewable energies. The revised DEA appears to be very comprehensive with the Finding of No Significant Impact.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
82		Cookie Kapanui Lee	10/10/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. I really hope you are listening to our community, everyone that has been in charge of our water ways has not listened to the peoples concerns. I am hoping you ARE listening to our voices of concern, our water here in Waimea is used for our food supplies, our children learning about and using our river to paddle, fish and harvest what they can. As a community we all use our river, we ask you to help us be able to continue to use it! demand an Environmental Impact Statement (EIS) because this is a major new project being built on top of old sugar plantation diversions that have caused significant lasting harm to West Kaua'i's communities. I fully understand the implications of KIUC's new proposal for producing electricity from hydropower in West Kaua'i. It would trigger significant run-off over the Mānā Plain, further damaging nearshore waters and fisheries. KIUC proposes to fix up abandoned sugar plantation diversions, and use them in a new hydropower plant to divert water from the Waimea River, at an annual average of 11 million gallons a day.It would perpetuate significant environmental consequences for the people of West Kaua'i. It would also require using heavy construction equipment in the river and in important habitats for protected and endangered species, and areas of known 'iwi kupuna and historic sites. We know the devastating impact that stream diversions have on the people and wildlife.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic responses EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was conducted. As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an understanding of potential impacts to stream biota and water resources. No significant impacts were identified. A Cultural Impact Assessment was completed as part of the final EA and can be found as Appendix I. The Project will provide many benefits to the Department of Hawaiian Home Lands and DHHL beneficiaries. A list of all Project benefits can be found in Table 2.1 of the final EA. Information regarding the Project's potential impacts on Mānā Plain is located in Sections 4.1.2.13 and 4.1.2.14 of the EA. Information relating to your concerns about construction activity can be found in the topic response titled Conservation District Land Use. Extensive outreach has been conducted since 2013 for WKEP. Please see Appendix P of the EA for a description of how outreach and community consultation has informed Project development and design.	Appendix F, Section 4.1, Appendix G, Appendix I, Table 2.1, Section 4.1.2.13, Section 4.1.2.14, Appendix P
83		Landon Lee	10/05/22	I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published is inadequate in addressing the questions and concerns of those effected. Time and time again, the needs and desires of Hawaiians and Kama'āina have been completely neglected in instances like this— it is the fundamental story of the last 300 years of these islands. Please consider your position of influence to do something about that.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs.EIS and Impacts for an explanation of why an Environmental Assessment was completed. A Cultural Impact Assessment was completed as part of the final EA and can be found as Appendix I. The Project will provide many benefits to the Department of Hawaiian Home Lands and DHHL beneficiaries. A list of all Project benefits can be found in Table 2.1 of the final EA.	Appendix I, Table 2.1
84		Līhu'e Business Association	10/10/22	The Kaua'i Island Utilities Cooperative has provided more-than-capable leadership to bring reliable, increasingly sustainable energy to our island since early in the century. I believe that the West Kauai Energy Project Revised Draft Environmental Assessment does an excellent job of analyzing the project's issues, and that the Finding of No Significant Impact is well supported.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Singificant Impact (FONSI).	

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				I humbly ask your approval of the FONSI for this project, which will enable KIUC to take yet another step on our island's path to energy independence.		
85		Catherine Lo	10/07/22	Kaua`i Island Utility Cooperative has served the residents of Kaua`i well. However, a full environment impact statement for KIUC's proposed West Kaua`i Energy Project is needed to address concerns on the impact of the project on Waimea River and on the quality of life for Waimea residents.  The residents of Kaua`i, especially the residents of the Waimea, appreciate your kind attention.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
86		Molly Lutcavage	10/09/22	I believe the West Kauai Energy Project's Revised DEA does a good job of analyzing the many issues involved in this project. In my opinion, the finding of "No Significant Impact" is fully supported by those studies and assessments. KIUC is an environmental leader, and I am pleased our utility is moving in this direction on our path to energy independence, and hopefully, reduced cost of power for Kauai residents and businesses.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
87		Christina Lynam	10/09/22	I am opposed to KIUC's plan to pull 23.5 million gallons daily (mgd) out of the Kokee watershed for a new large hydro power plant, the need for which is not well documented in view of a concurrent plan to also develop a large pump storage operation in Kekaha. It seems to me a solar energy farm would be better than depleting Kokee of so much water, and KIUC already knows how to do solar whereas the long term impact of hydropower to all the streams and underground water flow to springs and reservoirs in west and south Kauai isn't understood at all. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be $0.07-0.08/kWh but in the DEA KIUC reported payments of $0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop $256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects. Please protect Kauai's water systems, we don't know what the future will bring.	Mahalo for your comments on the revised draft Environmental Assessment (EA). As noted in Section 4.1.1 of the EA, the amount of water being diverted from four streams into the Kōke'e Ditch System is 11 million gallons per day (MGD) rolling average, not 23 MGD. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. The pumped storage is not a separate project. Section 4.3 of the EA discusses alternatives considered including solar and battery alternatives. As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an understanding of potential impacts to stream biota and water resources. More information on the financials of the project, including the role of AES, impact to ratepayers and KIUC debt can be found in the topic response section under Power Purchase Agreement and KIUC Debt.	Section 4.1.1, Section 2.1, Section 4.3 Appendix F, Section 4.1, Appendix G
88		Samantha Maher	10/05/22	I am local of Maui currently living on the mainland. I am writing on behalf of ohana who currently reside on the Island of Hawai'i and anyone who may be affected by this project. The purpose of my email is to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment that was published did not provide answers for our community, rather it raised more questions about the negative impact this project will have on the Waimea River, and the quality of life for Waimea residents. Please help us in this community effort of preserving our aina and Kanaka Maoli. The Kingdom of Hawaii will prevail.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Protection of the Waimea watershed is the basis of the Waimea Mediation Agreement. A discussion of the Agreement can be found in Section 4.1.1.1 of the final EA. Please note that as part of the water lease process for the Project, the Applicant would work collaboratively with the State of Hawai'i Division of Forestry and Wildlife to develop a watershed management plan. A Cultural Impact Assessment was completed as part of the final EA and can be found as Appendix I. The Project will provide many benefits to the Department of Hawaiian Home Lands and DHHL beneficiaries. A list of all Project benefits can be found in Table 2.1 of the final EA.	Section 4.1.1.1, Appendix I, Table 2.1
89		Kauakea Mata	10/09/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. Please consider my request it literally is a tax on our native Hawaiian resources.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	Appendix I, Table 2.1

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					A Cultural Impact Assessment was completed as part of the final EA and can be found as Appendix I. The Project will provide many benefits to the Department of Hawaiian Home Lands and DHHL beneficiaries. A list of all Project benefits can be found in Table 2.1 of the final EA.	
90		Keili McEvilly	10/07/22	My name is Keili, my family is from Kaua'i, I am kanaka maoli, and I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
91		Dave Morgan	10/07/22	Since its inception, KIUC has made impressive progress in the area of renewable energy. The proposed WKEP would be another significant step forward. The Revised DEA is comprehensive in both breadth and depth and provides solid support for the FONSI. The project would provide measurable economic and environmental benefits to Kauai and I encourage DLNR to approve it.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
92		Ed Nakaya	10/08/22	I am writing in enthusiastic support of KIUC's revised draft environmental assessment. I am a lifelong resident of west Kauai, born and raised in the plantation community of Makaweli, and received my primary education at Waimea High and Elementary School. I know the people, communities, socioeconomic and cultural foundations of west Kauai. A note of personal disclosure... I am also a retiree of KIUC, having worked for 38 years with KIUC and its predecessor Kauai Electric. Most of my work experience focused on consumer education and outreach, working with schools, senior organizations, and businesses and community organizations of all sizes. Throughout my years at KIUC, I engaged in many discussions with groups and individuals from west Kauai about our past, current and future means for providing affordable, sustainable energy for all our needs. The path away from near total reliance on fossil fuels was thematic for all of my career. I know and personally share in the hopes and concerns for our island's energy future in the face of climate change. For over a decade I chaired the educational programs of the Kauai Economic Development Board as a community volunteer. I am deeply appreciative of the partnerships that the WKEP has formed with STEAM educational programs with Waimea High School and the Kauai Community Science Center, based in the West Kauai Technology and Visitor Center. The educational benefits for our students are profound when they are challenged, guided, and inspired by local subject matter experts from WKEP. To have many of our students directly engaged in local application of science fundamentals in creating solutions to our world's most pressing existential issues is a priceless aspect of this project. Through painstaking, inclusive, careful collaboration with our stakeholders and community-at- large, our island energy cooperative has fashioned a feasible, sustainable, affordable, and environmentally appropriate energy solution that fits well with our island's resources and heritage. The environmental impacts of the WKEP are well-studied, mitigated and definitively outweighed by the benefits of this project. Thank you for the opportunity to add my voice of support for approval of this project.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
93		Na Kia'i Kai	10/10/22	Na Kia'i Kai is a group of fishermen and traditional cultural practioners who organized to protect our near shore waters on the west side of Kauai. Our Families have been gathering and fishing for food on the west Kauai waters and Waimea estuary for many generations. Na Kia'i Kai members demand an HRS 343 full "Environmental Impact Statement" be prepared for the West Kaua'i Energy Project. The second Environmental Assessment that was published did not address our questions and concerns submitted on their West Kaua'i Energy Project first EA draft. The second EA	Mahalo for your comments on the revised draft Environmental Assessment (EA) for the West Kaua'i Energy Project. Below are responses. Regarding the request for an EIS, please see topic response EA vs. EIS and Impacts. A Cultural Impact Assessment was conducted and is discussed in Section 5.4 of the EA. A copy of the Cultural Impact Assessment is included in Appendix I. Water for the project and instream flow standards for the project are outlined in the Waimea Mediation Agreement, which has been adopted and approved by the Commission on Water	Section 1.2, Section 1.2.2.1, Section 1.3, Section 4.1.1.1,

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				leaves even more questions and concerns regarding how the project will work and the impact it will have on the Waimea River and our near shore waters and estuaries. It is obvious KIUC and AES have very little respect for our environment and local community, who depend on fishing, hunting and gathering food to supplement our survival. They also show a lack of concern for the protection of traditional and customary Hawaiian rights, by not allowing Waimea River to heal through restoration of the natural flow, in accordance with the Waimea Mediation Agreement. 1. The three main tributaries that feed the Waimea River, Waiakoali, Kawaikoi, and Kauaikinana diversions are still in place with no natural wetted path for native o'opu, opaekala, and hihiwai to re-establish its populations. These diversions have been in place for 100 years. a. KIUC's current analysis compares the impact of their project proposal to a very unhealthy Waimea River. This is called shifting the baseline and it is one way to make significant impacts appear less damaging to the stream ecosystem and the near shore fisheries at the Waimea River mouth. b. An EIS would compare the impacts of this proposal to Waimea River in its natural state, not in its condition as a diverted river for 100 years. 2. Waimea river has been running extremely low for the past several years, and this year has been the worst. The water monitors that were supposed to be installed in Waimea tributaries and river by KAA or KIUC in accordance with the Waimea Mediation Agreement has not been completely installed. We have insufficient hydrology data for Waimea tributaries and river to be proposing an allotment of 11 million gallons per day (mgd) for 65 years. a. KIUC's modeling suggests there may be enough water in Waimea River for their hydro project. b. Is there enough water in Waimea River tributaries to support DHHL Pu'u Opae farm community and KIUC community offer of 70 acres of free farmland on the Mana Plains for 5 years? Especially during a drought period like we have been experiencing for the past few years. c. KIUC's Pu'u Lua reservoir refurbishment will increase capacity to 215 million gallons of water, if a daily agriculture water use was 11 mgd, you would have about 20 days of water during a drought period. Is KIUC going to subsidize the farmers, for their crop losses? d. An EIS should analyze whether there is enough water to support KIUC's hydro project and specifically, the proposed flow through of 11mgd. e. Hawaii Water Code Chapter 174C, H.R.S requires the Water Commission, to obtain maximum reasonable-beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses**, as long as there is adequate provision for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, ·public water supply, agriculture, and navigation.** 3. KIUC's Hydro project water draw of 11 mgd, will further impact west Kauai fisheries spawning grounds at Waimea River mouth and Kawaiele outfall. a. The 11 mgd removed from Waimea River will reduce the habitat for our O'opu and Opae, further impacting the ecological balance. These two species provide food for near shore fisheries, 'aholehole, papio, ula, moi, awa, and other predator fish.	Resource Management (CWRM). The Proposed Project is consistent with what is outlined in the Waimea Mediation Agreement and what is available to divert after the instream flow standards (IIFS) are met based on hydrology modeling for the Project, and consistent with the CWRM Waimea Instream Flow Standard Assessment Report (IFSAR). This is discussed in Section 1.2 of the EA. 1. Regarding KIUC's project to implement the Phase One IIFS per the Waimea Mediation Agreement, please see Section 1.2.2.1 of the draft EA. a. Please see the Stream Habitat Assessment in Appendix G. Response from James Parham of Trutta Environmental Solutions: *"We analyzed four scenarios using the HSHEP model. The first two scenarios were intended to estimate minimum and maximum potential impact conditions, and these were the (1) <u>No Diversion scenario</u> which serves as an estimate of the minimum (no) impact to native stream animals' habitat and the (2) Full Diversion scenario which represents the maximum impact scenario for comparison. Two additional scenarios address specific project conditions. These include (3) IIFS Flow Restoration scenario that reflects flow conditions described by the state mandated Interim Instream Flow Standards (IIFS) and (4) Current Conditions scenario based on conditions we observed during the project surveys."* b. It is not possible to know or model Waimea River watershed conditions prior to the construction and operation of Kōke'e, Kekaha and Olokele Ditch Systems because there is insufficient documentation of then-current existing conditions pre-dating construction and operation of the ditch systems. However, as stated above a <u>No Diversion Scenario</u> was modeled for the Stream Habitat Assessment, which is the closest representation to pre-diversion history that is possible for the Waimea River watershed. The Stream Habitat Assessment represents an EIS level assessment. 2. Please see Section 4.1.1.2, 4.1.1.3, and 4.1.1.4 for the stream flow and water availability analysis. Based on USGS data for Waimea Gage 16031000, streamflow over the last several years at this gage has been within the expected range of variability based on the historic period of record. b. Please see Section 4.1.1.7 for water availability for irrigation. Project diversion and all water uses along the Project flowline – renewable energy generation and irrigation – are subject to the Phase Two IIFS and natural stream flow variation. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts as well as extreme rain events. The Project would provide storage for irrigation water at Pu'u Lua, Pu'u 'Ōpae and Mānā Reservoirs as described in the EA in Sections 4.1.2.6, 4.1.2.11 and 4.1.2.13. Also, please see the CWRM Waimea IFSAR report, which summarizes an analysis for water availability for WKEP (renewable energy generation and irrigation delivery). c. WKEP would provide a water delivery mechanism for Department of Hawaiian Home Land's (DHHL) water reservation and irrigation users along the WKEP flowline. All water diverted for the Project, including water for irrigation, is subject to the IIFS and natural stream flow variation. The Project cannot provide water that is not available in the streams. Presumably DHHL, Kekaha Hawaiian Homestead Association (KHHA) and any other agricultural planner would assess water availability. WKEP would also provide rehabilitated and maintained reservoirs to increase irrigation storage availability that would help buffer dry periods for irrigation users. d. The EA provides an analysis on water availability for WKEP in Sections 4.1.1.1 – 4.1.1.7.	Section 4.1.1.2, Section 4.1.1.3, Section 4.1.1.4, Section 4.1.1.5, Section 4.1.1.6, Section 4.1.1.7, Section 4.1.2.6, Section 4.1.2.11, Section 4.1.2.13, Section 4.1.2.14, Section 5.1.2.2, Section 5.3, Section 5.4, Section 5.7, Section 6.2.9, Appendix B, Appendix G Appendix I

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				The plantation era had a severe impact on Waimea River mouth fisheries, which has not recovered yet. KIUC hydro will not help to return the proper ecological balance for Waimea River mouth. These impacts are not addressed in the EA b. KIUC'shydroprojectunusedwaterflowswillbedumpedinto contaminated unlined plantation drainage ditches and finally released into the ocean a Kawaiele outfall. The former sugar plantation used a lot of pesticides and herbicides on their crops for 80 years. More recently the GMO corn companies, continue to disperse pesticides and herbicides onto the Mana Plains. The more water dumped in the Mana plains drainage ditches will increase the impact on our fisheries at Kawaiele by contributing additional flows through the drainage ditch system into the ocean. These impacts are not addressed in the EA. c. Pesticides were found that have endocrine disrupting effect on fish reproduction systems as well as deformity in the fish embryo and larvae. These impacts are not addressed in the EA. d. Another impact would be the sediment from these ditches spread over our coral reefs. These impacts are not addressed in the EA. e. A full EIS would require KIUC to study the quality of water flowing into the ocean and the impact it would pose to our coral reefs and near shore fisheries.	e. The interim instream flow standard for Waimea River and its tributaries as noted in the Waimea Mediation Agreement have been approved and adopted by CWRM. Extensive hydrology analysis occurred as part of the mediation process. Also, CWRM staff conducted a separate and independent assessment of the hydrology, instream uses, and non-instream uses for the hydraulic unit of Waimea, which includes Waimea River and its tributaries, and published an Instream Flow Standard Assessment Report (IFSAR). The CWRM IFSAR report is the standard process by which CWRM staff derives IFS recommendations throughout Hawai'i. A copy of the Waimea IFSAR is located in Appendix B of the EA. As noted in Section 1.3 of the EA, WKEP would deliver DHHL's water reservation, which would support Native Hawaiian's rights to water and would allow Native Hawaiians to utilize the Pu'u 'Ōpae lands to a far greater extent than currently possible. The EA discusses Traditional Cultural Practices and Resources, Project impacts, and avoidance and minimization measures in Section 5.4; Biological resources including fish and wildlife in Section 5.3; Visual Resources in Section 5.7; and consistency with the State Water Code in Section 6.2.9. 3. a. Response from Trutta (Consulting team who conducted the Stream Habitat Assessment): *"We completed field surveys and modeling analyses on native stream species habitat within the Waimea River system.* *"Specifically, we completed a study on this particular topic and reported the findings in the document titled "Assessment of stream diversions associated with the Puu Opae/West Kauai Energy Project using the Hawaiian Stream Habitat Evaluation Procedure (HSHEP) Model". This document is included as Appendix G in the EA.* *We surveyed the upper Waimea River and its tributaries (Mohihi, Waiakoali, Kawaikoi, Kauaikinana, Kokee, Waiahulu, and Poomau streams) in February and June of 2018 to collect habitat, biota, water quality and stream discharge data. The primary goal of this project was to document the current native stream animals' habitat both above and below the stream diversions on four tributary streams of the Waimea River and above the Waiahulu Diversion to provide baseline samples to assess impacts of the Puu Opae/West Kauai Energy Project.* *In addition to information gained from the direct surveys in the streams impacted by the diversions, data from the surveys were used to help assess the impacts of the project under several conditions including the instream flow requirements as outlined in the Waimea River Mediation Agreement (Mediation Agreement).* *"We analyzed four scenarios using the HSHEP model. The first two scenarios were intended to estimate minimum and maximum potential impact conditions, and these were the (1) No Diversion scenario which serves as an estimate of the minimum (no) impact to native stream animals' habitat and the (2) Full Diversion scenario which represents the maximum impact scenario for comparison. Two additional scenarios address specific project conditions. These include (3) IIFS Flow Restoration scenario that reflects flow conditions described by the state mandated Interim Instream Flow Standards (IIFS) and (4) Current Conditions scenario based on conditions we observed during the project surveys.* *"In addition to assessing different stream diversion scenarios, we included the following stream species:*	

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Organism Type and Family	*Scientific name*	*Hawaiian name*
Freshwater fish (family Gobiidae)	*Awaous stamenius*	*ʻOʻopu nākea*
	Lentipes concolor	*ʻOʻopu alamoʻo*
	Stenogobius hawaiiensis	*ʻOʻopu naniha*
	Sicyopterus stimpsoni	*ʻOʻopu nōpili*
Freshwater fish (family Eleotridae)	*Eleotris sandwicensis*	*ʻOʻopu akupa*
Freshwater shrimp (Crustacean) (family Atyidae)	*Atyoida bisulcata*	*ʻŌpae kalaʻʻole*
Freshwater prawn (Crustacean) (family Palaemonidae)	*Macrobrachium grandimanus*	*ʻŌpae ʻoehaʻa*
Freshwater snail (Mollusk) (family Neritidae)	*Neritina granosa*	*Hīhīwai*

"These species were included for a number of reasons:

- *These species were identified as "Species of Greatest Conservation Need" in the Hawaii Statewide Aquatic Wildlife Conservation Strategy (Meadows et al. 2005).*
- *These species have been observed on Kauai and statewide.*
- *All of these species have a diadromous life history, meaning that they migrate from the freshwater stream to the ocean and back again (McDowall 2007). This potentially exposes the migrating animals to barriers in the stream pathway, entrainment into water diversion systems, and elimination of suitable habitat resulting from structures associated with the ditch system and its diversions.*
- *The DAR Aquatic Surveys Database has distribution and habitat use information for each of these species.*
- *The HSHEP model has habitat suitability indices developed for each of these species.*
- *Hapawai (Neritina vespertine) was not included as it is primarily a marine/estuarine species and would not be found far inland in freshwater streams.*

"Thus, we did address the impact of the diversions on native stream species (ʻOʻopu, ʻŌpae, and Hīhīwai). In addition to addressing the impact of the diversions on native stream species, we used a well-researched and critically reviewed approach for the assessment. The HSHEP model was selected for this project because the model was created specifically to assess the impacts of stream diversion on stream species and captures the major aspects of native stream animal ecology, the typical geomorphology of Hawaiian streams, and common modifications to the environment. I was the lead creator of the HSHEP Model along with my colleagues at the Hawaii Division of Aquatic Resources. The modeling and field methods

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					used for this project have been developed on, used in and critically reviewed for use in Hawaiian streams. The HSHEP model has been applied across the state for stream impact assessment projects. Thus, I find it inaccurate to say that we did not consider the impact on native stream fish habitat associated with the water diversions associated with WKEP. In fact, we modeled the impacts at four different water diversion rates on native stream species ('O'opu, 'Ōpae, and Hīhīwai) to provide context to the range of possible conditions associated with the project." b. Please see Section 4.1.2.13 regarding Project discharge and beneficial uses of Project discharge, and Section 5.1.2.2 regarding potential impacts of the Project discharge. There is no expected pesticide runoff associated with the project. Project discharge would be delivered to KAA's irrigation system, agricultural fields directly adjacent to Mānā Reservoir for irrigation, the existing storm drainage system and/or the open floodable spaces being developed by Kekaha Agriculture Association. Project discharge entering the existing storm drainage system and the open floodable spaces would not come into contact with agricultural fields and would not come into contact with any natural streams. Project discharge would be clean, filtered water, and would not convey sediment into KAA's irrigation system or the existing storm drainage system. There are no expected impacts from the Project to fishing spawning grounds near Kawai'ele. c. and d. Concerns on potentially existing pesticides in the storm drainage system should be directed to the Agribusiness Development Corporation. As noted in Section 5.1.2.2, a) Project discharge would not come into contact with agriculture fields and therefore not contain any potential pesticide runoff from those fields, b) Project discharge would not convey sediment into the storm drain system and is expected to dilute any potential pollutants already present in the system from other sources. e. Information regarding the Project's potential impacts on Mānā Plain is located in Sections 4.1.2.13 and 4.1.2.14 of the EA. As noted above and in Section 5.1.2.2 of the EA, Project discharge entering the existing storm drainage system and the open floodable spaces would not come into contact with agricultural fields and would not come into contact with any natural streams. Project discharge would be clean, filtered water, and would not convey sediment into the Kekaha Agriculture Association's (KAA) irrigation system or the existing storm drainage system.	
94		Pono Nero	10/06/22	My name is Ezra "Pono" Nero and I am writing to request a full environmental impact statement for the West Kaua'i Energy Project proposed by the Kaua'i Island Utility Cooperative. The last environmental assessment they published raised more questions than answers about how this project will affect the Waimea river , the ocean, and the quality of life for the residents of Kaua'i. I am all for clean sources of energy. If it really is as clean as they claim, it should be no problem to provide a full EIS. Wouldn't you agree? Let's do what's right for Kaua'i.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
95		Raamon Newman	10/10/22	As a new resident I've been made aware of the talking points below and support more broader thinking is required around this project to avert future regret. Rushing this and not doing it the right way could be a disaster for the many so better to avert the danger before it arises and think more broadly about the long term consequences.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs EIS and Impacts for an explanation of why an Environmental Assessment was completed. As noted in Section 4.1.1 of the EA, the amount of water being diverted from four streams into the Kōke'e Ditch System is 11 million gallons per day (MGD) rolling average, not 23 MGD. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with	Section 1.2.2.1, Section 2.1, Section 2.3, Section 2.5,

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				Looking more deeply into those alternatives seems wise. Thank you for doing what is best for everyone and the beautiful environment here. 1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources. a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar. b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards. c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS). 2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable alternatives. a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system. b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed. c. Significant impacts of building two new hydroplants outweigh their need. 3. Projects likely to adversely impact development of resilience to climate change. a. No disclosure of reduced rainfall on Project operations. b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption. 4. Significant impacts of the project on social and economic welfare undisclosed. a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island. b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue. c. Financial benefits of the project will not remain in Kaua'i (off island operator, AES). d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be $0.07-0.08/kWh but in the DEA KIUC reported payments of $0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers. 5. Project water allocations significantly impact food production and agriculture. 6. Additional feasible alternatives were not considered. a. Develop several closed-loop pumped storage projects in areas across Kaua'i, including areas where most of the energy need is generated, Lihue, Princeville, etc.. b. An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities. c. Remove the Pu'u 'Ōpae hydroplant from the proposal. Pump storage makes sense but pulling out 23.5 million gallons daily from the watershed does not.	batteries. The pumped storage is not a separate project. As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus provides significant support for agriculture on the west side of Kaua'i. Table 2.2 of the EA outlines irrigation delivery along the Project flowline, and irrigation delivery through the Project is further discussed in Section 4.1.1.7. 1. The draft EA provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices through the following: • Natural stream flow and water availability (Section 4.1.1.2 through Section 4.1.1.7) • Water diversion (Appendix G) • Potential impacts on ecosystem health and native stream species (Appendix G) • Potential impacts to land-based wildlife including native species (Appendix H) • Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Appendix I) Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawai'i Administrative Rules (HAR) Section 11-200.1-13, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the Department of Land and Natural Resources (DLNR) or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS. 1.a. WKEP as described in the EA is consistent with the Waimea Mediation Agreement, and would involve implementation of the Phase Two Interim Instream Flow Standard (IIFS) through diversion modifications and WKEP operations. 1.b. The Applicant assumes this comment is referencing KIUC's commitment to diversion modification and flow monitoring associated with the Phase One IIFS (not relevant to WKEP). Section 1.2.2.1 of the EA discusses the Phase One IIFS KIUC commitments, and KIUC is fully in compliance with the Waimea Mediation Agreement for this work. KIUC is not currently operating the Kōke'e Ditch System and therefore is not the current diverter. 1.c. Please see the section titled Request for a 65 Year Water Lease in the topic response section for more information. 2. WKEP would be offsetting fossil fuel generation for current electrical demand. 2.a. WKEP would be offsetting fossil fuel generation for current electrical demand with existing renewable energy generation already operating on KIUC's system. Section 4.3 of the EA discusses alternatives considered including other renewable energy projects. The section includes a discussion of feasible and unfeasible renewable technologies, along with a discussion of alternative fuels which have been reviewed by KIUC. Other renewable initiatives include additional solar plus battery projects and use of biofuels in KIUC's conventional generators. However, these other renewable initiatives do not address long term storage (in the case of solar plus battery), and are more expensive (in the case of biofuels), and therefore would not change the need for WKEP. 2.b. KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the PUC, is to provide electrical service to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a	Section 2.1.1, Section 3.2, Section 4.1.1, Section 4.1.1.2, Section 4.1.1.3, Section 4.1.1.4, Section 4.1.1.5, Section 4.1.1.6, Section 4.1.1.7, Section 4.3, Table 2.2, Appendix G, Appendix H, Appendix I

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				d. Before spending more of ratepayers money to make power that is not yet needed, KIUC should implement mandatory energy usage reductions. 7. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop $256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.	significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members. 2.c. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. Please see Table 2.1 of the EA for the extensive benefits provided by the Project. 3. Please see beneficial impacts of WKEP in Table 2.1 (Benefits of the Proposed Project) of the final EA. The section on environmental benefits reads as follows: • Provide significant renewable energy to KIUC's grid, contributing approximately 23.6% to KIUC's Renewable Portfolio Standard (RPS) in 2024 (year 1) and 18.1% in 2048 (year 25). This would assist KIUC in achieving the State's RPS. • Allow KIUC to utilize approximately 8.5 million fewer gallons of fuel annually, resulting in approximately 212 million gallons less fuel being used over the initial 25-year term of the Power Purchase Agreement (PPA). This would provide a significant positive effect on reducing KIUC and the State's reliance on fossil fuels, on fuel and energy price volatility, on export of funds for fuel imports, and on fuel supply reliability risk, consistent with HRS Section 269-6. To demonstrate just how significant this impact would be, for all of 2021, KIUC utilized just under 13.5 million gallons of fuel. • Significantly reduce KIUC's greenhouse gas (GHG) emissions, also consistent with HRS Section 269-6. KIUC estimates that the Project would result in an estimated net reduction in GHG of approximately 2,018,487 metric tons of carbon dioxide equivalent (MTCO2e) for the Project's operation stage and 2,508,877 MTCO2e for the Project's lifecycle over 25 years, which would have beneficial impacts on air quality, global warming, and climate change. • Result in additional air quality improvements by reducing the production and release of various air pollutants by an estimated annual amount of (1) 30.5 tons of carbon monoxide; (2) 13.9 tons of particulate matter; (3) 0.4 tons of sulfur oxides; (4) 294.7 tons of nitrogen oxides; (5) 6.0 tons of volatile organic compounds, and (6) 1.5 tons of ammonia. 3.a. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. 3.b. WKEP would be offsetting fossil fuel generation for current electrical demand. 4. All energy generated by WKEP would be delivered into KIUC's electrical transmission grid and provide power for the entire island of Kaua'i, including west side residents. 4.b There is no displacement of west side residents due to the Project. The entire Project footprint is located in non-residential areas and the majority of the Project footprint is on land that is not publicly accessible. Please see Table 2.1 of the EA for the extensive benefits provided to the west side community through the Project. 4.c. See topic response Power Purchase Agreement and KIUC Debt. 5. Project water allocations positively impact food production and agricultural capacity on the west side by providing rehabilitation and long-term maintenance of existing irrigation infrastructure, and through the delivery of water for irrigation along the Project flowline. 6. a. b. and c. Section 4.3 of the EA discusses alternatives considered including other pumped storage options on Kaua'i. Using the ocean (sea water) as a reservoir for pumped storage is not considered a feasible replacement because it would not support DHHL's needs for delivery of DHHL's water	

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					reservation to the Pu'u 'Ōpae area that would allow development of those lands for Native Hawaiian beneficiary uses. 6. d. KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the PUC, is to provide electrical service to meet Kau'ai's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members. http://www.kiuc.cop/ 7. See topic response Power Purchase Agreement and KIUC Debt.	
96		Mariah Opalek	10/07/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how the project will affect the health of Waimea River and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
97		Anne Orndahl	10/05/22	I am a kamaaina from Manoa, Oahu, and have visited Kauai since I was a child. We raised our family in Atlanta, GA, and returned to care for our mom in 2013. After any years away from Hawaii, I returned and am shocked at the environmental threats that endanger our aina. I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent on water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? Lo'i fields may be impacted negatively. Will the changes made impact public health? What are the full impacts of the proposed industrial activities, including heavy equipment in the conservation district? What can be done to minimize the potential impacts to between 427 and 1039 acres of protected habitat? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for. Our aina is irreplaceable and precious. These are important questions we must ask as concerned citizens.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The Waimea Mediation Agreement allows for the diversion of a rolling average of 11 million gallons of water per day for the purposes of hydropower production and irrigation water delivery. More information on the Waimea Mediation Agreement can be found in Section 1.2 of the final EA. As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an understanding of potential impacts to stream biota and water resources. No significant impacts were identified. Regarding cultural resources, a Cultural Impact Assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures. For a discussion on activities within the Conservation District, please refer to the topic response titled Conservation District Land Use. There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Designated as critical habitat within the Project footprint is discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA.	Section 1.2, Appendix F, Section 4.1, Appendix G, Appendix I, Section 5.4.2, Table 4.5, Section 5.3 Section 5.3.1.2, Section 5.3.1.5, Section 5.3.2.1, Section 5.3.2.2, Section 5.3.3

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98		Rene M Parsons	10/07/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
99		Sylvia Partridge	10/07/22	Am requesting a full EIS for this project. Obviously this project will divert millions of gallons of water every day from the natural water flow. The unintended consequences of these diversions can be devastating. Communities in Calif and on the mainland have this same self-imposed problem - the diversion of vast amounts of water that may have severe and devastating effects in the long run and lead to all kinds of self-imposed human made problems. Let's hope that increasing population and development demands don't lead to unhealthy diversions that hurt the environment on this island more than it already is . And demand more water than we actually have. Thanks for considering these thoughts.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The Waimea Mediation Agreement allows for the diversion of a rolling average of 11 million gallons of water per day for the purposes of hydropower production and irrigation water delivery. More information on the Waimea Mediation Agreement can be found in Section 1.2 of the final EA. As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an understanding of potential impacts to stream biota and water resources. No significant impacts were identified.	Section 1.2, Appendix F, Section 4.1, Appendix G
100		Sylvia Partridge	10/07/22	Our first concern on Kauai is our natural limited water supply that has absolute limits. Please consider these comments: 1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources. a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar. b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards. c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS). 2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable alternatives. a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system. b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed. c. Significant impacts of building two new hydroplants outweigh their need. 3. Projects likely to adversely impact development of resilience to climate change. a. No disclosure of reduced rainfall on Project operations.	As noted in Section 4.1.1 of the EA, the amount of water being diverted from four streams into the Kōke'e Ditch System is 11 million gallons per day (MGD) rolling average, not 23 MGD. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. The pumped storage is not a separate project. As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus provides significant support for agriculture on the west side of Kaua'i. Table 2.2 of the EA outlines irrigation delivery along the Project flowline, and irrigation delivery through the Project is further discussed in Section 4.1.1.7. 1. The draft EA provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices through the following: • Natural stream flow and water availability (Section 4.1.1.2 through Section 4.1.1.7) • Water diversion (Appendix G) • Potential impacts on ecosystem health and native stream species (Appendix G) • Potential impacts to land-based wildlife including native species (Appendix H) • Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Appendix I) Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawai'i Administrative Rules (HAR) Section 11-200.1-13, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the Department of Land and Natural Resources (DLNR) or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS. 1.a. WKEP as described in the EA is consistent with the Waimea Mediation Agreement, and would involve implementation of the Phase Two Interim Instream Flow Standard (IIFS) through diversion modifications and WKEP operations.	Section 1.2.2.1, Section 2.1, Section 2.1.1, Section 2.3, Section 3.2, Section 4.1.1, Section 4.1.1.2, Section 4.1.1.3, Section 4.1.1.4, Section 4.1.1.5, Section 4.1.1.6, Section 4.1.1.7, Section 4.3 Table 2.1, Table 2.2, Appendix G, Appendix H,

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				b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption. 4. Significant impacts of the project on social and economic welfare undisclosed. a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island. b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue. c. Financial benefits of the project will not remain in Kaua'i (off island operator, AES). d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be $0.07-0.08/kWh but in the DEA KIUC reported payments of $0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers. 5. Project water allocations significantly impact food production and agriculture. 6. Additional feasible alternatives were not considered. a. Develop several closed-loop pumped storage projects in areas across Kaua'i, including areas where most of the energy need is generated, Lihue, Princeville, etc.. b. An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities. c. Remove the Pu'u 'Ōpae hydroplant from the proposal. Pump storage makes sense but pulling out 23.5 million gallons daily from the watershed does not. d. Before spending more of ratepayers money to make power that is not yet needed, KIUC should implement mandatory energy usage reductions. 7. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop $256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.	1.b. The Applicant assumes this comment is referencing KIUC's commitment to diversion modification and flow monitoring associated with the Phase One IIFS (not relevant to WKEP). Section 1.2.2.1 of the EA discusses the Phase One IIFS KIUC commitments, and KIUC is fully in compliance with the Waimea Mediation Agreement for this work. KIUC is not currently operating the Kōke'e Ditch System and therefore is not the current diverter. 1. See the section titled Request for a 65 Year Water Lease in the topic response section. 2. WKEP would be offsetting fossil fuel generation for current electrical demand. 2.a. WKEP would be offsetting fossil fuel generation for current electrical demand with existing renewable energy generation already operating on KIUC's system. Section 4.3 of the EA discusses alternatives considered including other renewable energy projects. The section includes a discussion of feasible and unfeasible renewable technologies, along with a discussion of alternative fuels which have been reviewed by KIUC. Other renewable initiatives include additional solar plus battery projects and use of biofuels in KIUC's conventional generators. However, these other renewable initiatives do not address long term storage (in the case of solar plus battery), and are more expensive (in the case of biofuels), and therefore would not change the need for WKEP. 2.b. KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the PUC, is to provide electrical service to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members. 2.c. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. Please see Table 2.1 of the EA for the extensive benefits provided by the Project. 3. Please see beneficial impacts of WKEP in Table 2.1 of the final EA. The section on environmental benefits reads as follows: • Provide significant renewable energy to KIUC's grid, contributing approximately 23.6% to KIUC's Renewable Portfolio Standard (RPS) in 2024 (year 1) and 18.1% in 2048 (year 25). This would assist KIUC in achieving the State's RPS. • Allow KIUC to utilize approximately 8.5 million fewer gallons of fuel annually, resulting in approximately 212 million gallons less fuel being used over the initial 25-year term of the Power Purchase Agreement. This would provide a significant positive effect on reducing KIUC and the State's reliance on fossil fuels, on fuel and energy price volatility, on export of funds for fuel imports, and on fuel supply reliability risk, consistent with HRS Section 269-6. To demonstrate just how significant this impact would be, for all of 2021, KIUC utilized just under 13.5 million gallons of fuel. • Significantly reduce KIUC's greenhouse gas (GHG) emissions, also consistent with HRS Section 269-6. KIUC estimates that the Project would result in an estimated net reduction in GHG of approximately 2,018,487 metric tons of carbon dioxide equivalent (MTCO2e) for the Project's operation stage and 2,508,877 MTCO2e for the Project's lifecycle over 25 years, which would have beneficial impacts on air quality, global warming, and climate change. • Result in additional air quality improvements by reducing the production and release of various air pollutants by an estimated annual amount of (1) 30.5 tons of carbon monoxide; (2) 13.9 tons of particulate matter; (3) 0.4 tons of sulfur oxides; (4) 294.7 tons of nitrogen oxides; (5) 6.0 tons of volatile organic compounds, and (6) 1.5 tons of ammonia.	Appendix I,

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					3.a. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. 3.b. WKEP would be offsetting fossil fuel generation for current electrical demand. 4. All energy generated by WKEP would be delivered into KIUC's electrical transmission grid and provide power for the entire island of Kaua'i, including west side residents. 4.b There is no displacement of west side residents due to the Project. The entire Project footprint is located in non-residential areas and the majority of the Project footprint is on land that is not publicly accessible. Please see Table 2.1 of the EA for the extensive benefits provided to the west side community through the Project. 4.c. See topic response Power Purchase Agreement and KIUC Debt. 5. Project water allocations positively impact food production and agricultural capacity on the west side by providing rehabilitation and long-term maintenance of existing irrigation infrastructure, and through the delivery of water for irrigation along the Project flowline. 6. a. b. and c. Section 4.3 of the EA discusses alternatives considered including other pumped storage options on Kaua'i. Using the ocean (sea water) as a reservoir for pumped storage is not considered a feasible replacement because it would not support DHHL's needs for delivery of DHHL's water reservation to the Pu'u 'Ōpae area that would allow development of those lands for Native Hawaiian beneficiary uses. 6. d. KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the PUC, is to provide electrical service to meet Kaua'i's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members; www.kiuc.coop 7. See topic response Power Purchase Agreement and KIUC Debt.	
101		William Peterson	10/07/22	I have taken the time to review the Revised Draft Environmental Impact Statement for the proposed West Kauai Energy Project (WKEP). I have been following the development of this project, under different names, for years and believe it would have significant environmental and economic benefits for the island of Kaua'i, and the State of Hawaii in general. It allows us to move forward towards energy independence while moving away from fossil fuels. It will be a significant step towards reaching the State of Hawai'i's stated goal of 100% renewable energy by 2045. It is an exciting proposal using well established technology in a way that is both traditional and at the same time innovative. I realize that not everyone is as enthusiastic about the project. I believe their objections are based on a mis- understanding of how it will work to achieve these beneficial goals. I also believe that the Revised Draft Environmental Impact Statement supports the finding of no significant environmental impact - which will make it a Win-Win for both the community and the island environment. I fully support going forward with this important environmental project as quickly and expeditiously as possible.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
102		Keala Piimanu	10/09/22	I am reaching out to request a full environmental impact statement for the West Kauai Energy Project being proposed. I am concerned for the well being of all Waimea residents. A full environmental study MUST be done to ensure the health and safety of Waimea river so that it does not poison our food and our livelihood. It is unethical to move forward without great certainty that this project will not negatively impact all that inhabit this area. Many native Hawaiians have ancestral ties to this place and	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	Appendix F, Section 4.1, Appendix G,

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				this needs to be taken seriously and with the utmost respect. Please do what is pono for all that call Waimea home. Do right by the Native people of this land. "Ola ka wai" - Water is life	As part of the EA a Hydrology Report (Appendix F), more detailed hydrology modeling as discussed in Section 4.1 of the EA, and a Stream Habitat Assessment were completed (Appendix G) to gain an understanding of potential impacts to stream biota and water resources. There is no impact to drinking water supply from the Project, and there is no expected pollution runoff as a result of the Project. Operation of the Proposed Action would not cause water pollution or subsequent impacts to coastal ecosystems as no foreign objects or chemicals are introduced to the water during its passage through the penstocks, pumps, or turbines. Additionally, there is no heat removal or addition to the water as it passes through the powerhouses. We share your concern for protection of cultural resources. Regarding cultural resources, a cultural impact assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures.	Appendix I, Section 5.4.2
103		Nia Piimanu	10/09/22	As a concerned Kauai resident, I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. KIUC should be held accountable for providing much more detailed information about the implications of this major project that will affect the health of the Waimea river and the quality of life for Waimea residents for many years to come. Providing renewable energy solutions for our island is important, but not at the expense of harming our local habitat and environment. We demand that KIUC provide a full EIS for this project because not only is it the legal thing to do, but it is the right thing to do. West Kauai residents deserve to be presented with all the information necessary to fully understand what this project entails. This is OUR community. This is where we live and raise our families. Waimea river is a significant life source for us and should be treated as such.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. As part of the EA, the following studies were among those conducted: • Hydrology Report (Appendix F) and more detailed hydrology modeling as discussed in Section 4.1 of the EA, • Stream Habitat Assessment (Appendix G) • Terrestrial Flora and Fauna Survey Report (Appendix H) • Cultural Impact Assessment (Appendix I) • Archaeological Literature Review and Field Investigation Report (Appendix J) • Archaeological Inventory Survey Report (Appendix K) • Historic Architecture Reconnaissance Level Survey Report (Appendix L) Extensive outreach has been conducted since 2013 for WKEP. Outreach and community consultation has informed Project development and design. You can find a detailed description of community outreach efforts for WKEP in Appendix Q of the final EA.	Appendix F, Section 4.1, Appendix G, Appendix H, Appendix I, Appendix J, Appendix K, Appendix L, Appendix Q,
104		Ford Potter	10/06/22	I am reaching out to inform you I believe it is absolutely necessary that a full Environmental Impact Statement for the West Kauai Energy Project proposed by the Kauai Island Utility Cooperative. The last statement issued not only left many questions unanswered but raised some new ones as well.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
105		Greg Puppione	10/09/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed and for information on your concern regarding mosquito breeding grounds. We understand your concern for agriculture. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section. Regarding cultural resources, a cultural impact assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures The majority of impacts would be during the construction phase which would be short-term, temporary, and minimized to the extent practicable through the implementation of Best	Appendix I, Section 5.4.2, Executive Summary, Section 5.3.1.2, Section 5.3.1.5, Section 5.3.2.1,

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				What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat? What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.	Management Practices (BMPs). A table detailing construction impacts and proposed mitigation measures can be found at the end of the final EA Executive Summary. There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Designated as critical habitat within the Project footprint is discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA. The closest communities to the Project are roughly 4 miles away, and no impacts such as dust, noise, traffic etc. Are expected from Project operations. In fact, the Project will provide many benefits to west side communities and all other communities on Kaua'i. A list of Project benefits can be found in Table 2.1 of the final EA.	Section 5.3.3, Table 2.1,
106		Laurel Quarton	10/10/22	1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources. a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar. b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards. c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS). 2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable alternatives. a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system. b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed. c. Significant impacts of building two new hydroplants outweigh their need. 3. Projects likely to adversely impact development of resilience to climate change. a. No disclosure of reduced rainfall on Project operations. b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption. 4. Significant impacts of the project on social and economic welfare undisclosed. a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island.	As noted in Section 4.1.1 of the EA, the amount of water being diverted from four streams into the Kōke'e Ditch System is 11 million gallons per day (MGD) rolling average, not 23 MGD. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. The pumped storage is not a separate project. As noted in Section 2.1.1 of the EA, irrigation delivery is a key component of the Project and thus provides significant support for agriculture on the west side of Kaua'i. Table 2.2 of the EA outlines irrigation delivery along the Project flowline, and irrigation delivery through the Project is further discussed in Section 4.1.1.7. 1. The draft EA provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices through the following: • Natural stream flow and water availability (Section 4.1.1.2 through Section 4.1.1.7) • Water diversion (Appendix G) • Potential impacts on ecosystem health and native stream species (Appendix G) • Potential impacts to land-based wildlife including native species (Appendix H) • Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Appendix I) Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawai'i Administrative Rules (HAR) Section 11-200.1-13, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the Department of Land and Natural Resources (DLNR) or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS. 1.a. WKEP as described in the EA is consistent with the Waimea Mediation Agreement, and would involve implementation of the Phase Two Interim Instream Flow Standard (IIFS) through diversion modifications and WKEP operations.	Section 1.2.2.1, Section 2.1, Section 2.1.1, Section 2.3, Section 4.1.1, Section 4.1.1.2, Section 4.1.1.3, Section 4.1.1.4, Section 4.1.1.5, Section 4.1.1.6, Section 4.1.1.7, Section 4.3, Section 5.9, Table 2.1, Table 2.2 Appendix G, Appendix H, Appendix I

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				b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue. c. Financial benefits of the project will not remain in Kaua'i (off island operator, AES). d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be $0.07-0.08/kWh but in the DEA KIUC reported payments of $0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers.	1.b. The Applicant assumes this comment is referencing KIUC's commitment to diversion modification and flow monitoring associated with the Phase One IIFS (not relevant to WKEP). Section 1.2.2.1 of the EA discusses the Phase One IIFS KIUC commitments, and KIUC is fully in compliance with the Waimea Mediation Agreement for this work. KIUC is not currently operating the Kōke'e Ditch System and therefore is not the current diverter. 1.c. Please see topic response titled Request for a 65 Year Water Lease. 2. WKEP would be offsetting fossil fuel generation for current electrical demand. KIUC is still 30-40% dependent on fossil fuel to meet current customer demand. This project is expected to bring KIUC above 80% renewable. 2.a. WKEP would be offsetting fossil fuel generation for current electrical demand with existing renewable energy generation already operating on KIUC's system. Section 4.3 of the EA discusses alternatives considered including other renewable energy projects. The section includes a discussion of feasible and unfeasible renewable technologies, along with a discussion of alternative fuels which have been reviewed by KIUC. Other renewable initiatives include additional solar plus battery projects and use of biofuels in KIUC's conventional generators. However, these other renewable initiatives do not address long term storage (in the case of solar plus battery), and are more expensive (in the case of biofuels), and therefore would not change the need for WKEP. 2.b. KIUC's obligatory role as Kaua'i's franchise electric utility, regulated by the PUC, is to provide electrical service to meet Kau'ai's energy demand. As noted in Section 3.2 of the EA, in 2021 Kaua'i generated 69% of its energy needs from renewable sources. The Proposed Action would provide a significant contribution to the achievement of 100% renewable energy for Kaua'i. KIUC promotes energy efficiency programs for KIUC members. 2.c. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. Please see Table 2.1 of the EA for the extensive benefits provided by the Project. 3. Please see beneficial impacts of WKEP in Table 2.1 (Benefits of the Proposed Project) of the final EA. The section on environmental benefits reads as follows: • Provide significant renewable energy to KIUC's grid, contributing approximately 23.6% to KIUC's Renewable Portfolio Standard (RPS) in 2024 (year 1) and 18.1% in 2048 (year 25). This would assist KIUC in achieving the State's RPS. • Allow KIUC to utilize approximately 8.5 million fewer gallons of fuel annually, resulting in approximately 212 million gallons less fuel being used over the initial 25-year term of the Power Purchase Agreement (PPA). This would provide a significant positive effect on reducing KIUC and the State's reliance on fossil fuels, on fuel and energy price volatility, on export of funds for fuel imports, and on fuel supply reliability risk, consistent with HRS Section 269-6. To demonstrate just how significant this impact would be, for all of 2021, KIUC utilized just under 13.5 million gallons of fuel. • Significantly reduce KIUC's greenhouse gas (GHG) emissions, also consistent with HRS Section 269-6. KIUC estimates that the Project would result in an estimated net reduction in GHG of approximately 2,018,487 metric tons of carbon dioxide equivalent (MTCO2e) for the Project's operation stage and 2,508,877 MTCO2e for the Project's lifecycle over 25 years, which would have beneficial impacts on air quality, global warming, and climate change. • Result in additional air quality improvements by reducing the production and release of various air pollutants by an estimated annual amount of (1) 30.5 tons of carbon monoxide;	

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					(2) 13.9 tons of particulate matter; (3) 0.4 tons of sulfur oxides; (4) 294.7 tons of nitrogen oxides; (5) 6.0 tons of volatile organic compounds, and (6) 1.5 tons of ammonia. 3.a. The water availability analysis and generation estimates for the Project account for stream flow variation including prolonged droughts and extreme rain events as predicted with climate change. 3.b. WKEP would be offsetting fossil fuel generation for current electrical demand. 4. and 4.a. All energy generated by WKEP would be delivered into KIUC's electrical transmission grid and provide power for the entire island of Kaua'i including west side residents. A socioeconomic analysis was completed and can be found in the final EA Section 5.9. 4.b There is no displacement of west side residents due to the Project. The entire Project footprint is located in non-residential areas and the majority of the Project footprint is on land that is not publicly accessible. Please see Table 2.1 of the EA for the extensive benefits provided to the west side community through the Project. 4.c. See topic response Power Purchase Agreement and KIUC Debt,	
107		Bonnie Rasmussen	10/07/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina? What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat? What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed and for information on your concern regarding mosquito breeding grounds. We understand your concern for agriculture. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section. Regarding cultural resources, a cultural impact assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures The majority of impacts would be during the construction phase which would be short-term, temporary, and minimized to the extent practicable through the implementation of Best Management Practices (BMPs). A table detailing construction impacts and proposed mitigation measures can be found at the end of the final EA Executive Summary. There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Designated as critical habitat within the Project footprint is discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA. The closest communities to the Project are roughly 4 miles away, and no impacts such as dust, noise, traffic etc. Are expected from Project operations. In fact, the Project will provide many benefits to west side communities and all other communities on Kaua'i. A list of Project benefits can be found in Table 2.1 of the final EA.	Section 5.4.2 Appendix I Executive Summary Table 2.1 Table 4.5 Section 5.3

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108		Henry & Sara Rosen	10/07/22	As rate payers for KIUC we are very concerned about a huge project that will cost ratepayers multiple millions while significantly impacting the Kokee watershed. KIUC's current debt, a debt we all bear because we are a Coop, is $256,000,000. We are reluctant to support an increase in that debt burden. Also, we do not feel that KIUC's environmental impact analyses are candid and accurate and are further concerned that the incremental costs of this project will subsidize developers at the expense of existing residents of the community.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response titled Power Purchase Agreement and KIUC Debt for an explanation of Project finances and the role of AES.	
109		Matt Rosener	10/07/22	Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for the West Kauaʻi Energy Project (WKEP) and provide comments that express my concerns about this proposed project which aims to combine hydropower generation with irrigation water delivery for agricultural operations on the west side of Kauaʻi. I also reviewed a previous version of the DEA for this project and submitted my comments on it to DLNR on September 22, 2021, but I did not receive any response. Upon completing my review of the current DEA, unfortunately, I find that the concerns I expressed previously were not addressed through changes to the proposed project or to the DEA that describes the assessment of its potential impacts. I am very familiar with the proposed project area and the ditch systems, having spent considerable time in the Waimea River watershed making streamflow measurements at the Kōkeʻe and Kekaha Ditch diversions and making observations on stream health throughout the Waimea River drainage basin. During the time leading up to the mediated Waimea Water Agreement, I performed background research and worked with westside community members to understand both historical and recent operations of these ditch systems that have provided long-term irrigation and hydropower benefits. As a hydrologist and water resource engineer based on Kauaʻi, my work has been focused on stream restoration and improving watershed management for over 20 years in the Hawaiian Islands. At this point in time, I see vast potential to achieve better balance in the allocation of our limited water resources, given the history of extensive water diversion schemes developed by the sugar plantation companies. The most significant difference in modern-day water development from the traditional Hawaiian water management of the ahupua`a system was the adoption of inter-basin water transfer by the plantation companies. While Hawaiians had long ago developed a genius system of managing water on a watershed basis (a system that has become the standard in today's science-based resource management), the now- common practice of diverting water out of the watershed has led to severely disturbed hydrology in many of Hawaii's streams and rivers. Native stream ecosystems have been impacted by these non-natural streamflow regimes for well over 100 years in some cases, including in the Waimea River watershed where the Kekaha Ditch first started removing water from the basin in 1908. The impacts of streamflow diversion are not limited to aquatic species, and in the Waimea River basin, the human community has long been affected by reduced water flows leading to accelerated sedimentation in the river reaches downstream of the ditch systems. With the mediated agreement, there is hope that inter-basin water transfer from this important Kauaʻi watershed can be reduced. This would acknowledge and honor the Hawaiian tradition of keeping stream water in its own watershed to the greatest extent possible. The transfer of large volumes of stream water outside of the Waimea River basin not only creates impacts to the streams of origin, but it also causes impacts at the point of discharge in the receiving drainage basin. In this case, up to 26 MGD of water from Kōkeʻe streams would be discharged from the WKEP to the Mānā coastal plain. The Hydrology Report attached to the DEA (as Appendix F) shows that outflows from the Puʻu Lua Reservoir are predicted to be in the 21-26 MGD range more than 50% of the time (Figure 2- 3). The DEA assumes that much of the discharge water from the store & release hydropower operation will be used for irrigation on Mānā farmlands after it passes through the hydropower plants. However, during wet weather periods when irrigation water is not needed, 26	Mahalo for your comments. Responses to your comments on the first draft EA were published in the second draft EA and contained in the final EA in Appendix Q, Comment #47. The assertion that diversion practices on the Waimea River and its tributaries has led to issues of sedimentation in the lower reaches of Waimea River conflicts with a report prepared for the Commissoin on Water Resource Management (CWRM) by Element Environmental, LLC titled *Investigation of Kōke'e and Kekaha Ditch Irrigation Systems*, a copy of which can be found on the CWRM website. This report addresses sedimentation in the Waimea Watershed and states, *"The heavy siltation buildup within the lower portions of the Waimea River described in the Earthjustice complaint is not believed to be related to the diversions of stream flow into KODIS and KEDIS. Rather, the observed build-up of sediment in the lower sections of the Waimea River is believed to reflect a process known as aggradation, where the fines that are transported down the river begin piling up, and in a kind of reverse ooze, reach back upstream several miles due to a change in condition at the point of discharge of the river. In the case of the Waimea River, it is believed that aggradation and the associated increased sedimentation in the lower sections of the Waimea River resulted from a combination of episodic and long-term climatic/geologic/ecological events as well as from man-made alterations made to the shoreline."* More details can be found in the report. Further, the implementation of the Phase Two Interim Instream Flow Standard (IIFS) would ensure continuous mauka to makai flows, and the limitation on ditch capacity (limiting diversion volumes) would mean that the majority of natural stream flow during high stream flow events would remain in the stream channel, providing a naturally occurring mechanism for sediment dispersal. The EA contains results from two separate hydrology modeling efforts. The Hydrology Report located in Appendix F is one hydrology modeling effort with assumptions identified in the report. The results (and assumptions) of a more recent and detailed hydrology modeling effort are summarized within the body of the EA in Section 4.1. The Hydrology Report in Appendix F used nine years of representative data (3 wet years, 3 dry years and 3 average years) for modeling purposes in an effort to provide a high-level bracketing of streamflow availability and operational considerations at Puʻu Lua Reservoir. The more detailed hydrology modeling summarized in Section 4.1 uses the entire period of record available for all streams and projected flows for Waiakōali, Kauaʻikinanā, and Kōkeʻe based on the entire period of record for Kawaikōī Stream. Hydrology modeling for WKEP was informed by CWRM hydrology modeling and the CWRM Instream Flow Standard Assessment Report (IFSAR), and hydrology modeling conducted by all the parties throughout the mediation process for the Waimea Mediation Agreement. The hydrology modeling and generation estimates for the Project account for seasonal variation, periods of drought and extreme rainfall events, as predicted for future climate change impacts to stream flows. Please see topic response Climate Change – Impacts & Considerations. We do not agree that the hydrology modeling and generation estimates are not conservative. It is industry standard to use historic flow data to project future stream flow, and errors of margin that are standard in this methodology have been considered. Hydroelectric turbines have the ability to	Section 4.1< Appendix B, Appendix F, Appendix Q

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				MGD would need to be disposed of in other ways. The project proposes to either: 1. route this water through open ditches to low-lying "open floodable spaces" for temporary storage or 2. discharge it directly to the Mānā Storm Drainage System. In either case, this substantial flow rate of water will be a burden to the area's drainage system which relies heavily on pump stations and can already be overwhelmed during wet weather cycles. The water quality impacts of this discharge directly to a drainage ditch network that has been documented to contain concerning levels of pollutants should also be considered. The DEA portrays discharges from the Mānā Reservoir as a way to improve water quality in the storm drain ditches through dilution, but it makes no effort to assess the potential for existing pollutants in the ditches to be mobilized by increased flow rates and transported to the ocean which is only a short distance away. Since the development of the Kekaha Ditch system in 1908 and the Mānā Storm Drainage System in 1923, the Waimea River has been substantially de-watered and often completely drained to produce hydropower that is partially used to run pumping stations to drain wetlands on the Mānā coastal plain. This has been ongoing for close to 100 years, and the new project being proposed will double down on this water management scheme by continuing stream diversion to produce new hydropower, some of which will be needed to pump even more water from the storm drainage system. The DEA suggests that some of the discharge water could also be ditched to "open floodable spaces" in the Nohili area, where it would be mixed with water pumped from the storm drain system and allowed to settle. Afterwards, the pump stations would again be relied upon to move this water out to sea. The combination of poor existing drainage conditions in this area with increased discharge from WKEP hydropower operations, then coupled with sea level rise, seems likely to create a significant drainage burden for west side communities at some point in the future. Meanwhile, the lower reaches of the Waimea River suffer from sedimentation caused in part by upstream water diversion. Community efforts to manage the sediment load have been impressive in terms of the human capital expended, but ultimately, they have proved futile because of the scale of the problem. The water-sediment balance has been drastically disturbed in this river basin for well over 100 years. While restoring streamflow to the lower river reaches will not solve the sedimentation problem, it would certainly help to alleviate the effects by allowing for more natural flushing of sediment. This is a significant factor in why the Kitano Alternative Layout could be a better flow path alignment for a hydropower/irrigation project, when all of the associated environmental impacts are considered. The DEA did not mention any consideration of how the proposed increase in streamflow diversion would affect downstream sediment transport, including sediment deposition in the lower river reaches. On the subject of water availability for the proposed project, it is purely coincidental but also very interesting that this DEA is being evaluated at a time when the streams in the project area have been flowing well below the prescribed IIFS values. As part of the Waimea Water Agreement, Phase I IIFS values were established and are now in effect for the four diverted Kōkeʻe streams, along with Waiahulu Stream, Koaiʻe Stream, and the mainstem Waimea River at sites within Waimea Canyon. CWRM has been operating gage stations on Waiahulu and Koaiʻe streams, and during the recent periods of record, the IIFS at the Waiahulu site (8 MGD) has only been achieved 29% of the time (6/3/22-9/18/22), and the IIFS at the Koaiʻe site (2 MGD) has been satisfied 44% of the time (9/2/22-10/10/22). These short records are the only publicly- available data from these CWRM stations, but the USGS operates stream gages in the Waimea River watershed with longer records. At the USGS gage station on the lower Waimea River (16031000), the Phase I IIFS value of 25 MGD has been met 39% of the time over the last year. And at the USGS station on Kawaikōī Stream, the Phase I IIFS value of 4.9 MGD has only been met 34% of the time over the past year. It should be noted that while the other gage station sites are all located downstream of ditch diversions, the Kawaikōī gage site is located upstream of the Kōkeʻe Ditch diversion, so it represents natural (unregulated) flow. As recently as last week, flow in Kawaikōī Stream was down to 1.2 cfs (0.78 MGD) which is less than the 1.0 MGD minimum flow assumed for the Hydrology Report (Appendix F, Table 1-3). This low flow is only 16% of	operate within a wide range of flows, and the technology has been successfully operating around the world in conditions where extreme stream flow variability exists including here in Hawai'i. For clarification, instream flow standards are values that must remain in the stream at the point of diversion. Based on historic flow data, it is not new or surprising information that the instream flow standard volumes are not present in the natural stream flow during dry periods. If the natural flow in a stream is below the instream flow standard, WKEP would not divert from the stream. The IIFS value of 25 million gallons per day (MGD) at USGS Waimea River gage #16031000 is related to Kekaha Ditch diversion operations, not Kōke'e Ditch diversion operations. Please refer to the CWRM Waimea IFSAR, located in Appendix B, for information regarding smaller diversions that may or may not be functional on the Kōke'e Ditch System. Based on information in the Waimea IFSAR and information provided by the ditch operator, it is not known whether the smaller pick-ups at Halemanu and Nāwaimaka Streams are functioning at this time. Neither these pick-ups or other smaller pick-ups on ephemeral streams between Kaua'ikinanā and Kōke'e Streams have been maintained for a very long time and it is assumed if they are picking up anything it is very low volume and intermittent. Hydrology modeling for WKEP has assumed inflow into the ditch only from the four primary diversions. Regardless, WKEP operations would not involve the use of Kauhao Gluch sluice gate as a method for controlling ditch flow or the volume of ditch flow entering Pu'u Lua. The EA reference (pages 4-18) to water being released at Kauhao Gulch is describing current Kōke'e Ditch operations, not WKEP operations. The Applicant disagrees with the assertion as stated below: *"However, there is no assurance given that this will occur in the future. Without a regional water plan or other binding agreement between KIUC, ADC, KAA, CWRM, etc., it is unknown whether the various entities will operate cooperatively to ensure a better balance of water allocation between off- stream uses and in-stream/down-stream needs."* We believe the assurances around balancing the WKEP operations with Kekaha Ditch operations are addressed through the Waimea Mediation Agreement. The Waimea Mediation Agreement, Section D, IIFS Numbers states: "*If Phase Two goes into operation, the Commission will examine the amounts being diverted at Koaie and at Waiahulu with the goal of increasing the total IIFS numbers for these two streams."* This statement clearly gives CWRM (the Commission) authority to re-examine instream flow standards for diversions on Kekaha Ditch after taking into account WKEP diversion and irrigation water delivery. It is the Applicant's understanding of the Waimea Mediation Agreement that these issues will not be determined by the Applicant or WKEP and are under the purview of CWRM (the Commission) and will be determined by CWRM (the Commission) through the ongoing CWRM oversight of the mediation implementation. Regarding comments on the Kitano Alternative Layout, please refer to responses to your comments on the first draft EA, which are provided in Appendix Q, Comment #48.	

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				the Phase I IIFS value for Kawaikōī Stream, meaning that the prescribed instream flow is not close to being attained, even without any flow diversion, which is alarming. The hydrologic analysis to predict streamflow availability at the Kōkeʻe stream diversion sites did not seem to be conservative, as it apparently did not account for climate change impacts to future streamflow. Since there is no recent streamflow data for three of the four Kōkeʻe streams evaluated, records were synthesized for the three ungaged streams using common engineering hydrology methods, but only for 9 years during the 1991-2013 period. Data from the last 9 water years (2014-2022) were not included in the analysis for some unexplained reason. The predicted streamflows used for down-ditch reservoir routing and estimating power production are based on the assumption that the future flow regime in the diverted streams will be like the past flow regime, but this is a risky assumption. The project developers seem to ignore this risk, and the DEA states on page 5-164 that, "A future downward trend and reduction in stream flows would have no operational effect on the Proposed Action. Precipitation and resulting streamflow is highly variable and differs considerably from year to year. The diversions and the hydropower facilities are both operated continuously with varying stream flows, floods, and droughts. Any small trends over time would not impact operations". With the IIFS being set values, any declining trend for low-flows would result in less water available for diversion during dry periods. It seems this would have some operational effect, and I question why predicted changes to future water availability were not addressed in the DEA. The DEA also states that, "During extended periods of dry conditions, it is possible that there would be no store and release hydro generation and Project generation would entirely be the result of pumped storage generation at Mānā Powerhouse. This is not expected to occur regularly or frequently but is expected to occur intermittently during the drier summer months over the course of the Project's life" (p 4-168). From the information presented in Table 4.4 and Figure 4.12 on page 4-12, the outflow from Puʻu Lua Reservoir would need to be at least 4.42 MGD to meet all proposed upstream water deliveries (1.82 MGD) and still provide the operating range minimum flow (2.6 MGD) to the Puʻu ʻŌpae generator. Modeled outflows from the Puʻu Lua Reservoir shown in Figure 4.12 indicate that at least 4.42 MGD could be released about 57% of the time, suggesting that the Puʻu ʻŌpae store & release hydro could be offline due to inadequate flow about 43% of the time when full build-out of upstream water deliveries are realized. The analysis presented in the Hydrology Report (Appendix F) was a bit different, stating that minimum flow releases from Puʻu Lua (5 MGD) would occur about 30% of the time, with zero outflow about 20% of the time during "the average year". It does not say how often zero outflow from the Puʻu Lua Reservoir would occur during a dry year, but we can assume it would be more than 20% of the time. Apparently, these outages are considered intermittent by the Applicant, but not regular or frequent, although the frequency should be expected to change in the future if climate change leads to more prolonged drought periods. Maybe the analysis of available streamflow was not conservative because there are other sources of water than the four streams that will contribute flow to the Kōkeʻe Ditch and Puʻu Lua Reservoir at times. While the DEA focuses on the main four streams along the ditch (Waiakōali, Kawaikōī, Kauaʻikinanā, and Kōkeʻe), there are at least five unnamed, ephemeral streams that drain into the ditch between the Kauaʻikinanā and Kōkeʻe Stream intakes, as well as the Nāwaimaka and Halemanu Streams that drain into the ditch below the Kōkeʻe Stream intake. It is unknown how much water is contributed to the ditch by these other stream sources, but they will provide some flow to the ditch during wet periods since there are no bypass modifications proposed, and their intakes are set up to capture ephemeral flow from these headwater streams. It should be noted that even with all of the real-time flow monitoring at the ditch intakes being proposed, there may be times during wet weather when flows intercepted by the ditch at Nāwaimaka and Halemanu Streams will need to be dumped into the Kauhao Gulch "spillway" as was done during historic operations of the Kōkeʻe Ditch system. This is because these two streams contribute flow to the ditch downstream of the last automated flow control system at Kōkeʻe Stream. The DEA (p 4-18) states that up to 0.3 MGD could be released at Kauhao		

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				Gulch to flush silt deposits there (from the CWRM IFSAR), but there may be times when much more water is released from the ditch at this point to limit inflow to the Puʻu Lua Reservoir. If the proposed project is implemented as presented, it will result in much more water diversion through the Kōkeʻe Ditch (11MGD average) than what is being diverted under current operations (1-2 MGD). The DEA states that after the WKEP is operational, one result will be "reduced diversion pressures of streams in the lower reaches of the Waimea River watershed" (p 5-167). The connection here is the idea that with WKEP providing irrigation water for farming operations on the Mānā coastal plain, then the Kekaha Ditch will reduce water diversion out of the watershed to compensate for the increased diversion from the Kōkeʻe Ditch system. However, there is no assurance given that this will occur in the future. Without a regional water plan or other binding agreement between KIUC, ADC, KAA, CWRM, etc., it is unknown whether the various entities will operate cooperatively to ensure a better balance of water allocation between off- stream uses and in-stream/down-stream needs. With so little irrigation water demand in the Mānā area in recent years (1-3 MGD), it seems that flows diverted out of the Waimea River watershed through Kekaha Ditch have been driven by hydropower more than agricultural needs. Now it is reported that turbine capacity at the Waiawa hydropower plant near Kekaha is in the process of being downsized with a maximum flow capacity of 10.15 MGD from the previous 21 MGD (p 1-21). This should result in substantially less water leaving the Waimea River basin through Kekeha Ditch, but this reduction may be offset by the increased flow diversion through Kōkeʻe Ditch proposed as part of this project. When the two ditch systems are considered together, there will be times that they are delivering 36 MGD of Waimea River water to the Mānā area. Even with the speculative need for increased future irrigation, this is still a lot of water and it would be delivered for hydropower at times when the irrigation demand is minimal, resulting in the additional burdens on the drainage system discussed earlier. In my comment letter on the project's DEA last year, I suggested the Kitano Alternative Layout could be a better option, as it would allow for much of the diverted stream water to be discharged to the lower Waimea River where it would have a beneficial impact on sediment management rather than discharging it in "open floodable spaces" on the Mānā plain where it will be a burden. I recognize that there are other significant beneficial impacts to the selected Puʻu ʻŌpae alignment, especially the development of water and electric resources for the DHHL lands at Puʻu ʻŌpae. The Kitano Layout could be utilized while DHHL's water reservation could still be provided through the Kōkeʻe Ditch to Puʻu ʻŌpae, provided the necessary improvements were made. The Closed-Loop Pumped Storage project briefly described on page 4-212 of the DEA could also provide much of the water and power development for the DHHL lands at Puʻu ʻŌpae. I don't know if the combination of the Kitano Layout with the Closed-Loop Pumped Storage was seriously considered as an alternative, but I hope the community was given the opportunity to weigh in on this, since it would result in significant positive impacts on Waimea River sedimentation and Mānā plain drainage issues compared to the proposed WKEP. As I stated in my comments on the previous DEA a year ago, it seems an Environmental Impact Statement would be the more appropriate form of compliance review for the WKEP than an Environmental Assessment, given the scope, scale, and potential complicated impacts of this proposed project on the aquatic ecosystem of one of Hawaii's largest rivers, coupled with the long timeframe associated with the proposed new diversion scheme (65 years). I hope that you will consider this and the other comments and concerns raised here before allowing this project to move forward in its current proposed form.		

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110		Haunani Rossi	10/10/22	My name is Haunani Rossi, and I am a native Hawaiian that is NOT in favor of the following project(s) regarding KIUC (Kauai Island Utility Cooperative) plan to pull 23.5 million gallons of water daily out of the Kokee Watershed for a new hydro power plant, and a pump storage operation on the West side of Kauai Island. Both projects would: * cost rate payers/an increase in our utility bill for these projects since we are a coop. KIUC (Kauai Island Utility Cooperative already has a debt of 256,000,000) * impact the Kokee watershed/natural streams, historic landscape and cultural resources of our island * water allocations would significantly impact our local farmers especially our taro farmers/water diversion. *65 year lease that KIUC (Kauai Island Utility Cooperative) is asking requires an EIS (Environmental Impact Statement) of this area of which constitutes a significant impact of this area. I humbly ask that you decline this project.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic responses EA vs. EIS and Impacts and Power Purchase Agreement and KIUC Debt. These responses will explain the reasons why an Environmental Assessment was completed, and will provide a financial overview of the project. The project proposes to divert a rolling average of 11 million gallons per day, not the 23.5 million gallons per day you've noted. The potential impacts to water resources are discussed comprehensively in Section 5.1 of the final EA, along with Avoidance and Minimization Measures (Section 5.1.3). A full assessment of potential impacts associated with the Proposed Action was conducted and is reported in this final EA. Biological resources are discussed in Section 5.3. Potential cultural impacts are discussed in the Cultural Impact Assessment (Appendix I) We understand your concern for agriculture. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section. With the implementation of minimization, avoidance and mitigation measures, no long-term significant impacts to any resource were identified or are anticipated with implementation of the Proposed Action. Any impacts would occur during the construction phase, which would be short-term and temporary.	Section 5.1, Section 5.1.3, Section 5.3, Appendix I
111		Tiana Ruiz	10/10/22	aloha, as a lifetime resident of Waimea, and a descendant of generations of Waimea folk, i am writing to request accountability of the diversion of Waimea River with a full environmental impact statement for the WKEP being proposed by the KIUC. the second EA they published raises a lot more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. The only way forward is a complete EIS. In my lifetime alone (37) years, i have seen a decrease in the water levels of Waimea River and it is alarming... how much more water can our lifeline ber depleted?	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The potential impacts to water resources are discussed comprehensively in Section 5.1 of the final EA, along with Avoidance and Minimization Measures (Section 5.1.3). A full assessment of potential impacts associated with the Proposed Action was conducted and is reported in this final EA. Biological resources are discussed in Section 5.3. With the implementation of minimization, avoidance and mitigation measures, no long-term significant impacts to any resource were identified or are anticipated with implementation of the Proposed Action. Any impacts would occur during the construction phase, which would be short-term and temporary.	Section 5.1, Section 5.1.3, Section 5.3
112		Heidi Schemp	10/09/22	I'm writing to encourage a full EIS to be done for the KIUC hydro power project. I think we should learn from our mistakes at grove farm and not divert water without a full EIS. I understand it takes longer and is more expensive but being tied up in court is 1000 times worse. So let's do the right thing in the beginning this time and make sure the diversion is not harmful to the streams, water ways and creatures living here.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The potential impacts to water resources are discussed comprehensively in Section 5.1 of the final EA, along with Avoidance and Minimization Measures (Section 5.1.3). A full assessment of potential impacts associated with the Proposed Action was conducted and is reported in this final EA. Biological resource are discussed in Section 5.3. With the implementation of minimization, avoidance and mitigation measures, no long-term significant impacts to any resource	Section 5.1, Section 5.1.3, Section 5.3

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					were identified or are anticipated with implementation of the Proposed Action. Any impacts would occur during the construction phase, which would be short-term and temporary.	
113		Sierra Club	10/07/2022	The Sierra Club, Kaua'i Group has a longstanding investment in protecting our natural and cultural resources, access to clean water systems, and the health and welfare of community residents. In addition to the West Kaua'i community and many other concerned local and neighbor island organizations, we offer these comments to urge the Department of Land and Natural Resources (DLNR) to pursue a full environmental impact statement (EIS) for the AES West Kaua'i Energy Project (WKEP) as proposed by Kaua'i Island Cooperative. We believe that WKEP triggers a full EIS for the following reasons: • **Disproportionate burdens on West Kaua'i residents may be significant and must be explored through a full EIS.** The majority of electricity produced from the hydropower operation on the Waimea River will not be used in Waimea, or West Kaua'i. Most of the electricity will be used by ratepayers in places like Līhue, Kapa'a, and Princeville. This creates an imbalance, where communities are saddled with industrial land uses that undermine their well-being, but are not in control of how the project is operated or benefits distributed. An EIS would help assess the impacts of this project and minimum expectations for a robust community benefits package that respects the residents and environment of West Kaua'i. • **Cultural and health impacts from water diversions must also be considered.** 11 million gallons of water to be diverted (and not returned) from Waimea River everyday, as measured over a year. This means taking 2 million gallons in the dry months and as much as 26 million gallons in the wet months. How will this impact farming practices dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices dependent upon natural ecosystems and processes tied to water? How could this impact public health, from the creation of mosquito breeding grounds to the social determinants of health connected to the health of and access to 'āina? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for. • **Impacts for industrial activities in the conservation district and on sensitive habitat must be accounted for.** The WKEP project will take place in the state conservation district, which contains lands identified as requiring the highest degree of protection. The use of tracked backhoes, cement mixers, and other heavy equipment to alter the diversions and build the new hydro-power facility could damage between 427 and 1,039 acres of protected and important habitat. The full scrutiny of an EIS, including proposed alternatives and mitigation measures, must be employed to identify and prevent unnecessary or unjustified harms. • **Cumulative and potentially significant impacts over time must be explored.** KIUC is hoping to secure a 65-year lease term to divert water for the WKEP. That is an absurd request given the high level of uncertainty we live in now; just as absurd is the contention that this would have no likely significant effect, especially over time. An EIS that can fully explore in detail the long-term potential impacts and alternatives to mitigate such impacts should be conducted	Mahalo for your comments. Please see our responses below. Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. A robust and detailed analysis of the potential impacts of the Proposed Project is located in Section 5 of the EA. Further, a detailed table summarizing all the potential impacts and minimization and avoidance measures that would be implemented by the Project to limit, reduce or negate the potential impacts is located in the Executive Summary. • **Disproportionate burdens on West Kaua'i residents may be significant and must be explored through a full EIS.** Please see topic response Disproportionate Burden to Westside Community. • **Cultural and health impacts from water diversions must also be considered.** Please see topic response Support for Agriculture and Potential Impacts to Downstream Farmers. Potential impacts of WKEP diversion of a rolling average of 11 million gallons per day (MGD) is located in Section 5.1, Water Resources, Section 5.3, Biological Resources, Section 5.4, Traditional Cultural Practices and Resources. CWRM sets the instream flow Standard that addresses downstream uses including farming. Regarding concerns for the potential creation of mosquito breeding habitat, Section 5.3.2.1 and 5.3.2.2. • **Impacts for industrial activities in the conservation district and on sensitive habitat must be accounted for.** Please see topic response Conservation District Land Use. There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Designated as critical habitat within the Project footprint is discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA. • **Cumulative and potentially significant impacts over time must be explored.** Please see topic responses Request for a 65 Year Water Lease and Climate Change – Impacts & Considerations. An analysis of potential cumulative impacts is located in Section 5.14. The Commission on Water Resource Management (CWRM) approved the Waimea Mediation Agreement in April 2017, and through that approval set the instream flow standard (IFS) for all four streams diverted by WKEP. The Waimea Mediation Agreement also established diversion of a rolling average of 11 MGD for the project. In addition, CWRM staff conducted a separate and assessment of the hydrology, instream uses, and non-instream uses for the hydraulic unit of Waimea, which includes Waimea River and its tributaries, and published an Instream Flow	Section 2.3, Section 4.1.2.14, Section 5.1, Section 5.1.1.2, Section 5.3, Section 5.3.1.2, Section 5.3.1.6, Section 5.4, Section 5.14, Appendix G, Table 4.5, Section 5.3

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				• **Impacts to adjacent streams and coastal must be considered.** In the campaign to hold pesticide companies accountable for their pollution, we learned that the run-off from the Mānā Plain is very polluted with chemicals. KIUC is proposing to release water onto the Mānā Plain, with the potential to spread harmful pollution to adjacent areas, including streams and coastlines. We believe that all of these, and potentially more, concerns could be adequately addressed through an EIS review of the project. Mahalo for the opportunity to offer comments in support of such an action by the DLNR.	Standard Assessment Report (IFSAR). The IFSAR report for Waimea covers the four streams that would be diverted by WKEP for renewable energy and irrigation, an evaluation supporting the IFS standards for those four streams and the volume of water available for diversion for WKEP. For the project specifically, an analysis was conducted to determine potential impacts of WKEP operations on stream ecosystem health and native stream life. The results of this analysis are summarized in the revised draft EA in Section 5.3.1.6 and the full report is included in Appendix G. • **Impacts to adjacent streams and coastal must be considered.** For a description of the Proposed Project discharge from Mānā Reservoir, please see Section 4.1.2.14 of the EA, and for potential impacts please see Section 5.1.2.2. There is no expected pesticide runoff associated with the project. Project discharge would be delivered to the Kekaha Agriculture Association's (KAA) irrigation system, agricultural fields directly adjacent to Mānā Reservoir for irrigation, the existing storm drainage system and/or the open floodable spaces being developed by KAA. Project discharge entering the existing storm drainage system and the open floodable spaces would not come into contact with agricultural fields and would not come into contact with any natural streams. Project discharge would be clean, filtered water, and would not convey sediment into KAA's irrigation system or the existing storm drainage system.	
114		Jasmine Slovak	10/06/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of the Waimea River and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
115		Marti Smith	10/07/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina? What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat? What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed and for information on your concern regarding mosquito breeding grounds. We understand your concern for agriculture. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section. Regarding cultural resources, a Cultural Impact Assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures. The majority of impacts would be during the construction phase which would be short-term, temporary, and minimized to the extent practicable through the implementation of Best Management Practices (BMPs). A table detailing construction impacts and proposed mitigation measures can be found at the end of the final EA Executive Summary. There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Designated as critical habitat within the Project footprint is discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA.	Section 5.4.2, Appendix I, Executive Summary, Table 2.1, Table 4.5, Section 5.3

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					The closest communities to the Project are roughly 4 miles away, and no impacts such as dust, noise, traffic etc. are expected from Project operations. In fact, the Project will provide many benefits to west side communities and all other communities on Kaua'i. A list of Project benefits can be found in Table 2.1 of the final EA.	
116		Eliel Starbright	10/06/22	I am concerned about this huge project that will cost ratepayers multiple millions while significantly impacting the Kokee watershed. What I know is that KIUC's current debt, a debt we all bear because we are a Coop, is $256,000,000. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar. Financial benefits of the project will not remain in Kaua'i (off island operator, AES). Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be $0.07-0.08/kWh but in the DEA KIUC reported payments of $0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers. Project water allocations significantly impact food production and agriculture. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop $256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response Power Purchase Agreement and KIUC Debt for an explanation of project finances including the role of AES. Through development of the Project, implementation of Phase Two diversion modifications contained in the Waimea Mediation Agreement will be realized. KIUC is currently in compliance with its obligations under the Waimea Mediation Agreement and meets regularly with the staff of the Commission on Water Resource Management and the other parties to the Agreement to report progress and track compliance. More detail on the Waimea Mediation Agreement can be found in Section 1.2 of the final EA. Project water allocations are expected to positively impact food production and agriculture. The Project will deliver water for irrigation to lands owned by the Department of Hawaiian Home Lands and the Agribusiness Development Corporation. Irrigation delivery is one of the four objectives of the Project as outlined in the Executive Summary of the final EA.	Section 1.2, Executive Summary
117		Susan Stayton	10/07/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. As an ex-member of KIUC's Board of Directors, I feel it is imperative that KIUC take every step necessary to hear and address the concerns of its members.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmetnal Assessment was completed. We appreciate your past service on the KIUC Board of Directors. KIUC has conducted extensive outreach on WKEP dating back to 2013. A summary of the community outreach efforts can be found in Appendix P of the final EA.	Appendix P
118		Brett Stewart	10/10/2022	I believe the revised DEA is comprehensive and the FONSI is well supported, I also feel WKEP is a beneficial project for the island and I would like to see it move forward and hopefully more projects like it if possible.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
119		Kaleiheana-a-Pōhaku Stormcrow	10/09/22	I am writing to implore you to require a full environmental impact statement for KIUC's new West Kaua'i Energy Project. Despite having already conducted 2 environmental assessments, the full impact of diverting 11 million gallons of water per day from Waimea river remains unclear. River quality, environmental quality, and ocean health downstream are all potentially negatively impacted by this project, not to mention the potential impacts to residents. On top of the improper use and abuse of water across the islands, Hawai'i is the endangered species capital and extinction capital of the world. A full EIS report should be necessary for every project in the islands to mitigate potential negative impacts to endangered species who may call the area home, as well as long-term community impacts of this projects. Please consider requiring a full EIS for this, and all projects in the future. Additionally, conducting EIS reports creates jobs for local botanists, biologists, and archaeologists as well as everyone else who would need to be involved to determine the full impacts of this project. Wins all around. Mahalo for your time and consideration.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. While it is typical for an environmental assessment to not be as in depth as environmental impact statements, the WKEP draft EA is far more in depth than the typical environmental assessment. The hydrological modeling conducted for the Project has been rigorous, was compared with the Commission on Water Resource Management's (CWRM) hydrological modeling for consistency, and would not be any more detailed for an EIS. The studies supporting the ecosystem analysis were conducted at an EIS level and provide a rigorous analysis of potential impacts of the Project. The potential impacts to water resources are discussed comprehensively in Section 5.1 of the final EA, along with Avoidance and Minimization Measures (Section 5.1.3). A full assessment of potential impacts associated with the Proposed Action was conducted and is reported in this final EA. Biological resources are discussed in Section 5.3. With the implementation of minimization, avoidance and mitigation measures, no long-term significant impacts to any resource were identified or are anticipated with implementation of the Proposed Action. Any impacts would occur during the construction phase, which would be short-term and temporary.	Section 5.1, Section 5.1.3, Section 5.3

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120		Sarah Styan	10/09/22	My name is Sarah Styan and I have been a resident in West Kauai since 2002. I strongly support the revised Draft Environmental Assessment, DEA and the Findings of No Significant Impact, FONSI, related to the West Kauai Energy Project proposed by Kauai Island Utility Cooperative, KIUC. I believe that the DEA has a very comprehensive analysis and that the FONSI is well supported through this careful and complete compilation of the report which has multiple bound books. I also appreciate that the Waimea Public Library (and all of the libraries) had copies of the report and that it was very accessible to me and the community. I also strongly support the West Kauai Energy Project, which is an innovative renewable energy project that will not only boost our renewable energy production when the sun is not shining, but will also revive old irrigation systems and infrastructure that will also support agricultural production in West Kauai. Please feel free to contact me if you have any questions or I can provide any additional information. I am a very proud KIUC cooperative member and appreciate all that KIUC does for our community as well as leading the way in renewable production for Kauai and even on a national level.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
121		David Sutton	10/07/22	Please study this for all impacts to land and water. We need responsible stewardship. You can be an example in your leadership.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
122		Jan TenBruggencate	10/07/22	I support the West Kauai Energy Project and believe that the DEA accurately reflects the project. It is a comprehensive and accurate review. I believe the finding of no significant impacts (FONSI) is warranted and well supported by the DEA's extensive documentation.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
123		James Thesken	10/05/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how the project will affect the health of Waimea River and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
124		Rosana Thompson	10/10/22	Our family has frequently visited Kaua'i and own property on the island in Princeville and we are concerned about this project and it's environmental impact as well as consequences to the West Kaua'i people. I ask that an EIS be required. During our last visit we had the joy of celebrating an Auntie's 60th birthday at Salt Pond Beach. The west side community is tight, traditional and beautiful. There are many who also suffer from poverty, health issues, and hardships on the island. This new hydropower plant diverting Waimea River water has the potential to heavily impact the island's water quality, fisheries, and flora and fauna. These are the treasures of the garden isle - not just birds, trees and flowers, but also the native people. It's why we love the island and return over and over again. Please consider your position regarding this project and demand an Environmental Impact Statement.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. We agree that the west side community is unique and remains tightly connected to each other and its traditions. This Project will deliver many benefits to every community on Kaua'i. A comprehensive list of benefits can be found in Table 2.1. While it is typical for an environmental assessment to not be as in depth as environmental impact statements, the WKEP draft EA is far more in depth than the typical environmental assessment. The hydrological modeling conducted for the Project has been rigorous, was compared with the Commission on Water Resource Management's (CWRM) hydrological modeling for consistency, and would not be any more detailed for an EIS. The studies supporting the ecosystem analysis were conducted at an EIS level and provide a rigorous analysis of potential impacts of the Project.	Table 2.1
125		Thomas Tizard	10/06/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	

#	Agency	Person Commenting	Date of Letter	Comments Received	Response	Location Discussed in Final EA
126		Alicia Valiente	10/07/22	I am currently not on island, but it has come to my attention that voices are needed to express concern over the plan to divert water from the West side, which would negatively impact farmers. As a mom, I think about the keiki, and what future they will have with irresponsible, unregulated water diversions. Please hear us. I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina? What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat? What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.	Mahalo for your comments on the revised draft Environmental Assessment (EA). It's important to note that the diversion of water for the Project is regulated by the Department of Land and Natural Resources and the Commission on Water Resource Management (CWRM). KIUC must comply with the interim instream flow standard (IIFS) set by CWRM at all times when diverting water for hydropower production and irrigation for agriculture. A discussion of the Waimea Mediation Agreement can be found in the final EA in Section 4.1.1.1. Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed and for information on your concern regarding mosquito breeding grounds. We understand your concern for agriculture. Further information on Potential Impacts to Downstream Farmers can be found in the topic response section. Regarding cultural resources, a Cultural Impact Assessment was completed for the EA and it can be found in Appendix I. A discussion of Potential Impacts - Traditional Cultural Practices and Resources can be found in Section 5.4.2 of the final EA, which includes proposed minimization measures The majority of impacts would be during the construction phase which would be short-term, temporary, and minimized to the extent practicable through the implementation of Best Management Practices (BMPs). A table detailing construction impacts and proposed mitigation measures can be found at the end of the final EA Executive Summary. There seems to be a misunderstanding regarding Table 4.5, which shows acreages of Project impacts. Construction impacts related to the Project would be a total of 567.97 acres, only portions of which are located in the Conservation District. Operational impacts related to the Project would be a total of 422.58, all of which are located within the acres included in the construction impacts areas. The two types of impacts are not cumulative. Construction impacts represent the greatest impacted acreage area for the Project and operational impacts would occur within a smaller footprint within the construction acreage areas. Designated as critical habitat within the Project footprint is discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA. The closest communities to the Project are roughly 4 miles away, and no impacts such as dust, noise, traffic etc. Are expected from Project operations. In fact, the Project will provide many benefits to west side communities and all other communities on Kaua'i. A list of Project benefits can be found in Table 2.1 of the final EA.	Section 4.1.1.1, Section 5.4.2, Appendix I, Executive Summary, Table 2.1, Table 4.5, Section 5.3.1.2, Section 5.3.1.5, Section 5.3.2.1, Section 5.3.2.2, Section 5.3.3
127		Mehana Vaughan	10/09/22	I am writing to request a full EIS for the west Kauai energy project. The impacts of this project, not only on streams and water quality and quantity but also on native forest, the watershed and native river life are all connected. There has been no comprehensive study of potential impacts and needed modifications of this project. An EIS falls within legal requirements for a project of this scope and none of the environmental assessments have been sufficient to identify and address potential impacts. Further, existing legal agreements including the mediated settlement conditions restoring flow to Waimea river have not yet been met. No further or continuing diversions should be allowed until past and present diverters have fulfilled their legal obligations to the ecosystem and community, and until a comprehensive EIS Is done.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. While it is typical for an environmental assessment to not be as in depth as environmental impact statements, the WKEP draft EA is far more in depth than the typical environmental assessment. The hydrological modeling conducted for the Project has been rigorous, was compared with the Commission on Water Resource Management's (CWRM) hydrological modeling for consistency, and would not be any more detailed for an EIS. The studies supporting the ecosystem analysis were conducted at an EIS level and provide a rigorous analysis of potential impacts of the Project. KIUC is in compliance with its obligations under the Waimea Mediation Agreement. Through the Waimea Mediation Agreement, KIUC committed to install ditch and stream flow monitoring	

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					infrastructure for the Phase One Interim Instream Flow Standard (IIFS). This commitment was not a necessary part of KIUC's due diligence prior to construction of WKEP, but a commitment made for purposes of the Agreement. Permitting and approval delays are beyond KIUC's control. KIUC meets regularly with the staff of CWRM and the other parties to the Agreement to report progress and track compliance.	
128		Jana Viles	10/07/22	I am writing you today to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
129		Vanessa Visitacion	10/05/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
130		Teagan Waialeale	10/05/22	I'm writing to request a full environmental impact statement for the West Kaua`i Energy Project being proposed by Kaua`i Island Utility Co-operative. The second environmental assessment they published raises more questions and concerns than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea Residents, which me and my family are a part of.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. We appreciate your perspective as a resident of Waimea.	
131		Maria Walker	10/10/22	I am submitting this testimony to urge you to please require an EIS before the WKEP can proceed. An EA is insufficient for a project of this magnitude, and it is critically important that all potential environmental impacts from the project are carefully examined and solutions or mitigations considered. This project also could have great impact on the residents and towns in the surrounding area. An EIS will not only address all these important issues, but most of the approvals required for this project require an EIS, so please support the law in this case and demand an EIS before WKEP can proceed. This is potentially a wonderful project for Kaua'i's energy portfolio, but only if all potential impacts are addressed and planned for.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The project is located approximately 4 miles from the closest town/residential area. There are no expected negative impacts to these areas. A comprehensive list of the benefits the Project will deliver to the west side and the rest of the island can be found in Table 2.1 of the final EA.	Table 2.1
132		Zoli Wall	10/05/22	I am writing to request a full environmental impact statement for the west Kaua'i energy project being proposed by KIUC. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life of Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
133		Elia Ward	10/10/22	I am a Kauai resident writing to you about my concerns regarding KIUC's plans to build two new hydro plants and seeking 65-year lease to divert millions of gallons of water from West Kauai. The significant impact to the West Kauai environment and community to produce power benefiting elsewhere is concerning. In addition, the financial benefits of the projects go to off-island operator (AES) and not to Kauai ratepayers. Please demand that KIUC provide an E I S that will analyze the project and provide decision makers answers/solutions re how to protect Kauai's waters, Agriculture, and communities. KIUC is a coop with a staggering debt of $256 millions! How will we, the coop members, pay this debt and the potential additional amount from any future large expensive projects? The need for an E I S before any decision is made has to be required.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. As described in Section 2.1 of the EA, WKEP is one integrated project involving both pumped storage, store and release hydroelectric generation and irrigation delivery, and solar PV combined with batteries. Please see Table 2.1 of the EA for the extensive benefits provided by the Project to the west side and the rest of the island. A description of the financials of the project, including the role of AES, can be found in the topic response titled Power Purchase Agreement and KIUC Debt. Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawai'i Administrative Rules (HAR) Section 11-200.1-13, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the Department of Land and Natural Resources (DLNR) or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS.	Section 2.1, Table 2.1

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134		Valerie Weiss	09/12/22	I found the Revised Environmental Assessment to be thorough and interesting. A job well done in other words. After spending a good deal of time considering everything it provided, I am completely in support of this project. KIUC remains in the forefront of renewable energy and this project will continue that.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
135		Danielle West	10/07/2022	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
136		Judith C White	10/06/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
137		Susan Wiener	10/10/22	I am a huge fan of pumped hydro, done intelligently and in an environmentally mindful manner, with full recognition of both the short-term and long-term environmental impacts such large projects as these can potentially incur. Clearly, an EIS is necessary in order to recognize, analyze and minimize potential negative impacts. We must recognize that renewable energy projects, as environmentally-friendly energy options, absolutely must take a big picture perspective and be carried out in a truly environmentally sensitive manner. Without an EIS, this cannot be possible for these projects. Thank you for your commitment toward a healthy future.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawai'i Administrative Rules (HAR) Section 11-200.1-13, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the Department of Land and Natural Resources (DLNR) or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS.	
138		Megan Talley Womble	10/08/22	I am a resident of West Kaua'i, and I want to see a full and complete EIS for the proposed West Kaua'i energy project. The second assessment gives pause for concern and I want to see more solutions. I would like to better understand how the health Waimea River will be affected and the implications on the quality of life for Waimea residents.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	
139		Mary Wright	10/07/22	I am writing to urge the requirement of an EIS to determine the environmental impacts of the proposed West Kauai Energy Project. While I am supportive of the goals of the KUIC and its impressive progress towards sustainable energy for Kauai, I am equally concerned that the resources of our island be protected and that decision makers require proposals to evaluate environmental impacts.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawai'i Administrative Rules (HAR) Section 11-200.1-13, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the Department of Land and Natural Resources (DLNR) or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS.	
140		Bean Yogi	10/07/22	I am writing to request a full EIS for the West Kaua'i Energy Project, as it is currently being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. Environmental justice is possible when we take these considerations into account and act on them BEFORE causing devastating, ecosystem-level harms.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. While it is typical for an environmental assessment to not be as in depth as environmental impact statements, the WKEP draft EA is far more in depth than the typical environmental assessment. The hydrological modeling conducted for the Project has been rigorous, was compared with the Commission on Water Resource Management's (CWRM) hydrological modeling for consistency, and would not be any more detailed for an EIS. The studies supporting the ecosystem analysis were conducted at an EIS level and provide a rigorous analysis of potential impacts of the Project.	
141		Marginet Gonzalo	10/06.22	Aloha Ms. Yasaka, I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed.	Table 2.1

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				assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. I'm very aware that we need to do something for the residents of Waimea, but we are all stewards of the aina and must be extra cautious to protect it. Mahalo nui, with aloha always	Residents of the west side and all of Kaua'i will benefit from WKEP. Please see Table 2.1 in the final EA that outlines the many benefits that would occur as a result of the Project.	
142		Kumiko Yoshihara	10/06/22	I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment raises more questions than answer about how this will effect the health of Waimea River and the quality of life for Waimea's residents. The Waimea River is already under MASSIVE constraints, it seems literally impossible to add anything more. P.S. Perhaps, a visit to the river mouth of Waimea River would give you a better visual.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed. The interim instream flow standard for Waimea River, its tributaries and for the Project as noted in the Waimea Mediation Agreement have been approved and adopted by the Commission on Water Resource Management (CWRM), which is discussed in detail in Sections 1.2 of the EA. Extensive hydrology analyses occurred as part of the mediation process, which informed the hydrology analyses performed for WKEP. Also, CWRM staff conducted a separate and independent assessment of the hydrology, instream uses, and non-instream uses for the hydraulic unit of Waimea, which includes Waimea River and its tributaries, and published an Instream Flow Standard Assessment Report (IFSAR). The CWRM IFSAR report is the standard process by which CWRM staff derives Instream Flow Standard (IFS) recommendations throughout Hawai'i. A copy of the Waimea IFSAR is located in Appendix B of the EA.	Section 1.2, Appendix B
143		Chip Young	10/09/22	I am in support of the West Kauai Energy Project and believe it's a beneficial project for the community and will not negatively impact the land. I reviewed the revised Draft EA and believe it's comprehensive. Please add my comments as support for permitting this project to move forward.	Mahalo for voicing your support for the West Kaua'I Energy Project, and for recognizing the detailed and rigorous analysis provided by the draft EA that support a Finding of No Significant Impact (FONSI).	
144		Bridget Zuidgeest	10/05/22	I am requesting a full environmental impact study and statement for west kauai energy being proposed by the kauai island utility cooperative. The second assessment brings a lot of a questions of how it will affect the health of the Waimea river, and the quality of life for all of Waimea's residents and everything living surviving together with the aina.	Mahalo for your comments on the revised draft Environmental Assessment (EA). Please see topic response EA vs. EIS and Impacts for an explanation of why an Environmental Assessment was completed While it is typical for an environmental assessment to not be as in depth as environmental impact statements, the WKEP draft EA is far more in depth than the typical environmental assessment. The hydrological modeling conducted for the Project has been rigorous, was compared with the Commission on Water Resource Management's (CWRM) hydrological modeling for consistency, and would not be any more detailed for an EIS. The studies supporting the ecosystem analysis were conducted at an EIS level and provide a rigorous analysis of potential impacts of the Project.	
145		Brad Seymour	10/08/22	I believe that the revised DEA is a comprehensive analysis and the FONSI is well supported. I also feel that the WKEP is a beneficial project for the community and I would like to see it move forward.	Mahalo for voicing your support for the West Kaua'i Energy Project, and for recognizing the comprehensive analysis provided by the draft EA that supports a Finding of No Significant Impact (FONSI).	

EA vs. EIS and Impacts

Rationale for EA vs. EIS: The Project is following the Hawaiʻi Environmental Policy Act process, which can be seen in flow chart format here: http://oeqc2.doh.hawaii.gov/OEQC_Guidance/2019-10-15-HEPA-Flow-Chart_draft.pdf.

The revised Draft Environmental Assessment (EA) was prepared in accordance with Hawaiʻi Revised Statutes (HRS) Chapter 343 with KIUC and AES West Kauaʻi Energy Project, LLC as the Applicant, and the Department of Land and Natural Resources (DLNR) as the approving agency. This Project triggers the State environmental review process under HRS §343-5(a)(2)(1) Propose the use of State lands and §343-5(a)(2)(2) Propose any use within any land classified as a conservation district. Based on the analysis of potential impacts to the surrounding environment and resources, and a review of the significance criteria from Hawaiʻi Administrative Rules (HAR) Section 11-200.1-13, and discussed in Section 7.1 of the final EA, the Proposed Action is not expected to result in adverse long-term impacts, thus a Finding of No Significant Impact (FONSI) is anticipated, and an Environmental Impact Statement (EIS) is not required unless determined otherwise by the DLNR or the Board of Land and Natural Resources. If an EIS is required, the Project will complete an EIS.

The WKEP EA is far more in-depth than the typical environmental assessment. The EA provides detailed and rigorous discussion and analysis of the potential impacts of water diversion, water availability and sustainability, potential impacts on ecosystem health, wildlife and native stream species, and potential impacts to Traditional and Customary Practices and Archaeological and Historic Resources. Attention is called to the following sections and appendices that specifically discuss these topics:

- Natural stream flow (Section 4.1.1.2 through Section 4.1.1.7)
- Water availability (Section 4.1.1)
- Water diversion (Section 5.1 and Appendix G)
- Potential impacts on ecosystem health and native stream species (Section 5.1 and Appendix G)
- Potential impacts to land-based wildlife including native species (Section 5.3 and Appendix H)
- Cultural Impact Statement - potential impacts to Traditional and Customary Practices (Section 5.4 and Appendix I)
- Potential impacts to archaeological and historic resources (Section 5.4 and Appendix J)

Purpose of EA: The purpose of the HRS 343 (environmental review) process is to assess and determine whether or not a project has the potential for impacts to cultural, natural or historical resources. Numerous projects in Hawaiʻi involving development and land changes have received a Finding of No Significant Impacts determination. The purpose of the WKEP EA is to assess and analyze the specific considerations and potential impacts of this Project.

Overall Project Impacts: As stated in the EA, the majority of impacts would be during the construction phase which would be short-term, temporary, and minimized to the extent practicable through the implementation of Best Management Practices (BMPs). There would be impacts to historic resources, as discussed in Section 5.5.2.1 of the EA. Mitigation for these impacts is proposed and is being discussed with the State Historic Preservation Division.

Impacts to Wildlife and other Natural Resources: Analysis regarding potential impacts to wildlife and other natural resources such as water and soil is provided in Section 5. Also, included in Section 5 are the avoidance and minimization measures being implemented as part of the project, which include recommendations by wildlife agencies to avoid and/or minimize potential impacts to wildlife and other natural resources.

Potential to Create Mosquito Breeding Ground: Potential impacts related to mosquito breeding grounds and related minimization and avoidance measures are discussed in Sections 5.3.2.1, 5.3.2.2, and 5.3.3. Minimization measures to avoid creating mosquito breeding grounds during construction as recommended by the agencies would be implemented by the Project and are discussed in Section 5. WKEP implementation of the Phase 2 IIFS ensures mauka to makai stream connectivity reducing the potential for mosquito breeding grounds that currently exists below diversions. Further, rehabilitation and long-term maintenance of the three reservoirs and the Kōke'e Ditch System will also reduce the potential for mosquito breeding grounds that currently exist, specifically in nonoperational reservoirs that pool rainwater.

Power Purchase Agreement and KIUC Debt

KIUC and KIUC's members will not assume debt to fund the construction of the Project. AES would be funding the construction and operation of the Project and selling power to KIUC through a Power Purchase Agreement (PPA). A full discussion of the Power Purchase Agreement is provided in Section 2.2 of the EA.

Power Purchase Agreement with AES: KIUC signed a PPA with AES in late 2020. A PPA is a contract wherein KIUC agrees to purchase the capacity and energy from the project, in exchange for AES financing, constructing, operating, and maintaining the project. The cost that KIUC pays to AES will be passed on to the electric rate, without any mark-up. That said, the capacity and energy from the project will be purchased by KIUC, and those costs will be directly passed through to the ratepayers. Those same costs were used to run a 25-year production model, which showed a net present value (NPV) savings for ratepayers of between $157-172 million over the 25-year period as compared to the projected cost of fossil fuel. A copy of the PPA was filed with the Hawaiʻi Public Utilities Commission (PUC) as Exhibit 1 to the Application submitted in PUC Docket No. 2020-0218, a copy of which can be found at the following link:

https://dms.puc.hawaii.gov/dms/DocumentViewer?pid=A1001001A21A05B22519H00102.

In December 2021, the PUC issued Decision and Order No. 38095, conditionally approving the PPA. A copy of that document can be found at the following link:

https://www.kiuc.coop/sites/default/files/documents/WKEP/Decision%20and%20Order%20No.%2038095.pdf

PPA Rates: There are three separate payments under the PPA which, when added up and then divided by the average annual energy production of 110,000 MWh from the project, will result in an average annual all-in price of $156.44 per MWh ($0.156 per kWh). Those three separate payments include an energy price for the solar PV and BESS portion of the project, which is $71.60 per MWh ($0.07 - 0.08 per kWh) (or $81.00 per MWh in the event the State of Hawaiʻi Refundable Tax Credit is not available), and two monthly capacity payments for the pumped storage hydro and hydropower-only portions of the project, which are $538,649.25 and $205,008.00, respectively. Section 5.9.1 of the EA states the following: "Under the PPA, KIUC conservatively expects to receive an annual total of 110 GWh (110,000 MWh), resulting in an average annual cost of $156.44 ($0.16 per kWh) with the State of Hawaiʻi Refundable Tax Credit." .

Impact on Electricity Rates: The Project would allow KIUC to spend less money to provide electricity to the island at a more fixed and stable pricing structure as compared to fossil fuels,

while also producing locally-generated clean, firm, and dispatchable energy and providing various grid and reliability benefits and numerous other environmental and public interest benefits to KIUC, its members/customers, the Kauaʻi community, the public and the State at large. All of these benefits would be lost if the Project does not come to fruition. The Project would stabilize electric rates (as compared to continuing to use oil-powered generators) and is also projected to save ratepayers $20 per month on average over the life of the project (as compared to continuing to use oil-powered generators).

Climate Change – Impacts & Considerations

The potential impacts associated with climate change and related to the Proposed Action are discussed in Section 5.13.2 of the EA.

The predicted patterns of prolonged drought and extreme high rain/flood events as a result of climate change has been considered as part of WKEP planning and development. The water availability modeling and energy production estimates account for prolonged periods of drought combined with the increased frequency of heavy rain events. It is expected that generation at the Pu‘u Opae Powerhouse, solely dependent on water diverted into the Kōke'e Ditch System, would fluctuate from year to year and this has been accounted for in the analysis and generation modeling. The store and release component of the Project, which provides water for irrigation and hydroelectric generation, may see an overall downward trend in annual stream flow variability through the life of the Project and this has been accounted for in the water availability modeling and the generation modeling for the Project. However, due to the ability to capture and store water during high rain events at the three reservoirs, periods of drought combined with heavy or extreme rain events are not expected to impact the overall generation estimated through the life of the Project. Further, the ability to store water in all three reservoirs provides a buffer for irrigation users during periods of drought or low stream flows.

Support for Agriculture and Potential Impacts to Downstream Farmers

The Project would support existing agricultural uses and future agricultural opportunities on the west side of Kaua‘i through the rehabilitation and long-term maintenance and operation of irrigation infrastructure including the Kōke'e Ditch System and three state owned reservoirs. The Project would deliver irrigation water for farmers located along the Project flowline (Kōke'e Ditch System) and on Mānā Plain. The Project also would provide a backup source of irrigation water for the Menehune Ditch when Kekaha Ditch is offline.

WKEP diversion of a rolling average of 11 MGD into the Kōke'e Ditch System would not negatively impact or restrict water availability to farmers downstream in Waimea Valley including loi cultivation. Farmers in Waimea Valley receive water for irrigation from either the Kekaha Ditch or from diversions on the Makaweli River. As noted in Section 1.2 of the EA, the Waimea Mediation Agreement provided for simultaneous operation of the Kōke'e and Kekaha Ditch Systems and set instream flow standards for both ditch systems. Irrigation uses served from the Kekaha Ditch were considered in the setting of the IIFS for the Kōke'e and Kekaha Ditch Systems (see CWRM Waimea IFSAR, Appendix B of the EA). Any farmers in Waimea River valley receiving irrigation water through Kekaha Ditch would not be impacted by WKEP. The Makaweli River and all the tributaries to Makaweli including Olokele are hydraulicly separated from streams diverted into the Kōke'e Ditch System. Therefore, any irrigation needs being met through the diversions on the Makaweli River or through the Olokele Ditch would not be impacted by WKEP operations.

There are several downstream tributaries that contribute significant flow into the Waimea River above farmers in the Waimea River valley including Koai‘e, Wai‘alae and Mokihana Streams, all of which originate in different areas of the watershed than streams diverted into the Kōke'e Ditch. In addition, Mohihi Stream is no longer diverted into the Kōke'e Ditch System and therefore contributes to the overall flow volume in the downstream portions of the Waimea River that supplies water for farmers in the Waimea River valley.

Disproportionate Burden to Westside Community

The potential socioeconomic impacts are discussed in Section 5.9 of the EA. Energy generated from WKEP would serve the entire island of Kaua‘i equally like all of KIUC’s electrical generation facilities. Energy from WKEP would enter the KIUC transmission system near PMRF at Kaumuali‘i Highway and be distributed to all of KIUC’s members on Kaua‘i through KIUC’s electrical transmission system.

WKEP operations would not displace members of public or inhibit public access to lands. During construction there would be brief and temporary periods when public access would be restricted to areas of construction in publicly accessible areas. A large portion of WKEP would be located in areas currently behind locked gates on lands not accessible to the general public. WKEP would increase the potential for Native Hawaiians to utilize and access the DHHL’s lands around Pu‘u ‘Ōpae as discussed in Section 1.3 and 1.4 of the EA.

For project benefits, please see Table 2.1, Benefits of the Proposed Project, which includes numerous WKEP benefits specific to the west side communities.

Conservation District Land Use and Critical Habitat

Portions of WKEP would be located within the Conservation District in the Resource Subzone, and the portion of the Project that lies within the Conservation District is an identified land use pursuant to HAR 13-5-22 P-6 Public Purpose Uses (D-1). Section 6.2.3 discusses the Proposed Action's consistency with Conservation District Rules (HAR Chapter 183C and HAR 13-5). Table 4.5 of the EA shows the estimated acreages of Project construction and operation.

Construction impacts would be a total of 567.97 acres, only a portion of which is located in the Conservation District as shown in Figure 6.3 of the EA. Operational impacts would be a total of 422.48 acres, all of which would be located within the same footprint as the construction impact areas. Designated as critical habitat within the Project footprint is discussed in Section 5.3.1.2 and 5.3.1.5 of the EA. The potential impacts of the Proposed Action are discussed in Section 5.3.2.1 and 5.3.2.2 of the EA. Avoidance and minimization measures are discussed in Section 5.3.3 of the EA.

For the full analysis on the potential impacts, including the use of heavy equipment in the Conservation District, to biological resources including critical habitat, please see Section 5.3.1.2. The majority of WKEP construction in the Conservation District involves the rehabilitation of existing infrastructure and does not involve clearing of undisturbed natural areas, and all construction involves the use of existing roads and occurs within previously disturbed areas.

Request for a 65 Year Water Lease

The construction of the West Kauaʻi Energy Project is a significant financial investment that will provide renewable energy production and water delivery for agriculture through the rehabilitation of the Kōke'e Ditch System diversions and Puʻu Lua Reservoir and long-term maintenance of these infrastructure. These modifications and rehabilitation work are a significant financial investment by the Project in State owned infrastructure, and are expected to have a life span of 50 - 80 years or longer. The request for a 65-year water lease is to enable the Applicant to operate WKEP and provide for the associated benefits for a sufficient period of time to offset the financial investment and that is commensurate with the Project lifespan. Also, as noted in the Waimea Mediation Agreement, the Applicant has a commitment to DHHL through a 65 year lease to deliver DHHL's water reservation to Puʻu ʻŌpae through the Project. This is only possible with a 65-year water lease. The Applicant notes that water lease terms are subject to the discretion of the Board of Land and Natural Resources.