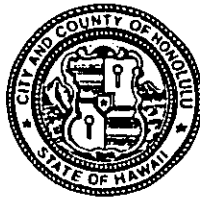


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743 • INTERNET: www.cc.honolulu.hi.us

JEREMY HARRIS
MAYOR



January 23, 2002

RECEIVED

RANDALL K. FUJIKI, AIA
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

02 FEB -6 8:40

2000/SMA-43(ask)

(OFC. OF ENVIRONMENT/
QUALITY CONTROL)

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
State of Hawaii
State Office Tower, Room 702
235 South Beretania Street
Honolulu, Hawaii 96813

Dear Ms. Salmonson:

SPECIAL MANAGEMENT AREA ORDINANCE
CHAPTER 343, Hawaii Revised Statutes
Environmental Assessment (EA)/Determination
Finding of No Significant Impact (FONSI)

Recorded Owner/	:	
Applicant	:	Attractions Hawaii
Agent	:	Analytical Planning Consultants
Location	:	61-114 Kamehameha Highway, Haleiwa
Tax Map Key	:	6-1-002: 2, 3, 14-17, and 19-21 and 5-9-005: 22, 24, 25, 29, 76
Request	:	Special Management Area Use Permit, Stream Alteration Permit
Proposal	:	After-the-fact approval for various structures and activities
Determination	:	A Finding of No Significant Impact is Issued

Attached and incorporated by reference is the Final EA prepared by the applicant for the project. Based on the significance criteria outlined in Title 11, Chapter 200, Hawaii Administrative Rules, we have determined that preparation of an Environmental Impact Statement is not required.

5

Ms. Genevieve Salmonson, Director
Page 2
January 23, 2002

We note that the project for which this FONSI is being issued is limited to existing structures and ongoing activities in contrast to the project described in the Draft EA which appeared to include an expansion of the use.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA. If you have any questions, please contact Ardis Shaw-Kim of our staff at 527-5349.

Sincerely yours,


RANDALL K. FUJIKI, AIA
for Director of Planning and

RKF:cs

Encl.

pdm136369

b



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

Regulatory Branch

COPY
3 FYI -
10/1

Mr. Gary Powell
Waimea Valley
59-864 Kamehameha Highway
Haleiwa, Hawaii 96712

Dear Mr. Powell:

This letter is in response to a site visit, by members of my staff, to Waimea Falls Park on June 29, 1995. The visit was to evaluate a pump system constructed at Waimea Falls, Oahu, Hawaii.

Based on the site visit, and other information available to us, we have determined that the scope of work for the project involved pumping of water from the pool below Waimea Falls to the top of the falls, and did not result in a discharge of dredge or fill material in a Waters of the United States. Accordingly, a Department of the Army authorization is not required for this project.

If you have any questions or intend to modify the project, resulting in a discharge of dredge or fill material, please contact Kathleen Dadey or Barry Osborn at 438-9258, ext. 15 or 19. File number V95-018 is assigned to this authorization. Please refer to this number in any future inquires or correspondence.

Sincerely,


James L. Bersson
Chief, Operations Division

FEB 18 2002

FILE COPY

2002-02-08-0A-FA-

Final Environmental Assessment
for a
Special Management Area Permit



(WAIMEA FALLS PARK)

Prepared by:
Analytical Planning Consultants, Inc.
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817
(808) 536-5695

Waimea Falls Park



**FINAL ENVIRONMENTAL ASSESSMENT
for a
SPECIAL MANAGEMENT AREA PERMIT
WAIMEA FALLS PARK**

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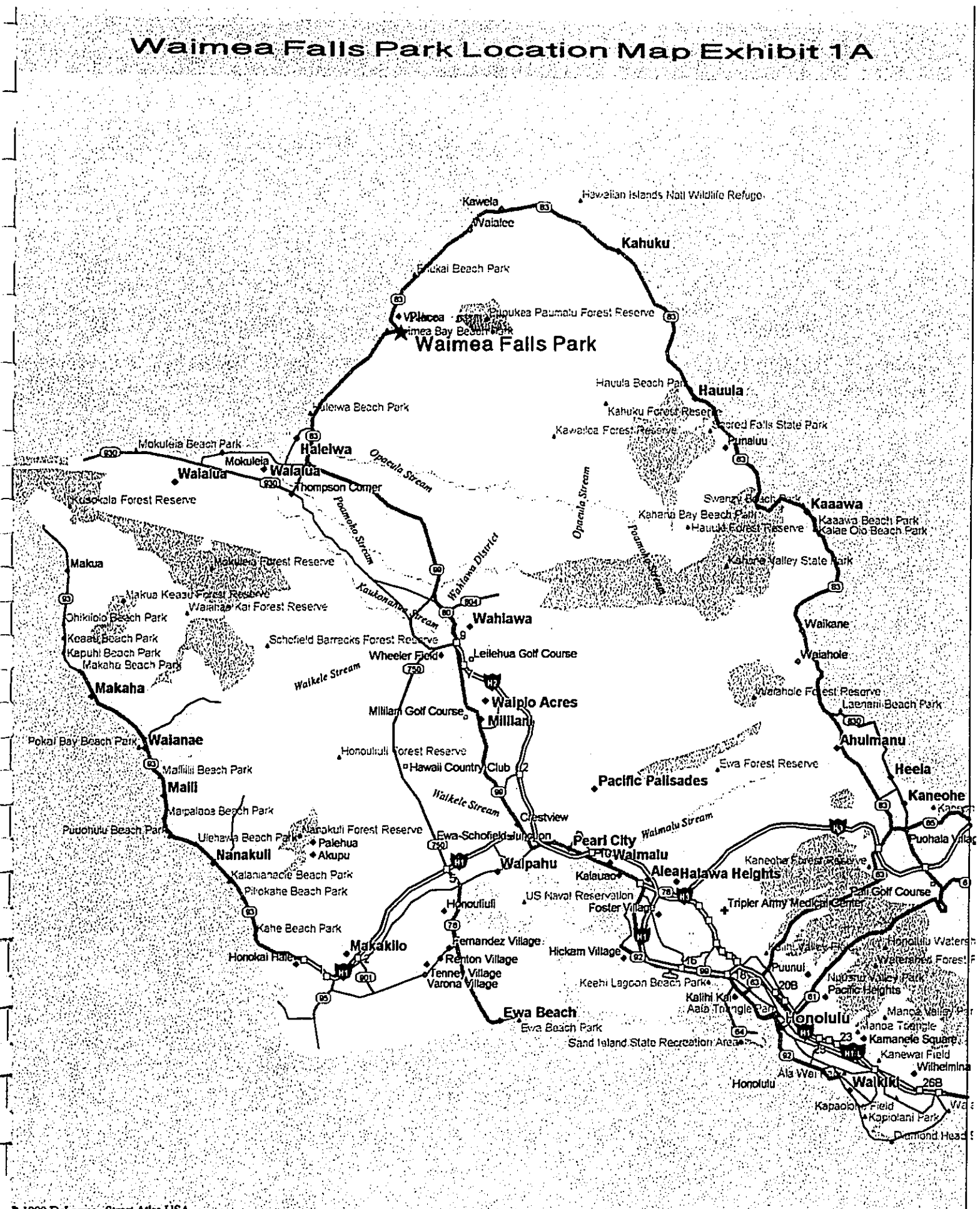
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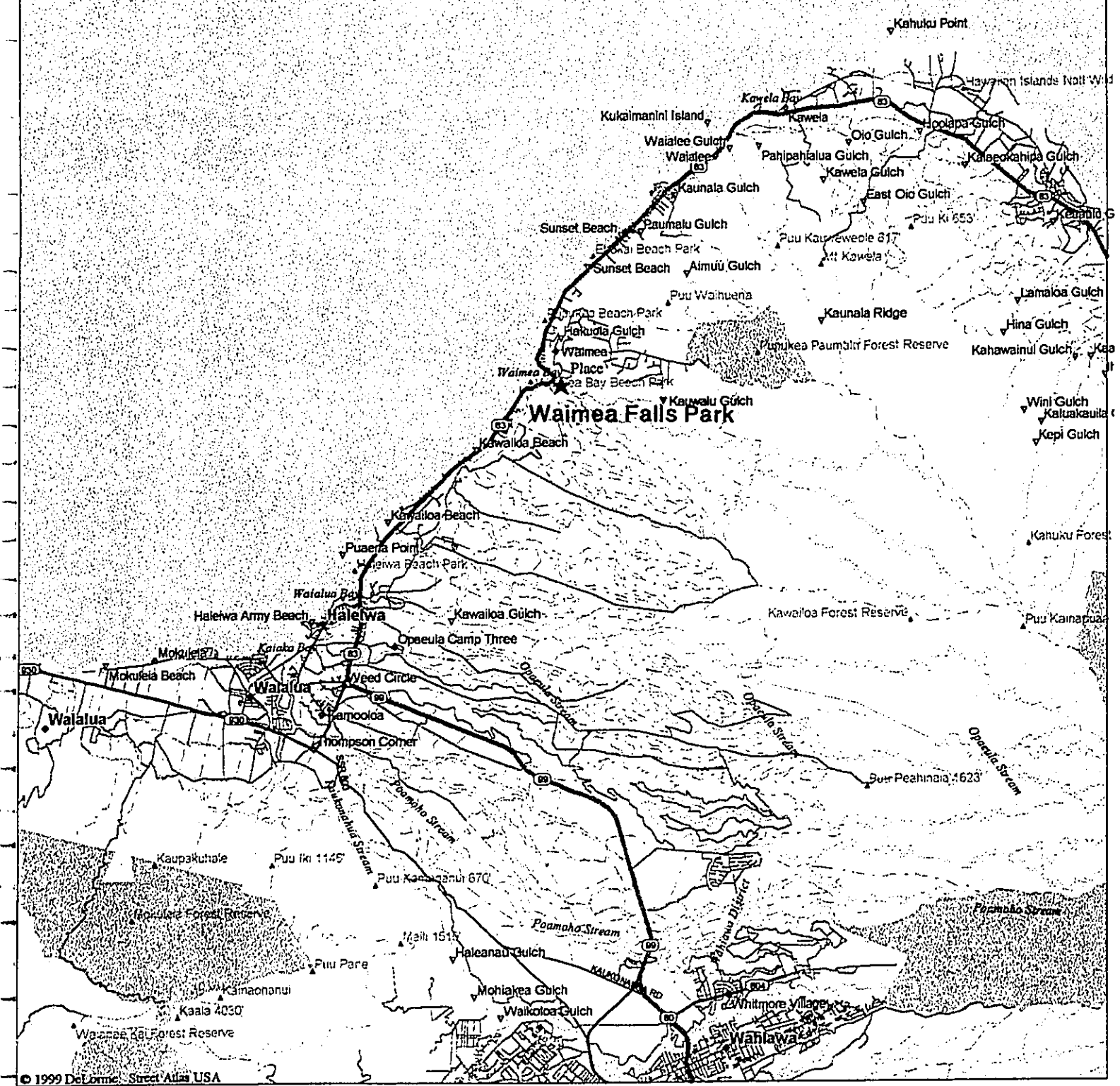
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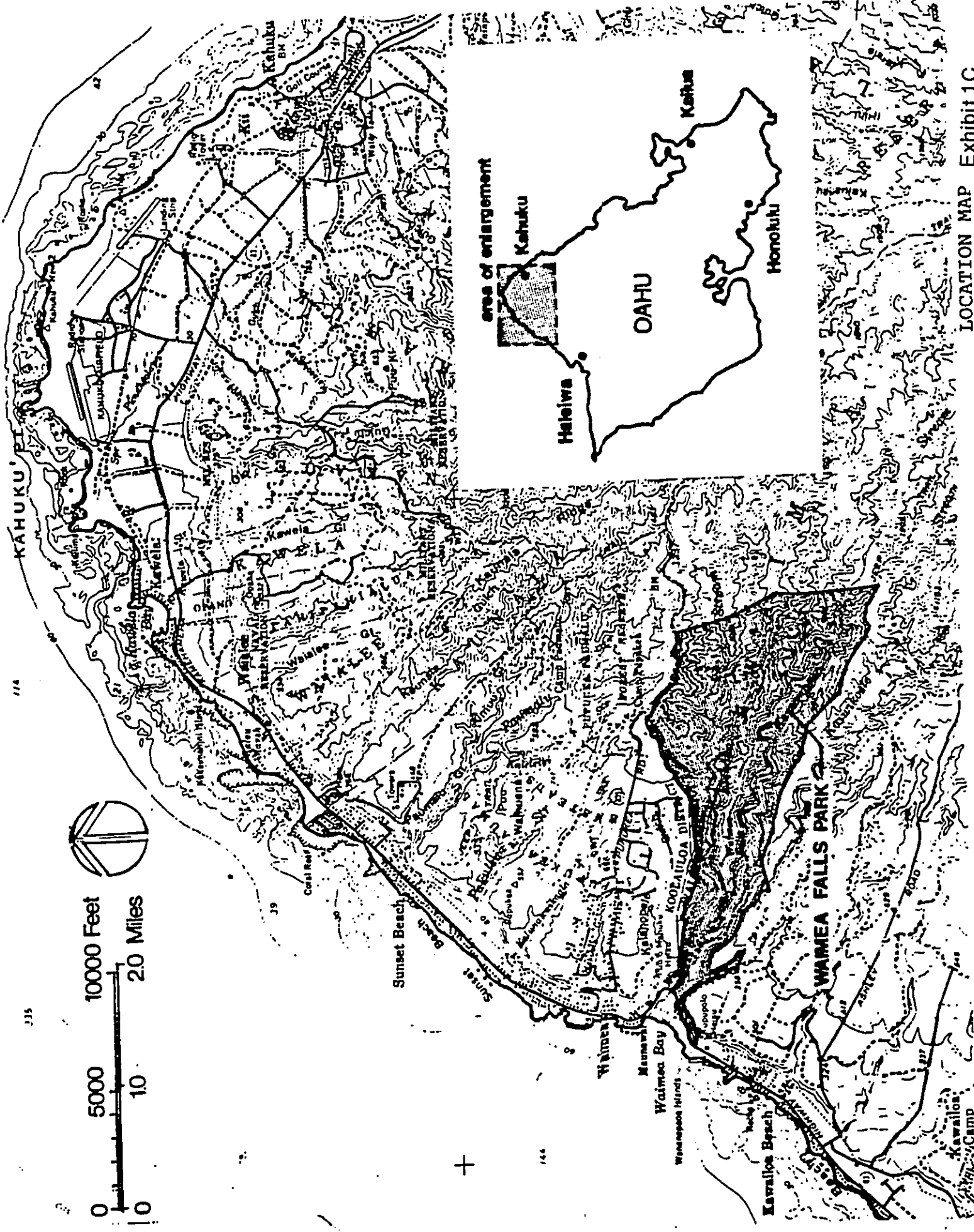
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Waimea Falls Park Location Map Exhibit 1A



Waimea Falls Park Location Map Exhibit 1B





LOCATION MAP Exhibit 1C

I. GENERAL INFORMATION

Applicant: Attractions Hawaii
1600 Kapiolani Boulevard, Ste. 1630
Honolulu, Hawaii 96814

Approving Agency: Department of Planning & Permitting
650 S. King Street 7th Floor
Honolulu, Hawaii 96813

Agent: Analytical Planning Consultants
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96813
Donald Clegg, President
(808) 536-5695

Recorded Fee Owner: Attractions Hawaii
59-864 Kamehameha Highway
Haleiwa, Hawaii 96712

Property Profile:

Location: Waimea Valley
Haleiwa, Hawaii

Site Address: 61-114 Kamehameha Highway
Haleiwa, Hawaii

TMK and Lot Area: 6-1-002:002 1794.926 acres
6-1-002:003,14-17 and 19-21
5-9-005:022,24,25,29,76

State Land Use: Conservation/Agriculture
Conservation Sub-zone: Limited/General
Zoning (LUO): P-1 Restricted Preservation
Ag-1 Restricted Agricultural
Country District

**North Shore Sustainable
Communities Plan:
Development Plan:** Preservation/Open Space
Agriculture/Preservation/Parks
and Recreation

Height Limit: State Land Use Standards
15 feet/25 feet

Special District: No
Special Management Area: Yes
Flood Zone: "AE" "D" "X" and "X" shaded

Previous Permits:

Conservation District Use Permits State of Hawaii Department of Land and Natural Resources (OA/74-591, OA/71-243, OA/71-244)

EIS accepted by the State of Hawaii Department of Land and Natural Resources January 8, 1975.

Supplemental EIS submitted February 1981

Special Management Area Permits Department of Planning & Permitting City and County of Honolulu (80/SMA-088, 84/SMA-050, 89/SMA-057, 93/SMA-018, 95SMA-025)

Permits Required:

Special Management Area Permit/Department of Planning & Permitting City and County of Honolulu

Conservation District Use Permit/State of Hawaii Department of Land and Natural Resources

Stream Diversion Permit/DLNR Commission on Water Resource Management

Building Permits/Department of Planning & Permitting City and County of Honolulu

Board of Water Supply

Input from Agencies and Community Organizations:

City and County of Honolulu
Department of Planning and Permitting

State of Hawaii
Department of Land and Natural Resources
Historic Preservation Division
Office of Environmental Quality Control
Boating & Ocean Recreation
Aquatic Resources
United State Government Army Corp. of Engineers
Department of Health Clean Water Branch, Environmental Management
Division

Community Organizations
North Shore Outdoor Circle
Nanna I Na Maka Hou
Waimea Advisory Planning Committee
North Shore Neighborhood Board

Agencies in Receipt of Draft Environmental Assessment

Board of Water Supply*
Department of Land and Natural Resources*
Department of Health*
State Historic Preservation Division*
OEQC*
Department of Environmental Services*
University of Hawaii Environmental Center*
The Outdoor Circle*
US Army Engineer District
US Fish & Wildlife Service
North shore Neighborhood Board #27
Waimea Arboretum & Botanical Garden
Haleiwa Satellite City Hall
* Comments Received

Additional DEA Comments Received

Department of Planning and Permitting
Office of Hawaiian Affairs
Life of the Land
North Shore Outdoor Circle
Hawaii's Thousand Friends
Dolores Blalock, PhD.
Mr. Ralph A. Bard III
Mr. Scott Foster
Ms. Priscilla Lang

II. DESCRIPTION OF THE PROPOSED ACTION

A. GENERAL DESCRIPTION

The area of land known as Waimea Falls Park, the "Project", is located within land classified as Conservation District by state law. Under HRS 343, any project within the Conservation district is subject to environmental review. The project is also located in the Special Management Area (SMA) as defined in Chapter 25 of the Revised Ordinances of Honolulu. Under Chapter 25, an Environmental Assessment must be submitted for a Major Special Management Area Use Permit (SMP) to be granted by the City and County of Honolulu for "development the valuation of which exceeds \$125,000 or which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects".

This application and Environmental Assessment, provides a description of structures and activities at Waimea Falls Park which require a Special Management Area permit, requests "after-the-fact" approval for the projects, addresses potential impacts on the coastal environment as specified in the guidelines pertaining to the concerns of the Special Management Area, and discusses the project in relation to the requirements of the Conservation District. A Finding of No Significant Impact is being requested as the described structures and activities have a negligible impact on the Conservation District and the Special Management Area.

(1) Conservation District Requirements

All of the area being used for the Park is within the State Conservation District. Chapter 13-5, Hawaii Administrative Rules, states that the purpose of the Conservation District is to "conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare." The 1800 acre parcel of land known as Waimea Valley is an important natural resource for the people of Hawaii. Waimea Falls Park, as a recreational, cultural, and botanical Park, fulfills the guidelines for the Conservation District by preserving the natural resources through the botanical propagation and preservation activities of the Arboretum and its ongoing protection of Hawaiian cultural sites.

In 1975 the Park secured an Approved Master Plan for the recreational use of the 1800 acre parcel (CDUA Permit #OA 74-

591). The Master Plan included recreational uses, hiking trails, roads and parking, an administration building, a Visitor Center with a restaurant, store, and restrooms, the Arboretum with its various support facilities, and a maintenance shed. Later a protective structure was constructed to provide shelter for visitors waiting for transportation to the falls, as well as several rain shelters and seating areas. All utility lines have been placed underground. Over the years, the grounds have been extensively landscaped to enhance the natural beauty of the valley. A detailed history of the CDUP approvals and amendments is contained in Exhibit 13. Although the Park has changed management over the years, the original concept and use of the land as a cultural and botanical Park has not changed, and the recreational status of the Park continues to be the permitted use of Waimea Valley.

In 1989 a Master Plan Map was approved by the DLNR. Many of the structures and activities, which are the concern of this EA/SMP, also require a CDUP. The Department of Land and Natural Resources determined that before any application can be made or new Master Plan submitted, that all applicable Federal, State, and County statutes and ordinances must be met. The Park property falls within the Special Management Area, and this EA/SMP is the first step in bringing the Park into compliance with all applicable development standards that pertain to the SMA. For any new or additional uses, a Conservation Use District and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District including historical, archeological and cultural resources.

(2) Special Management Area Requirements

As stated in Chapter 25, Shoreline Management, it is the City and County of Honolulu's policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone. Special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and foreclosure of management options, and to insure that adequate public access is provided to public owned or used beaches, recreation areas, and natural reserves, by dedication or other means.

The following guidelines define "Development" within the SMA:

"Development" means any use, activity or operations on land; in or under water, within the Special Management Area which includes:

- (a) The placement or erection of any solid material or any gaseous, solid or liquid waste;
- (b) Grading, removing, dredging, mining, or extraction of any materials;
- (c) Change in the density or intensity of use of land;
- (d) Change in the use of water, ecology related thereto, or of access thereto; and
- (e) Construction, reconstruction, demolition, or alteration of the size of any structure.

Also, whenever the authority finds that any use, activity or operation excluded in paragraph (2) of this definition is or may become part of a larger project, the cumulative impact of which may have a significant environmental or ecological effect on the Special Management Area, that use, activity or operation shall be defined as "development".

An Environmental Assessment must be submitted for a Major Special Management Area Use Permit (SMP) to be granted by the City and County of Honolulu for "development the valuation of which exceeds \$125,000 or which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects".

Under these guidelines, it was determined that the Project requires a Special Management Area Permit.

(3) Environmental Review

The environmental review process is required under HRS 343 for any project that involves the use of "land classified as Conservation District by state law" and for land located in the Special Management Area as defined in Chapter 25 of the Revised Ordinances of Honolulu. The structures and activities, which are of concern to this EA/SMP, are in essence accessory to existing structures and activities at Waimea Falls Park and are all located on previously disturbed land. However, they constitute a change in the intensity of use of land and must be reviewed for their cumulative environmental impact. A Finding of No Significant Impact is being requested as the described structures and activities have a negligible impact on the Conservation District and the Special Management Area.

Over the years, the Park has undergone several environmental reviews. The first Environmental Impact Statement was completed in November 1974 as part of the original Conservation District Use Permit application (OA74-591) to provide:

1. A description of the then present Waimea Falls Park facilities, recreational potential and goals, and aspects of the Waimea environment.
2. A description of the then proposed projects for Waimea Falls Park and an analysis of the resulting environmental impact in the near and distant future.

The report included an Archeological Survey of Lower Waimea Valley prepared by Kenneth R. Moore and Margaret L.K. Luscomb of the Bishop Museum. No further archeological review was undertaken for this EA/SMP as all of the items are on previously disturbed land in the area surveyed by Bishop Museum. The recreational activities in the North Valley are done on existing coral roads. The information in the archeological survey and the history report is exceedingly thorough, and currently relevant, and was submitted as an addendum to the Draft Environmental Assessment.

A supplemental EIS for a sewage treatment plant expansion, restaurant dining expansion, tram depot refreshment center, and a new dining pavilion was submitted in 1981 as part of SMP application 80/SMA-88 and CDUA amendment OA74-591.

This Environmental Assessment gives a detailed description of the proposed project and discusses any direct, indirect and cumulative impacts, alternatives and mitigative measures in accordance with the criteria set by HRS 343 and Chapter 25. The City and County of Honolulu Department of Planning and Permitting is the approving agency for the Project.

(4) Application for a Special Management Area Permit for Waimea Falls Park

The SMA guidelines came into effect in December 1975, several years after the Park first began its operations. In January of that same year, the Park received a CDUP from the Department of Land and Natural Resources approving the concept of the Master Plan for the recreational use of Waimea Valley and to designate the 1800 acres at Waimea for Park purposes. Over the years, Waimea Falls Park has applied for and received a number of Special Management Area Permits and amendments.

The items included in this SMP application are already existing; no new projects are included and after-the-fact permission is being sought. SMP approval was not obtained for the items due to the inaction of the previous and current owners.

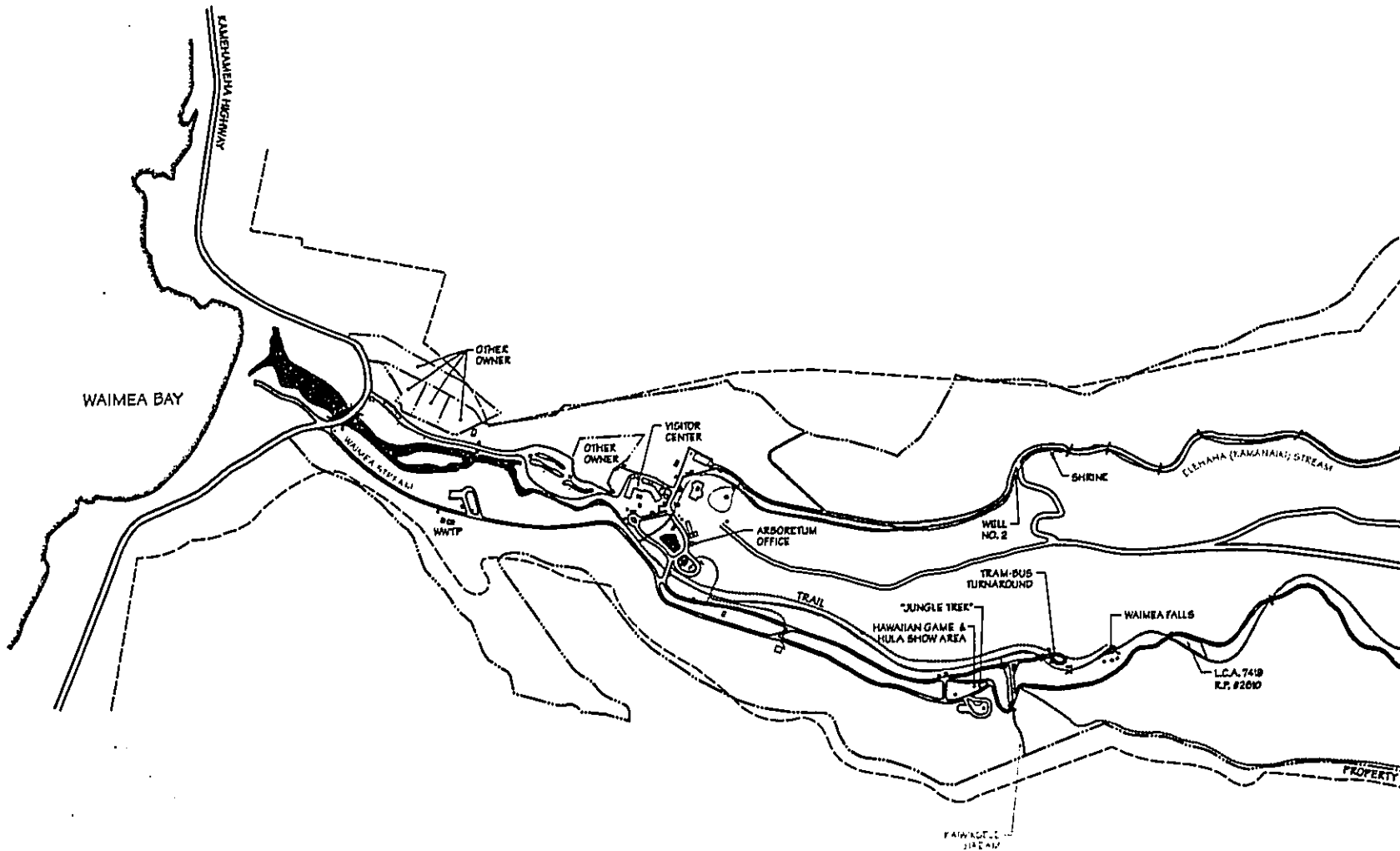




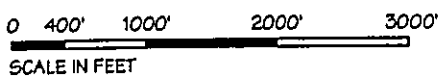
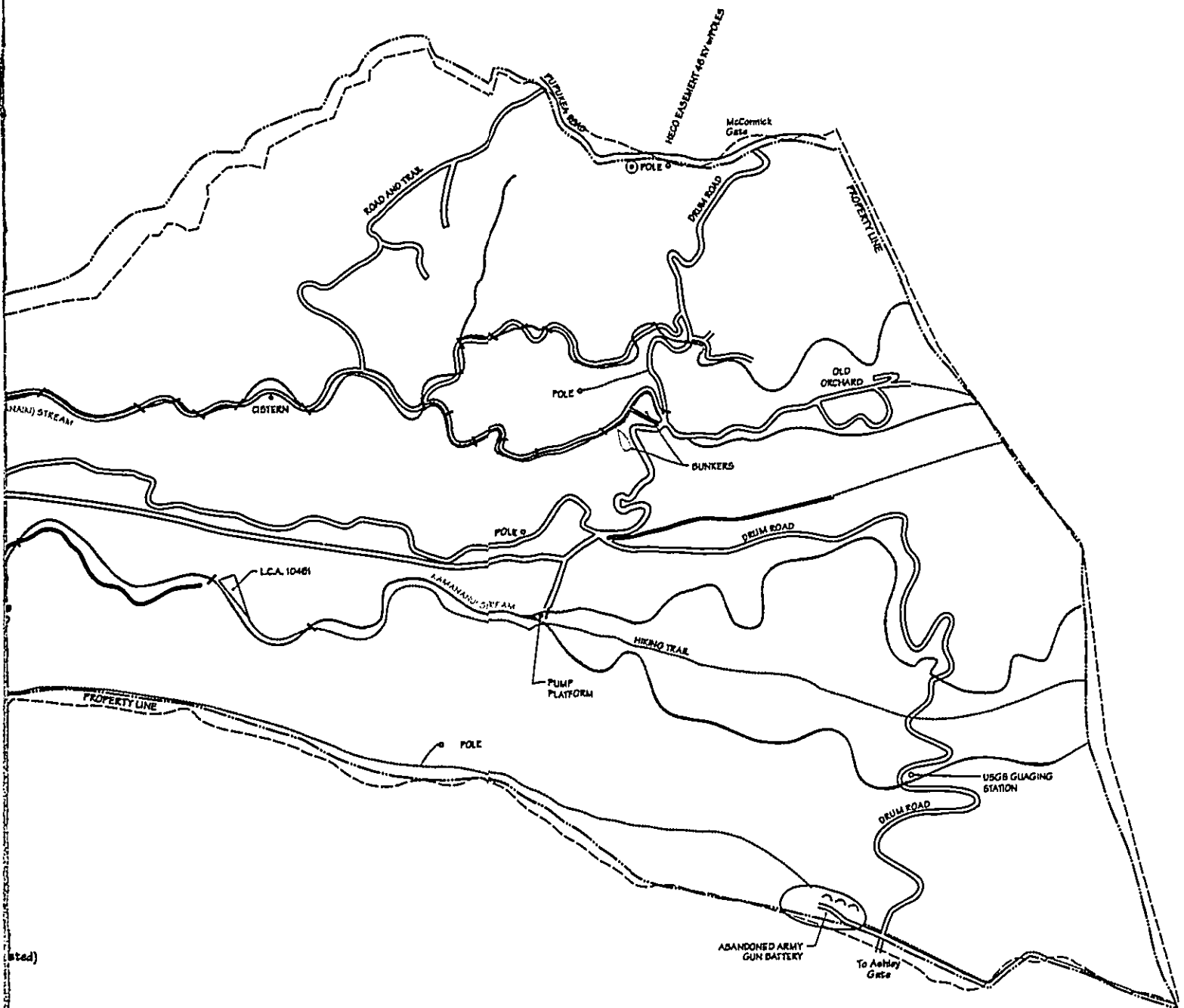


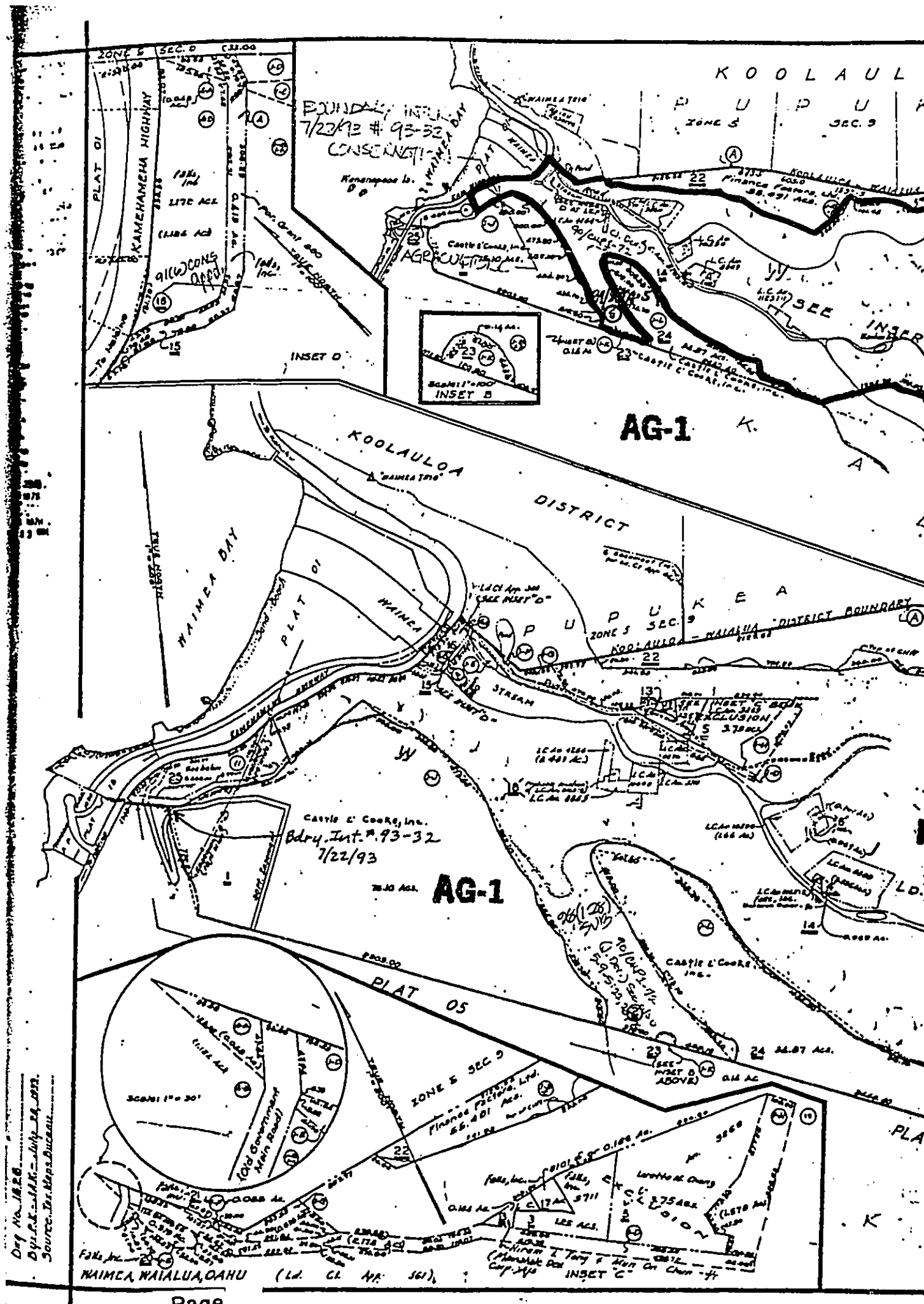
Exhibit 2
**WAIMEA FALLS PARK
 RECREATIONAL USE
 MASTER MAP**
 DECEMBER 2001

- LEGEND**
-  FORD/CULVERT
 -  TRAIL AND ROAD/TRAIN ACCESS
 -  TRAIL (Not all garden trails are listed)
 -  BMA Line





sted)



Map No. 1828
By P. K. SIAK - July 24, 1973.
Source: Top Maps Division

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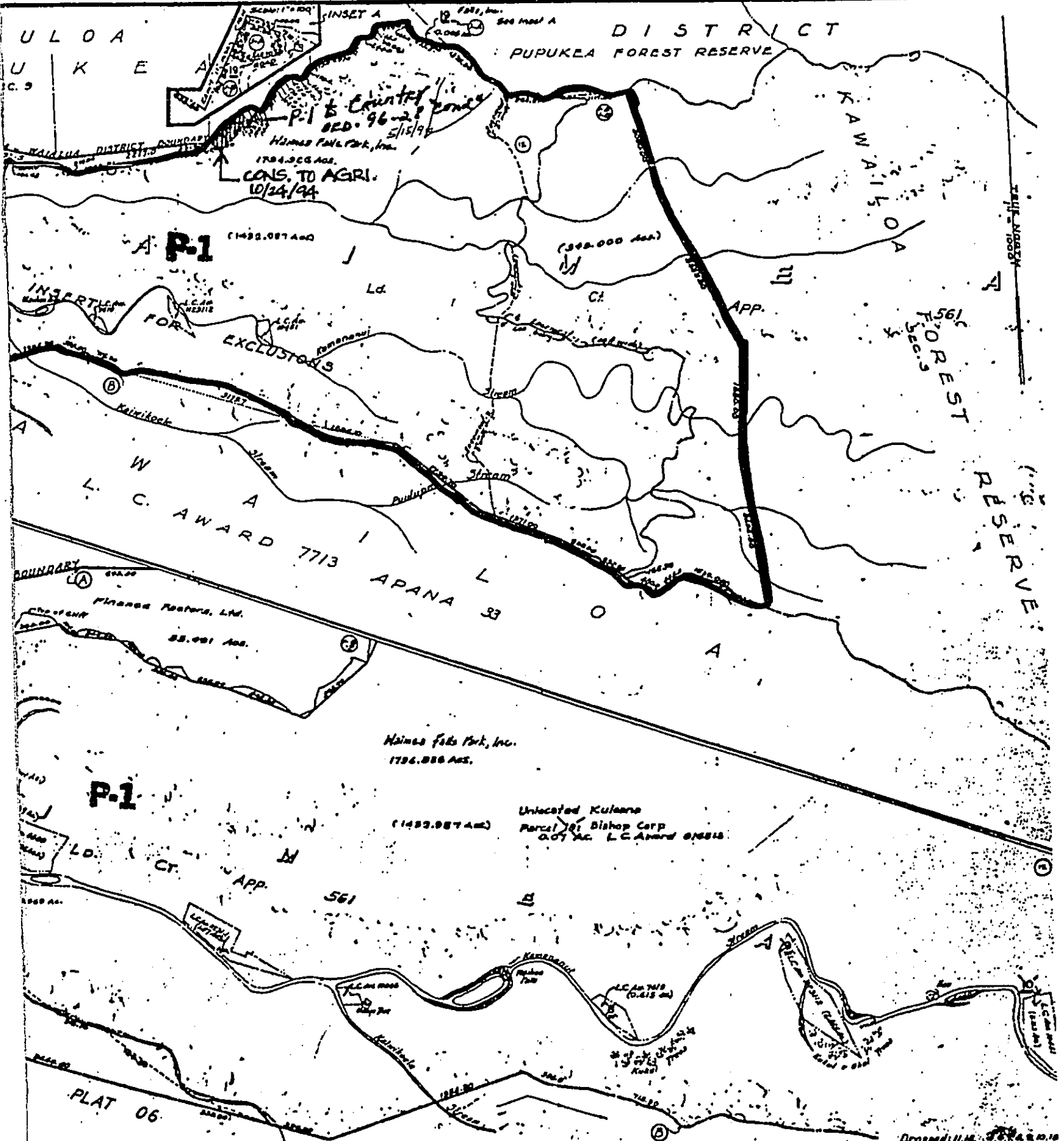


EXHIBIT 3
 ADVANCE SHEET
 Tax Map/Zoning Map SUBJECT TO CHANGE

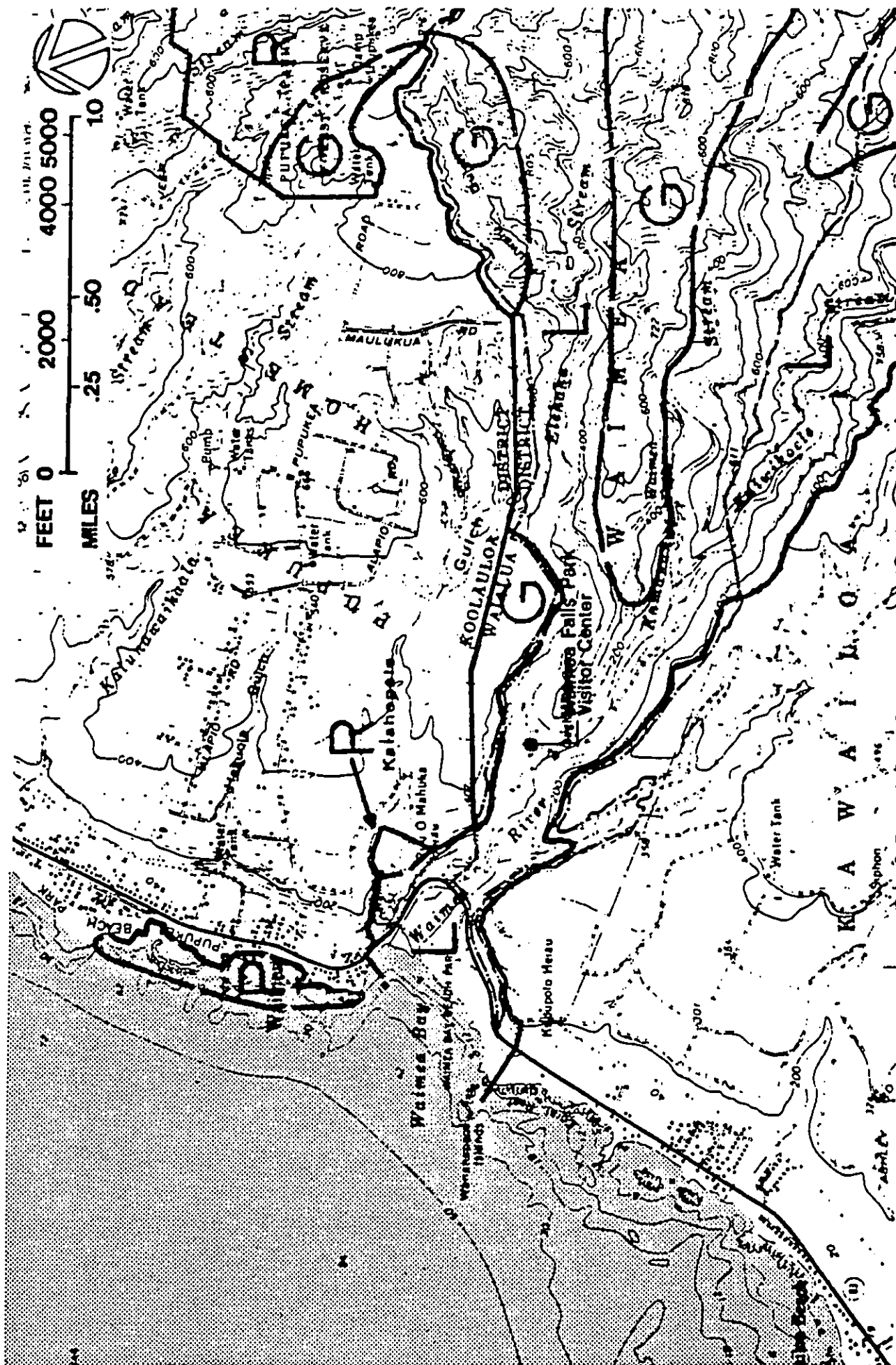
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FIRST DISTRICT		
ZONE	SEC.	PLAT
6	1	02
CONTAINING PARCELS		
Scale - As Noted		

DRIVER 7 57

KAWAIALOA FOREST RESERVE
 L. C. AWARD 7713 AP 33

25 Caroline E. H. Kruse Trust
 Cameron R. Kruse Trust



P Protective
R Resources
L Limited
G General

----- Waimea Falls Park Property Line

CONSERVATION DISTRICT SUBZONE MAP
Exhibit 4

This application is the first step in the process of bringing the Park into compliance with all county and state regulations.

SMP's are typically prepared for a single or for a few projects or activities within the designated shoreline area. This SMP and the accompanying Environmental Assessment are unique in that the structures and activities are located in a Special Management Area that covers an area of 1800 acres and extends inland for approximately 3.5 miles. Thus, most of the more traditional impacts on the shoreline area are not present. Virtually all of the items under consideration are a considerable distance from the coastline and hence have little or no impact in terms of most of the evaluation criteria for an SMP as specified in Chapter 25.

As the EA/SMP involves a total of 49 structures, projects, or activities, it is not reasonable or useful to do a separate EA/SMP for each of the items. Almost all of the structures involved are "temporary" in nature such as, storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages and seating, and are accessory to existing uses and structures; however, they constitute "development" according to the SMA guidelines and require a permit. Also, any "change in the density or intensity of use of land" requires an SMA permit. While each structure or activity that is a part of this EA/SMP is described separately and a picture of the item is included, the EA/SMP is for all the items listed. There is no cumulative significant environmental impact, however, the total cost of all of the construction is greater than \$125,000, hence a major SMP is required.

Exhibit 8 is the Waimea Falls Park Master Project List of all of the structures and activities that are currently a part of the Waimea Falls Park, together with a designation regarding their SMP approval status. To the best of our knowledge this list of structures and activities represents a complete listing of all such items currently in the Park. The SMP status of each item is listed as either needing an SMP, having an approved SMP, or "pre SMA" because it was present prior to 1975 when the SMP ordinance was enacted ("grandfathered"). While the majority of the structures and activities have previous approval, for completeness, all structures and activities are noted in the exhibit although they are not a part of this SMP.

The entire valley including the SMA boundaries is shown in Exhibit 2. Exhibit 9 is the Master Map that show the location of the structures and projects that make up the Waimea Falls Park. Because of the size and complexity of the Park it is not possible

to obtain a map that includes metes and bounds for all the projects. The structures which require an SMP, and are the concern of this application, are marked with a yellow box. The maps presented are somewhat pictorial and schematic in nature; however, they closely approximate the actual geographic location of these items. Exhibit 9A shows the area of the Park from Kam Highway to the Visitor Center/restaurant complex, and Exhibit 9B shows the remaining portion of the Park up to the falls.

Because of the variety of structures, projects and activities that are a part of the SMP, it was decided that a pictorial review would be the best way to present the information. Accordingly, the significant core of the EA report is a picture of every item that needs an SMP together with a description and commentary.

(5) Land History

The following history of Waimea is not intended to be a description of Native Hawaiian culture; but rather, a brief account of the history of the ownership and use of the land as pertains to this application for a Special Management Area permit.

Waimea Valley is located on the North Shore of Oahu, about thirty-five miles from Honolulu, and approximately three miles northeast of Haleiwa. The Valley is a beautiful example of the ancient Hawaiian concept of "ahupua'a", a self-contained and self-sustaining land which extends from the mountains to the sea. For the Hawaiian people, the valley was considered, and continues to be, a sacred and significant place for the island of Oahu. The remains of agricultural terraces, Heiau, and burial caves are evident in the Valley. In a report prepared in 1974 by the Department of Anthropology, Bernice P. Bishop Museum, entitled the "*The History of Waimea Valley*" it is clear that Waimea Valley has had a long and varied history. However, as the Hawaiians had no written language, the history of ancient times is of necessity composed of myths, folklore, lifestyles, and events that can only be deduced from the physical artifacts that remain today in Waimea Valley and in other areas of the Hawaiian Islands. Any interpretation of a culture with no written history will always be subject to varying opinions and the value of a culture to us will change over time. Along these lines, there has been an increased appreciation of Hawaiian culture since the Park was first envisioned in the 1970's. Included in this increased sensitivity, is an awareness that for the ancient Hawaiians all of nature was sacred; and, that Waimea Valley was valued as a place of spiritual power.

Waimea is isolated by mountains and the sea and in the earliest times could only be entered by fording Waimea River in the dry months, or by sea in wet months. The fertile soil and the river, fed from a number of mountain streams, made the area a natural place for living and farming. There is evidence of agricultural terraces on both sides of the river for two miles, built of stone and standing about two feet in height. Irrigation of some terraces indicates a relatively sophisticated agricultural area capable of supporting a significant population in the valley. Many aspects of this agricultural past have been preserved and are still evident for visitors to see. The fishing *ko'a* on the shore, the burial caves on both sides of the valley, and the two *heiau*, *Puu-o-Mahuka* and *Kupopolo*, indicate the cultural possibilities within the valley.

After Kamehameha I unified the islands, Hewahewa, his *Kahunanui* (high priest and councillor), was granted the land in Waimea. Later, Waimea became one of the centers for the sandalwood market. As the demand for sandalwood grew, Kamehameha II was forced to share the trade of sandalwood with the chiefs; thus, the *ali'i* began to be economically independent of the King. In the 1830's, after the sandalwood forests were depleted and the traders had left Waimea, the depopulation of Waimea was noted historically by the missionaries who, by this time, had begun to preach in the outlying areas of Oahu. The influence of outside cultures, disease, floods, drought, and lack of access, all of these factors contributed to the Hawaiians leaving Waimea Valley.

In 1848, The Great *Mahele* allowed chiefs and commoners to claim parcels of land. Under the *Mahele*, *Paalua* was awarded half of the *ahupua'a* of Waimea Valley and the people received the right to claim title to small farms, *kuleana*, in the other half (mostly in the upper Valley). *Paalua* mortgaged the land she owned in Waimea Valley and when she died in 1886 she willed the land to her husband who was unable to keep up with the mortgage payments. Her interest in Waimea Valley was foreclosed and purchased by Julia Anthon Paty. Eventually all of Waimea Valley was owned by the Waialua Agricultural Company except for several small *kuleana* held by Hawaiians.

According to the report by Bishop Museum, "Most Hawaiians did not stay on the land after the turn of the century, following a series of floods in 1894 and 1898 which wiped out the bridges in Waimea and inundated the entire lower valley. In some cases, the residents sold their *kuleana* to various land companies or leased their land to pineapple and sugarcane companies who hired Oriental farmers to farm in the valley. The laborers who worked

for the various companies, lived in the back of the valley. Some Hawaiians remained in the area, but were living at the mouth of the valley, near the bay, subsisting by fishing, farming, and selling Hawaiian curios."

In 1929, ownership was reconsolidated by Castle & Cooke who leased the land to various individuals for farming and ranching. During World War II, the U.S. Army used a portion of the valley to install roads and gun emplacements. (Drum Road is still used by the Army to service adjacent training areas.) The use of the land for recreational purposes began around 1969 with the purchase of the present Park area from Castle and Cooke by the Bishop Corporation. It was under the stewardship of the Pietsch family that the Waimea Falls Park became what it is today. The Pietsch family created the arboretum environment for the valley; and, in doing so, they created a community treasure, and what some feel is an obligation to foster and preserve. Also, protection of what cultural resources remained was accomplished after the area became the Waimea Valley Park in 1972. In 1975, an approved Master Plan for the recreational use of the 1800 acre park was given by the State of Hawaii Department of Land and Natural Resources. Attractions Hawaii, who currently manages Waimea Falls Park, assumed ownership in 1990.

Included as an addendum to the Draft Environmental Assessment, are the complete reports prepared in 1974 by the Department of Anthropology, Bernice P. Bishop Museum, on "*The History of Waimea Valley*" and the "*Archaeological Survey of Lower Waimea Valley, Oahu*". Beginning with the ancient Hawaiians, who lived and farmed in the valley, to the cutting of the sandalwood trees, to various ethnic farmers and ranchers who grew crops and raised cattle and horses, the Army who constructed roads and coastal gun emplacements in the 40's, and finally with the development of the valley as a recreational and botanical Park in 1972, man has impacted and disturbed the land in various ways over the centuries. The present Waimea Falls Park is yet another expression of that history.

Today the property consists of approximately 1,800 acres designated Conservation and under the jurisdiction of the State of Hawaii Department of Land and Natural Resources. Most of Waimea Valley has been left in its natural state with commercial activities concentrated in a small area approximately one-half mile into the valley. While it would be hard to pinpoint what the true "natural" state of Waimea Valley is, the concept and use of the land as a recreational, cultural and botanical Park has not changed over the years.

(6) Existing Use

The privately owned 1800 acre parcel, known as Waimea Valley, extends 3.5 miles from Kam Highway to the mauka boundary, and up to an elevation of approximately 1,000 feet at its highest point. Waimea Valley is most commonly known as the site of Waimea Falls Park, a recreational, botanical, and historical park, unique in Hawaii and the Pacific region, which residents and visitors have enjoyed for many years. It can be noted from the Recreational Use Map (Exhibit 2) that the parcel is essentially two valleys separated by a ridge. The north valley includes the Elehaha (Kamanaiki) stream. The existing road which runs along the stream is currently being used for hiking and supervised mountain bike rides and by staff employees for routine maintenance. The south valley includes the Waimea Stream and the Falls. The Park structures, activities, and visitor amenities have been concentrated mainly in the south valley, the valley which contains Waimea Falls. According to the Tax Assessment Office 30 acres of the 1800 acre parcel is taxed as commercial. This is a relatively small percentage (1.6%) of the total acreage that is being used for the Park facilities. The remainder is Conservation with 14 acres of land designated for agriculture.

The approved Master Plan for the Park (CDUA Permit #OA 74-591) included recreational uses, roads and parking, picnic sites, hiking and bridal trails, an administration building, a visitor center with a restaurant, store, and restrooms, a bus depot, several rain shelters and seating areas, the Arboretum with its various support facilities, and a maintenance shed. Approval to realign the entry road to the Park, expand the parking area, create dams above the falls, and the concept of vacation cabins and a narrow gage train was also included in the Master Plan. Over the years the grounds have been extensively landscaped to enhance the natural beauty of the valley. All utilities have been placed underground. Not all the items included in the original Master Plan have been implemented; all projects were subject to DLNR Board approval and any major project required an Environmental Assessment.

The passage of time, circumstances, and the need to respond to visitor needs and expectations have precipitated the amendment of the original approvals on several occasions, thereby expanding the number of fixed facilities and support services. These improvements have enhanced the quality and safety of the Park and the visitor experience. No new major projects have been undertaken, and the use of the land for recreational purposes has remained the same. However, as the previous owners did not always obtain the required permits or approvals for operation of

the Park facilities, Attractions Hawaii, as the present owner, is trying to remedy this situation.

(7) Visitor Activities at Waimea Falls Park

Although the original CDUA was not specific as to what recreational activities could be included in the Park, the original concept and use of the land as a recreational and cultural nature park, including an arboretum, has not changed since its inception. To adapt to changing requirements and public interests, certain activities and educational programs have been incorporated into the Park over the years. The Park was originally conceived as a recreational nature Park devoted to the preservation of Hawaiian botanical and cultural resources. To accomplish these goals, the Park has focused on the preservation and display of historical sites, educational displays and activities such as guided tours, Hawaiian dance and story presentations, interactive crafts and the activities of the Arboretum. The content of the activities has varied over the many years that the Park has been in operation, and will continue to evolve to serve the community and make the Park successful. Increased sensitivity to Hawaiian resources will continue to be a focus.

The Park caters to both the visitor population and local residents and is open from 10:00 A.M. to 5:30 P.M., 365 days a year. On occasion the Park is open at night for special events. On any day one can see busloads of school children and tourists sitting side by side enjoying the dive show at the falls or listening to Hawaiian mythology or dance presentations at the Kauhale Living Site. The majority of visitors to the Park come on a bus tour. Typically the tours spend one and one half hours at the Park (longer if they stay for the buffet lunch) watching the dive and hula shows at the falls and then walking back through the Hawaiian living site and the gardens. To boost revenues, the Park sells various packages of activities. People who come on their own (whether they are visitors or residents), and choose to participate in some of the additional activities such as kayaking, or horseback riding, stay an average of two hours seeing the shows, walking through the grounds, eating, and shopping. The school bus tours spend an average of four hours participating in the educational curriculum and having a picnic lunch. Everyone who comes to the Park remarks on the beauty and peacefulness of Waimea, and Park management is aware that this is their greatest resource. Peak attendance at the Park was in the early 1990's and was estimated at 600,000 visitors per year (approximately sixteen hundred per day and twenty-four hundred in the summer season). The infrastructure of the Park is completely

capable of handling this amount of people. In 2000, attendance was approximately 250,000 per year or 600-700 per day.

The beauty of Waimea Valley was recorded in the journal of Captain Cook by the first known Europeans who came to the islands. That experience continues today. Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. It is regarded as a place of spiritual power and sacredness by Native Hawaiians and its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Park management has always been responsive to community input and will continue to work with organizations who have an interest in the continuance of the Park.

It is the intention of the present owners to give more people the opportunity to enjoy the natural beauty and the recreational, cultural, and educational aspects of Waimea Valley and the Park is in the process of obtaining the necessary Conservation District Use Permits from the Department of Land and Natural Resources and drafting a Master Plan. The first stage of this process is to conform to the requirements of the Special Management Area. It is the intention of this Environmental Assessment to discuss the potential impacts on the SMA and the Conservation District of those structures and activities which require a Special Management Area permit.

B. TECHNICAL CHARACTERISTICS

(1) Use Characteristics

Although privately owned, the Park lies completely within the State Conservation District and under the jurisdiction of the Department of Land and Natural Resources. Waimea Valley is classified as being within the "Limited" sub-zone of the Conservation District which restricts the use of the land "where natural conditions suggest constraints on human activities (eg. flooding and soil erosion)". Botanical gardens and private parks are identified land uses in the limited sub-zone. Over the years there has been a move to reclassify Waimea as a "Special" sub-zone, which would more appropriately reflect the unique requirements of the Park operation, but the application process has not been completed.

The Land Use Ordinance (LUO) of the City and County of Honolulu designates all lands within the Conservation District as

P-1, Restricted Preservation. The purpose of the Preservation Districts is to preserve and manage major open space and recreation lands and lands of scenic and natural value. However, because the land is in the Conservation District, the State is the principal agency which oversees the use of the land and the permitted structures and activities.

The Park property also falls within the Special Management Area and all applicable development standards that pertain to the SMA must also be met.

(2) Physical Characteristics

The Park property extends three and one half miles from the shoreline to the mauka boundary, and up to an elevation of approximately one thousand feet at its highest point. The Valley is a beautiful example of the ancient Hawaiian concept of "ahupua'a", a self-contained and self-sustaining land which extends from the mountains to the sea. The 1800 acre parcel is essentially two valleys separated by a ridge. The north valley includes the Elehaha (Kamanaiki) stream. The south valley includes the Waimea stream and the Falls. The Park structures, activities, and visitor amenities have been concentrated mainly in the south valley, the valley which contains Waimea Falls. The Waimea Falls Park Master Map (Exhibit 9) shows the structures in relationship to the Valley.

(3) Construction Characteristics

At the time that the original Conservation Use Permit and Master Plan were approved, most of the Park infrastructure and facilities were already in place (food service, country store, restrooms, administration center, bus depot, underground utilities, nursery facilities, maintenance shed, roads) with additional projects approved, i.e., the Arboretum, restaurant, expansion of the parking area and road alignment, hiking and bridal trails, picnic areas, vacation cabins, a train, dams above the falls. Over the years, specific fixed improvements, which have provided the necessary support for a variety of recreational uses, have been implemented and the Park has received a number of permits from the State of Hawaii Department of Land and Natural Resources and the Department of Planning and Permitting City and County of Honolulu. The fixed improvements include the formation of the Waimea Arboretum Botanical Garden and its display of unique plant collections, preservation and interpretation of historical sites, protection of the wildlife found in the valley, the attendant visitor support systems, educational services, transportation systems, the requisite utilities infrastructure,

and other services or safety-related systems that are involved in the running of a public recreational Park.

In 1981-82 the Park received approval from both DLNR and the City and County of Honolulu to expand the sewage treatment plant and the restaurant, renovate the tram waiting shelter and construct the new dining facility. Other than these projects, all other Park construction has been mainly repair and maintenance of existing facilities, or implementation of projects approved in the original CDDA. It was the impression of the Park management that accessory, portable, temporary or mobile structures such as trailers, storage containers, portable booths, seating, and toilets were allowed under the existing permits. This is not the case. The purpose of this EA/SMP is to seek after-the-fact approval for all the structures and activities which are defined as "development" by the guidelines for the Special Management Area and require a permit.

From time to time it has also been necessary to do minor adjustments and repairs as part of Park maintenance and safety; specifically, repair and maintenance of stream fords, bridges, roads and trails, the laying out of gardens and such. The flood of 1990 had a significant destructive effect, wiping out four bridges and necessitating the reformation of the falls area. Prior to 1975, a weir was constructed to divert some of the Kamanui Stream water to be used to create ponds downstream near the visitor facilities. After the 1991 flood, the stream was again diverted to create two additional ponds in the same general area across from the Arboretum office. The ponds are surrounded by a figure eight paved Park road and each pond has an island-like berm in the middle. The Park is seeking SMP approval for the two additional ponds as part of this application.

(4) Archaeological Characteristics

An extensive Archaeological Survey of Lower Waimea Valley was commissioned by the Bishop Corporation in 1974. The survey was done by Kenneth R. Moore and Margaret L. K. Luscomb of the Bishop Museum. The purpose of the reports was to determine key historical and cultural sites, the potential effect of the Park on such sites, and to recommend which sites would be suitable as focal points of planned Park development. The area surveyed included the lower valley from the Waimea River Bridge on Kamehameha Highway to just above Waimea Falls in both the north and south valleys. The length of the surveyed area is approximately 1.5 miles and about .5 miles wide, the same area that is of concern in this Special Management Area Permit. The

abstract of the survey report states the following in part:

"Thirty-two sites were recorded, including thirteen agricultural sites, seven historic complexes, three burials, two wall complexes, and one rock shelter habitation. Four additional sites designated the location of portable artifacts, while the remaining two sites identify a Japanese shrine and a possible Hawaiian shrine. Sites D7-23 (Hale O Lono) and D7-16 (an agricultural complex) have been placed in Category I and are sufficiently important to become focal points of planned park development."

In 1991, Mr. Rudy Mitchell Park historian from 1976-1996, conducted another reconnaissance survey identifying additional historic sites. The sites identified in both surveys include probable precontact agricultural, habitation, burial, and religious sites, as well as some postcontact features such as a Japanese Shrine, bridge remnants, and water catchments. While there are three historical sites in the Park which have been interpreted and are indicated on the Master Map - Hale O Lono (near the parking lot), Haleiwi Heiau on the south valley wall, and the Kauhale living site - none of the sites at the Park are on any State or National Registers of Historic Places.

No further archeological review was undertaken for this EA/SMP as all of the items are on previously disturbed land in surveyed areas of the valley. The relationship between the known historic sites and the structures and activities which are of concern to this EA/SMP are shown on the Historical Sites Map (Exhibit 10). The map shows that none of the identified sites are impacted by any of the items for which SMP approval is being requested. This should provide some will assurance for those who have been concerned about the safety of the historical sites in the Valley.

The Park management is concerned about and has a sincere interest in the preservation of all historical sites in the Valley. Over the last 30 years the Park ownership has always moved with caution and has been responsible for maintaining preservation standards, recognizing community and cultural sensitivity. Due to the extensive archeological resources contained in Waimea Valley, Park management works with the State Historic Preservation Division on an ongoing basis. That cooperative spirit to preserve Hawaii's past is and will continue to be an integral part of the Park's whole approach to the Valley. Should any new archaeologically significant artifacts, bones, or other indicators of previous onsite activity be uncovered their treatment will be conducted in strict compliance

with the requirements of the Department of Land and Natural Resources.

A detailed history of the Waimea Valley was also commissioned by the Bishop corporation in 1974. The report was prepared by Anne H. Takemoto of the Department of Anthropology of the Bishop Museum and traces the history of the Valley back to the 16th century. Both reports were included with the supplemental Environmental Assessment which was done for the proposed waste water treatment plant and expansion of Park facilities, and was approved by the Department of Land Utilization in April 1981 (80/SMA-88). Because the archeological report and the history of Waimea Valley (Addendums 1 & 2) are lengthy reports, copies are not included in the body of this EA. A copy is available at the Office of Environmental Quality Control for those who have a special interest in the Archeological Survey and/or the detailed history. Additional copies can be obtained by contacting Analytical Planning Consultants, Inc. in Honolulu.

(5) The Arboretum

Waimea Falls Park is today, a private, recreational, botanical and historical park that receives no government support or funding. It was under the stewardship of the Pietsch family that the vision of Waimea Valley as a botanical park first took form. When they assumed ownership in 1969, the flora had been reduced to a "weed forest" composed mainly of "scrub brush", and the portion near the highway was a dumping ground for abandoned junk and debris. When they created the arboretum environment for the valley, they created a community treasure and what some feel is an obligation to foster and preserve. There is no one place in the Park that one can point to and say, "There is the Arboretum" because the Arboretum is everywhere. To assist visitors, there are approximately 8,000+ plant identification signs throughout the Park. Without the efforts of the Park management over the years to landscape and care for the Park grounds and to support the activities of the Arboretum, the botanical variety and beauty would not exist.

The Arboretum project has been one of conservation, the reintroduction of native flora, the preservation of endangered species which have been introduced into the Park for propagation and preservation, and the establishment of a living gene pool of subtropical and tropical plants. As a result, thousands of plants have been propagated through the Arboretum. The Waimea Arboretum is of great value horticulturally because of the size and the diversity of the "ecological niches" present. Through

the Arboretum activities there is on-going research of native Hawaiian plants, many of which are facing extinction. The Park also maintains one of the most comprehensive Hibiscus collection in the world. The Waimea Arboretum and Botanical Garden Living Plant Inventory, submitted as an addendum to the DEA, lists the location and genera of all the plants at Waimea as of 1994, including their endangered status. (A new inventory is presently being compiled.) But, the Park is host to more than just a collection of plants. At a time when plant species are globally disappearing, a botanical collection such as that which is growing in the Park, forms a living gene pool which has immense environmental value for future breeding, disease control, and world ecology.

Support facilities for the Arboretum activities include the following:

A nursery consisting of a seedling house and potting shed for growing seedlings and,

A plant quarantine house for temporary storage of plants and seeds during the quarantine period to determine if any insects or diseases have been transported.

An education center.

A library.

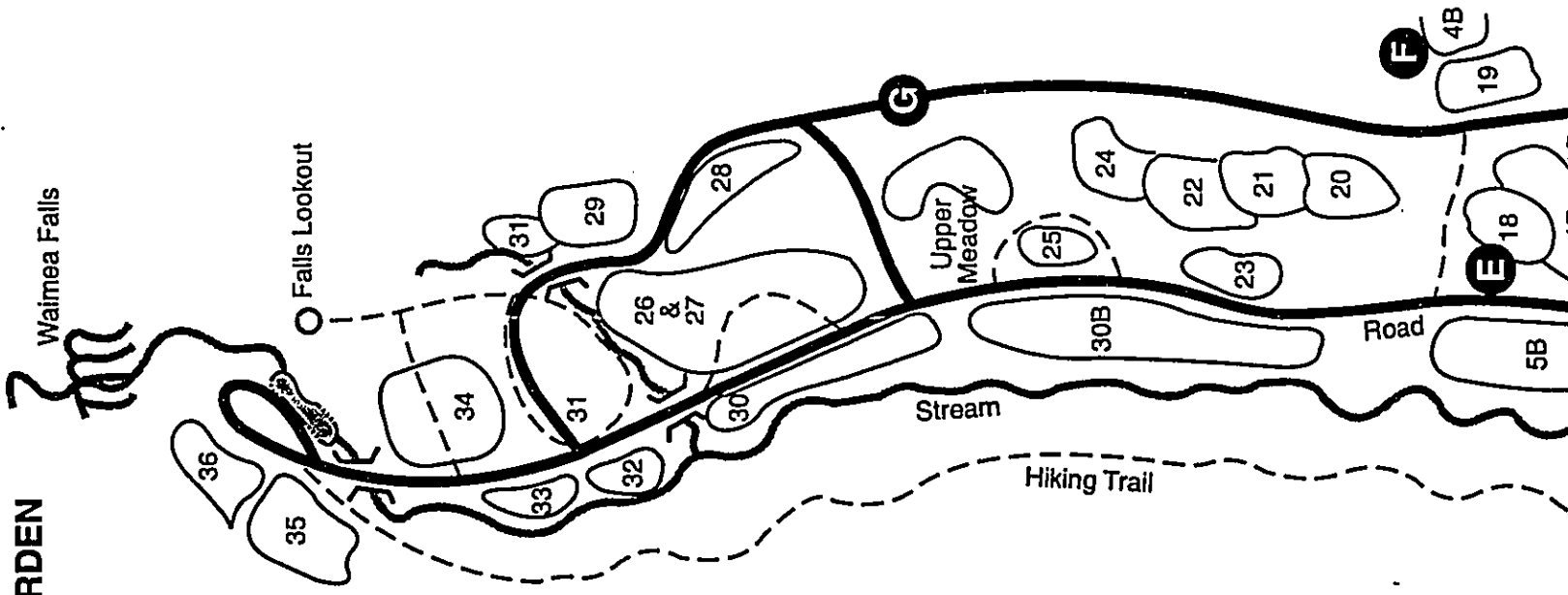
An office building.

The nursery facilities were included in the original CDUA for the Park and are thus pre-SMA. At that time, permission was also given to construct a new office and a lecture and display building to replace a converted trailer that was being used as an office. That building has never been built and, over the years, various functions have been incorporated into the existing buildings as needed, i.e., a library and education center. The office trailer is still being used but has been expanded and is, therefore, being included in this SMP, as well as the plant quarantine house which was constructed after the SMP guidelines went into effect.

The present Park management is aligned with the vision of maintaining the Arboretum environment of the Park; however, in order to economically maintain and continue the Park, they require community support. In this regard, the nonprofit Arboretum Foundation was created. Some of the Arboretum staff that were formerly on the staff of the Park, are now employed

WAIMEA ARBORETUM AND BOTANICAL GARDEN

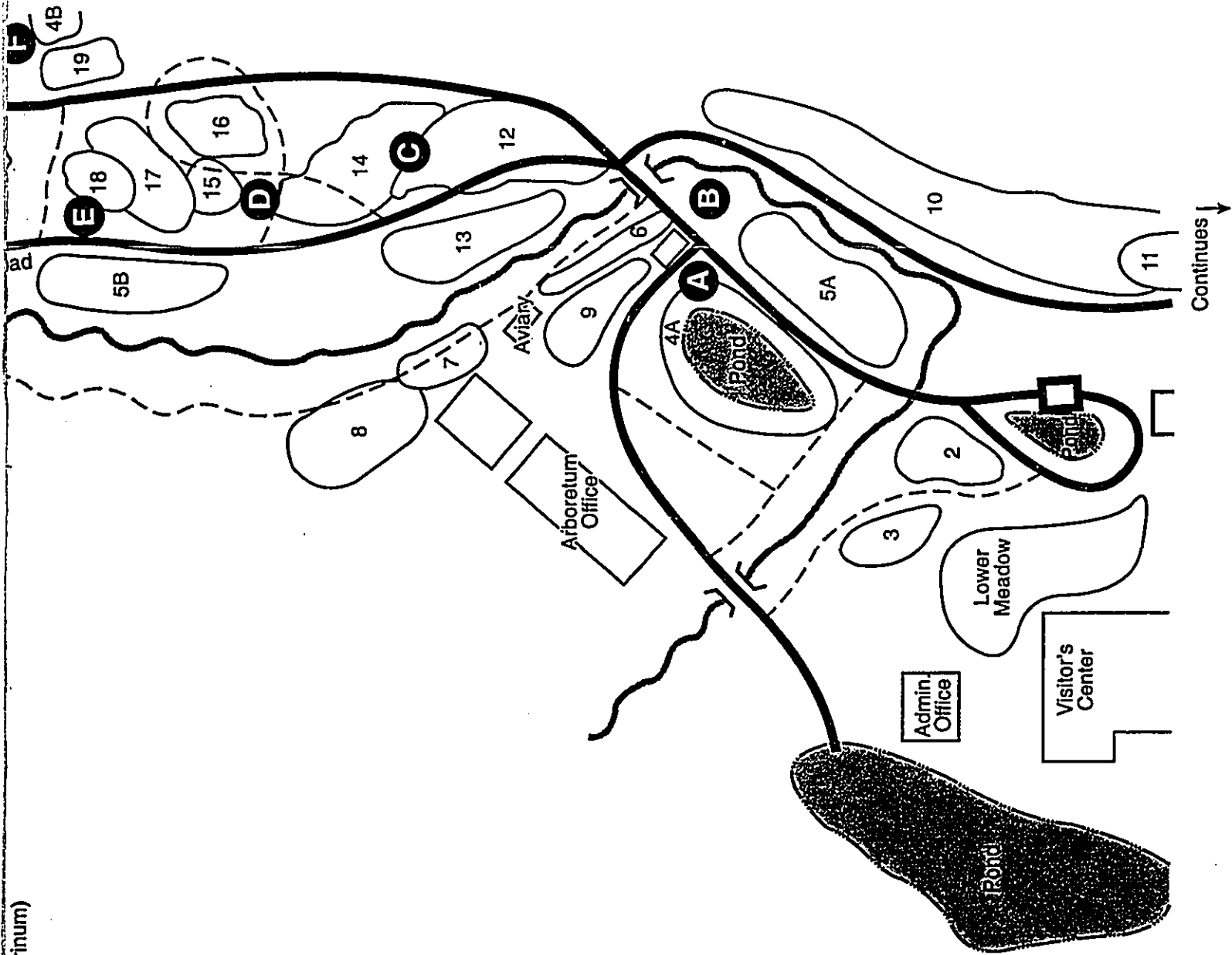
Exhibit 5



1. Erythrina and Ground Covers
2. Bermuda and Canary Island Floras
3. Impatiens Collection
- 4A. Hawaiian Flora
- 4B. Hawaiian Flora
- 5A. Araceae Family
- 5B. Araceae Family
6. Liliaceae Family
7. Bamboo Collection
8. Malesia Flora
9. Endangered Plants and Birds
10. Palmae and Bignoniaceae Families
11. Hibiscus Hybrids
12. Piperaceae Family
13. Hibiscus Evolution Garden
14. Acanthaceae Family
15. Bromeliaceae Family
16. Guam Flora
17. Hawaiian Ethnobotany
18. Hawaiian Hibiscus
19. Lei Garden
20. Lord Howe Island Flora
21. Fiji Flora
22. Touch and Smell Garden
23. Canna
24. Fern and Begonia
25. Ogasawara Islands Flora
26. Fruit, Nuts and Spices
27. Hibiscus Species and Amaryllidaceae (Crinum)
28. Bauhinia
29. Evolution of the Pland Kingdom
- 30A. Central and South American Flora
- 30B. Central and South American Flora

27. Hibiscus Species and Amaryllidaceae (Crinum)

- 28. Bauhinia
- 29. Evolution of the Pland Kingdom
- 30A. Central and South American Flora
- 30B. Central and South American Flora
- 31. Ginger and Heliconia
- 32. Musaceae and Strelitziaceae
- 33. Mascarene Islands Flora
- 34. Sri Lanka Flora (Ceylon)
- 35. Madagascar Flora
- 36. Seychelles Island Flora



under the Arboretum Foundation. Maintenance of the plants that make up the Arboretum is done by a team of gardeners employed by the Park using Park equipment. The Foundation is supported by the Park and by private contributions and grants.

(6) Utilities

(a) Electrical power is provided by Hawaiian Electric from their transmission lines on Kamehameha Highway. The electrical lines follow the entry road from the highway and go underground approximately one quarter of a mile from the Park visitor facilities. There are two step-down transformers for the lines - one outside the Arboretum and one in the upper meadow near the Hawaiian Game Site. For aesthetics, the transformers are housed in six feet high wooden sheds. Capacity of the lines is adequate to handle the Park's present and future needs. The lines and the transformers are pre-SMA.

After the flood in 1990, the Park contracted for the replacement of four bridges (92/SMA-76). As part of the reconstructing, HECO ran electrical service ducts and conduits on the bridges to provide power to the upper Park facilities and the falls area. The new lines run under the ground and pavement and replaced the existing lines which were damaged. At this time, the Park installed several fixtures for night lighting, and three sheds to enclose above ground connection points. These are included in this EA/SMP application as no permits were obtained.

In 1999, HECO installed a 46KV transmission line from Waialua to Kulima a portion of which runs through Waimea Valley. HECO purchased an easement for the aboveground installation. An SMA permit was obtained by HECO for the project. The Park does not obtain any power from this line.

(b) Water is brought in from the 16-inch City water line on Kamehameha Highway through a 4-inch water pipe that provides water to all areas of the Arboretum and visitor facilities.

According to the Board of Water Supply in their letter dated May 16, 2001, there are "two existing water services consisting of 3-inch and 5/8-inch water meter serving the site". An additional 5/8 -inch water meter is serving a Park lot adjacent to Kamehameha Hwy. The Park has never experienced a shortage of fresh water.

The Park has approval from the Water Commission to develop the two wells on the property. The wells have been drilled and

cased but are not pumped. Permission to develop the wells as reserves of nonpotable water is being included as part of this SMP.

A 31,000 gallon water tank is located near the Visitors Center which provides water for the fire sprinkler system for the dining pavilion (80/SMA-88). It was installed in the late 1980's. Fire protection requirements have been met in the past and will continue to be coordinated with the Fire Department which inspects the Park a minimum of once a year to ensure compliance.

(c) The Park has one aboveground 1000 gallon Convault gasoline tank located next to the maintenance shed, and a 2,000 gallon propane tank near the Visitors Center to support the food and beverage operation. Both are pre-SMA. There are also four small propane tanks for the night torches: two by the entry road near Kam Highway, one at the Kauhale Living Site, and one near the bridge before the waterfall. These four small tanks and the piping for the night torches are included in this EA/SMP application.

(d) There are two "back-up generators"; one is for supplying electricity for the Waste Water Treatment Plant and another is located near the water tank as a backup for the fire sprinkler system. The Park also has two portable generators for emergencies.

No additional utilities or public services will be required as a result of this application.

(7) Liquid Waste Disposal

A Sewage Treatment Plant is located alongside a service road off of Kam Highway approximately 1,600 feet Haleiwa/Makai of the Visitor Center. The facility was built in 1989 (80/SMA-88) in compliance with Chapter 342, HRS and Chapter 38 of the Public Health Regulations. The location of the facility was determined in consultation with the DOH and the Board of Water Supply to be compatible with the future plans for water resource development in the area. The STP is a "Sequential Batch Reactor" supplied by Jet Tec. that provides an aerobic activated environment for the treatment of liquid waste. The batch/flock settles and the clear clean effluent is decanted off to be chlorinated and then flows sequentially into two seepage pits. The total treatment capacity is 25,000 gallons per day which can accommodate 2,600 people per day. The current visitor population is approximately 600 per

day. The present system provides the maximum protection to public health and safety and environmental quality and does not impact the resources of the Special Management Area.

(8) Solid Waste Disposal

Disposal of solid waste for the Park is provided by GMI, a private disposal firm. Park refuse, stored in a dumpster, is removed twice a week. Restaurant refuse is taken daily to the nearest landfill.

(9) Access/Roads/Parking/Trails

Public access to Waimea Valley Park is provided by a two-way paved road leading off Kamehameha Highway directly across from Waimea Bay Beach Park and north of the bridge across Waimea River. This access road continues up into the Park and past the entry gates approximately 1600 feet to the parking lots. There is also a utility road for Park purposes south of this public entrance which runs past the STP and joins the Park roads near the Arboretum facilities.

The road system for access to the various areas of the Park has been in existence for many years and was created for other uses long before the Park was started. Approval for the paved roads was included in the 1975 CDUA. The roads in the Park, which are noted on the Master Maps, are used by staff, visitors, hikers, peddle bikers, maintenance ATV's, horseback riders, trucks, repair and maintenance equipment, and for emergency purposes. The Park's road infrastructure is designed and utilized so that it is not damaging to the environment, wildlife, historical and cultural sites, or the Arboretum areas. The paved and coral surfaced roads in the Park are not susceptible to erosion and SMP permits are not required for repair or maintenance of roads in the SMA. The coral road shown in Exhibit 9B, which extends 1 mile above the falls and into the upper south valley, is the old "Coach Road" that was constructed by the US Army over 40 years ago. In the 1950's there were stagecoaches that traveled along the road above the falls. From time to time it has been necessary to resurface and repair the roads in the Park which were built by the Army and previous occupants of the Valley. In the summer of 1999, the Park consulted with a soil engineer at Dames & Moore regarding the repair of the garden trail which connects to the Coach Road in preparation for using the roads for horseback riding. According to the report, approximately 300 feet of this upper access trail was impassable

due to rock falls and needed to be cleared and secured. The trail has since been cleared, re-paved with coral and a 200+ foot section secured with a four foot high mortared rock wall alignment. The retaining wall is included in this SMP application. Over the years that the Park has been in operation, many of the trails and sections of the old coral roads have been similarly repaired and secured as a normal part of Park maintenance. None of the rock alignments are more than 2-3 feet in height.

The US Army has a perpetual easement to use the Army Drum Road and a year to year lease to utilize the road and the land mauka of the road for training exercises.

Parking areas for the Park facilities were in existence at the time the original CDUA was approved in 1975. Realignment of the entry road and additional parking were included in the CDUA. The main parking lot for visitors, tour groups and employees is located near the Visitor Center and a smaller separate area for employees is located near the Utility Office Trailer. There are also paved areas adjacent to the entry road that can be utilized for overflow parking. During the 1990's when the Park was experiencing peak attendance, there was an average of six buses, twenty vans and 600+ cars using the entry roads and parking. The present roads and parking facilities were adequate for these numbers.

Trails

Like most remote areas on Oahu, Waimea Valley contains numerous pig trails and paths. Construction of an additional twelve miles of hiking and bridle trails, similar to those in State Parks, was included in the original CDUA; however, no plans to construct the new trails were ever implemented. For those who enjoy hiking, there are several maintained trails that visitors can take that follow the streams and go into the upper north and south valleys.

C. ECONOMIC AND SOCIAL CHARACTERISTICS

(1) Development Costs/Time Frame

The purpose of this application for a Special Management Area permit is to obtain approval from the Department of Planning and Permitting "after the fact" for structures and activities which are currently part of the Waimea Falls Park. The total development cost for these structures is greater than \$125,000.

All the proposed, and previously permitted projects not yet constructed (a dining pavilion, maintenance building, and new admin office), are pending finances within the next five years.

(2) Employment/Tourism

Peak attendance at the Park was in the early 1990's and was estimated at 600,000 visitors per year (approximately sixteen hundred per day/twenty four hundred in the peak summer season). Attendance in 2000, was approximately 250,000 per year or 6-700 per day. The inclusion of the requested structures and activities will not substantially affect the amount of visitors to the Park or have any consequential impact to the environment; but, will allow the Park to continue to operate as a recreational, cultural and botanical park.

Waimea Falls Park employs approximately ninety-three staff and contracts with several companies to provide certain Park services. These companies employ another fifty or more staff. There would be a significant decrease in employment if the Park was not able to provide the activities and maintain the structures requested in this SMP.

Currently, in spite of significant expense and staff reductions, the Park continues to experience a negative cash flow. Park management is focusing on advertising and visitor packages to increase the number of visitors. It is estimated that the Park would be profitable with an increase in revenue of \$1.1 million per year. An additional 30-40 employees would need to be hired to handle this increase in visitors. Such employment is beneficial to the economy of the north shore area and it is not expected that this increase would have a significant impact on the Special Management Area. (Note: since September 11, 2001 and the drop in visitors to Hawaii, the Park has experienced a significant financial loss.)

The Park cannot continue to operate with a negative cash flow. Increased revenue for the Park is needed to allow the management to better protect and preserve the resources of the Park. Necessary maintenance is being deferred which will eventually result in the deterioration of the Park facility. The eventual result is closure of the Park and loss of the Arboretum plants. Presently the owner is in negotiations with the City and County of Honolulu to purchase the Park. Regardless of ownership, it is important that the Park continue to operate successfully and that all applicable County and State requirements be met.

D. ENVIRONMENTAL CHARACTERISTICS

(1) Soils

The upper reaches of the valley and 75% of the mountainous area consist of Helemano (HLMG) silty clay. Runoff ranges from medium to rapid with severe to very severe erosion hazard. The most predominant soil type is rock land (rRk) where exposed rock covers from 25 to 90% of the surface. In Waimea Valley this soil type is found on the ridge line wedge which bisects the valley. The stream valley floors are Kiwaihapai stony clay (KlaB and KibC) with 0-15% slopes. This soil type allows some cultivation, is not susceptible to erosion and runoff is slow. The remainder of the valley nearest the bay is Hanalei silty clay and Jaucas sand. In both soil types permeability is good, runoff is slow and erosion hazard slight.

The Waimea River has traditionally been muddy from the soil runoff. (The Hawaiian translation for Waimea is "reddish water"). The Park planting program has resulted in more planted areas and a related decrease in the level of soil runoff.

The Park has been careful to avoid grading or disturbance of the terrain which would affect the natural course of the streams. Buildings and other facilities have been kept well away from the streams.

(2) Topography/Geology/Climate/Flora and Fauna

Topography/Geology

Geologically Waimea is part of the Koolau Volcanic series of Oahu which extends from Kahuku to Koko Head. The Park property extends 3.5 miles from the shoreline to the mauka boundary, and up to an elevation of approximately 1,000 feet at its highest point. Four-fifths of a mile mauka of the shoreline, the Valley is bisected by a ridge line that extends up through and beyond the boundaries of the Park, forming a north and south valley. The valley walls average from 200 feet to 300 feet in height above the accompanying stream beds. In some areas the valley walls are very steep and rocky. Other areas have a gradual slope, with very dense growth. Like any natural environment, Waimea Valley is subject to changing land conditions. Over the years there have been occasions of land slippage but these areas have been stabilized and have not posed a significant danger to the environment or visitors.

Three main streams are found in Waimea Valley. The Elehaha (Kamanaiki), which periodically flows down the northern valley, and is otherwise dry; Kamananui, the dominant stream, flowing through the southern valley, on which is located Waimea Falls; and, Kaiwihoele Stream, which joins into Kamananui Stream about 1,000 feet below Waimea Falls. These main streams are shown on the Master Maps. In the North Valley, the Elehaha Stream flows to a depth of about 8 inches in the fords, an average of 10 times a year for a few days. (As noted in Exhibit 13, the state Commission of Water Resource Management does not consider the Elehaha to be a "stream" since it is totally dry during other times.) Many small water courses from the numerous gulches throughout Waimea feed the streams. This drainage system leads into Waimea Stream and eventually flows out to the estuary and the ocean.

Climate

Due to its location and topography, Waimea Valley has two distinct climatic conditions. The mauka section of the valley receives an annual average rainfall of about 70 inches and the makai section of the valley closer to 30 inches. Typically the dry season is August and September and the wet season November-April. The upper valley areas tend to be from 2-3 degrees cooler than the temperature of the lower section and the average for the valley is approximately 74 degrees.

Flora/Fauna

To the layman the forested areas of Waimea appear very lush, tropical and beautiful. A large percentage of the valley is characterized by very heavy mountainous vegetation, with an abundance of large trees such as monkey pod, koa, kukui and hau. The stream beds and adjoining slopes are profuse in vegetation, while other areas, such as the bluffs, are open and consist primarily of various types of grasses.

To the botanist, the natural flora of Waimea has been reduced during the last century to a "weed forest", mainly composed of guava, lantana, java plum, Christmas Berry, haole koa, lilikoi, kolomana and assorted herbaceous weeds. Of the native species, only the following are found in any quantity: Koa, ohia lehua, wili wili, Hawaiian tree fern, halapepe, lama, ohe, and hala. Introduced species include noni, ti, and kuki.

In the landscaped areas of the Park, the Arboretum project has been one of conservation, reintroduction of native flora,

preservation of endangered species and the establishment of a living gene pool of sub-tropical and tropical plants. As a result, there are over 6,000 labeled plants which have been propagated through the Arboretum.

At present the species of native birds found in Waimea Valley includes the following: Gallinule (sometimes called the Hawaiian or Common Moorhen) 'alae 'ula, Owl, Auku'u, Plover, Tropic Bird, and *Koloa Maoli* Duck. The introduced birds that inhabit the valley are - Mynah, Barred Dove, Spotted Dove, Coot, House Sparrow, White Eye, Shama Thrush, Cardinal, Brazilian Cardinal. The following have been introduced for visitor interest: domestic ducks, geese, peacocks, guinea fowl and Moa Chicken. There are two endangered Hawaiian Nene birds in an enclosed area and several macaws in an aviary.

There has been no official survey of the stream or estuary for varieties of aquatic species, however, the stream is home to a variety of aquatic species including fresh water shrimp, three kinds of *O'opu*, fresh water fish, and others.

No chemicals are used in the Park's predator control program and the Park uses "Have a Heart" traps to reduce the population of feral cats, dogs and mongoose. The Humane Society removes any unwanted animals and any birds which may be accidentally caught are turned loose.

Endangered Species

There has never been an extensive botanical survey of Waimea Valley itself. There is one known native endangered plant which has been seen growing wild one mile above the falls (*Eugenia Koolauensis*), and several Hawaiian endangered plants growing in the planted gardens in the Park, specifically Hawaiian A, Hawaiian B, the native hibiscus collection, the palm collection, and in the nursery. The Arboretum also includes other endangered species that were brought to the Park for propagation and preservation from other places. None of the structures or activities which are the concern of this EA/SMP are near the gardens which have endangered plant species. Of the native birds found in Waimea Valley the Gallinule and *Koloa Maoli* Duck are on the endangered list. Some Gallinule and two Hawaiian Nene birds are in an enclosed area, and the rest of the birds are wild. The few birds which are on the endangered list and make their habitat in the Park will not be affected by granting approval for this SMP. According to the state Department of Land and Natural Resources Aquatic Resources Division there are no endangered fresh water aquatic species in Hawaii on the endangered species

list.

(3) Surface Runoff/Drainage/Erosion/Flood Zone

During the winter and early spring, heavy rain storms can create flood conditions in Waimea Valley an average of two to three times per year. Flooding has not been a problem in the area used for Park visitor facilities, as appropriate drainage work was done at the time of construction. Due to the location of the nursery and other support structures, stream storm overflow has not caused any damage other than limited bank erosion and uprooting of some growth along the stream banks.

Flooding in upper sections of the valley does not occur due to the grades and topography of the area. Any runoff flows directly into the streams. Where service roads cross streams, a combination culvert and ford system is in place to handle an unlimited volume of water at these points. The last major flooding occurred in 1990 when the valley experienced a "110 year flood". The USGS estimated that the peak flow was 16,800 cubic feet per second. There was excessive flooding and the four bridges in the Park needed to be replaced (92/SMA-76).

Flood Zone

A portion of the makai area of the Park adjacent to the stream is included in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). Included is the Waimea Stream flood way and flood zones AE and X. These are shown superimposed on the Waimea Falls Park Master Map for the area (Exhibit 6). There are no other flood determinations for the remainder of the Park area.

A portion of the Visitor Center is in the Zone AE flood hazard area between the 22 and 25 foot flood elevations. Exhibit 7 is an enlargement of the area superimposed on a topographical map with 5 foot contours. It appears that the ground level of this location is at 24 to 26 feet. In this area the Visitor Center is constructed three feet above the ground and hence is above the flood rise height. (The topography map is dated and shows some structures that no longer exist.)

Exhibit 6 shows one structure which appears to be in the flood way - a security gatehouse (#17) which was included in a previous SMP. It is not a substantial structure and would not be resistive to flood waters.

Structure #5 is pre SMA dwelling unit that is in the AE

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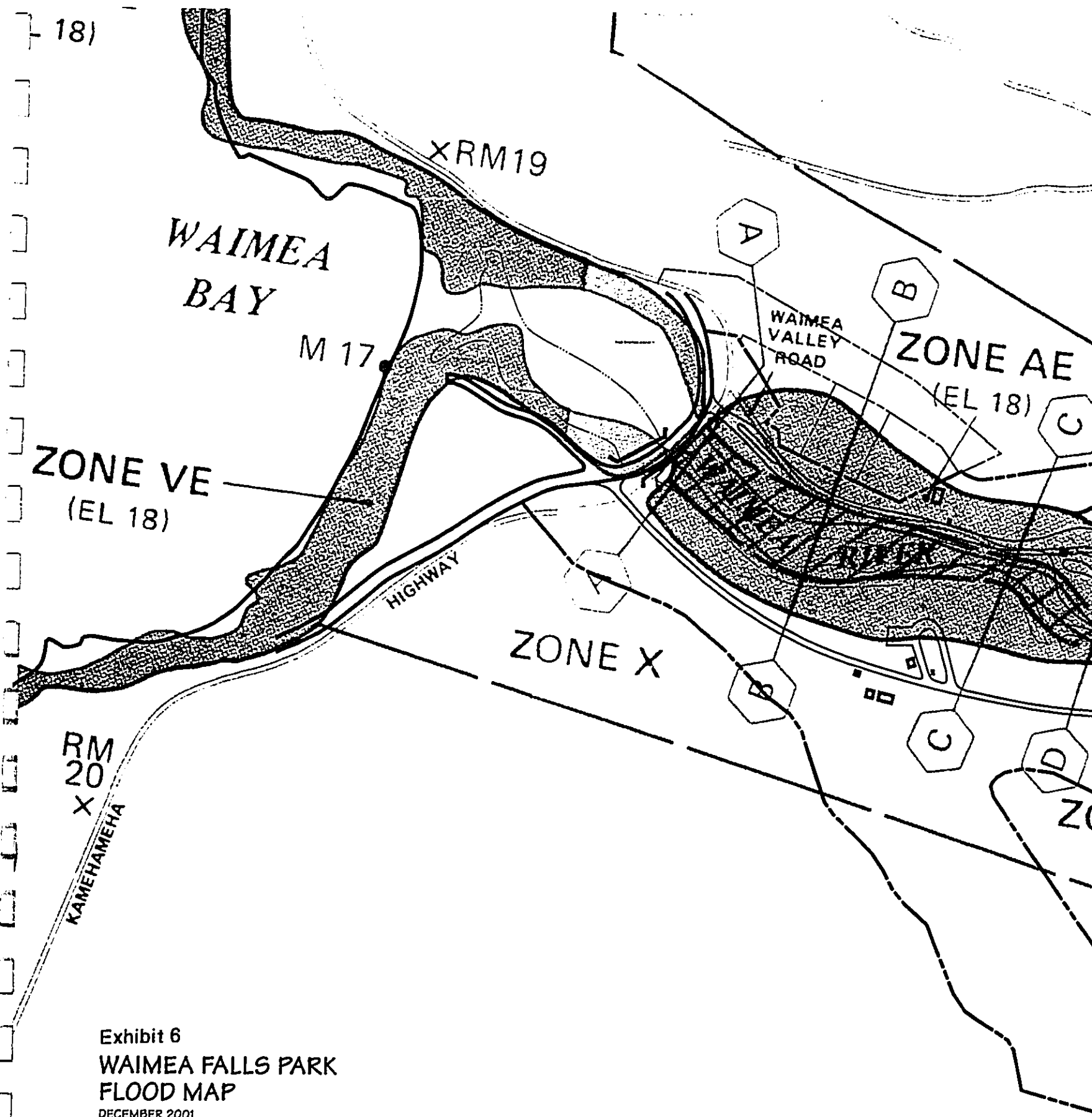
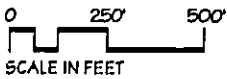
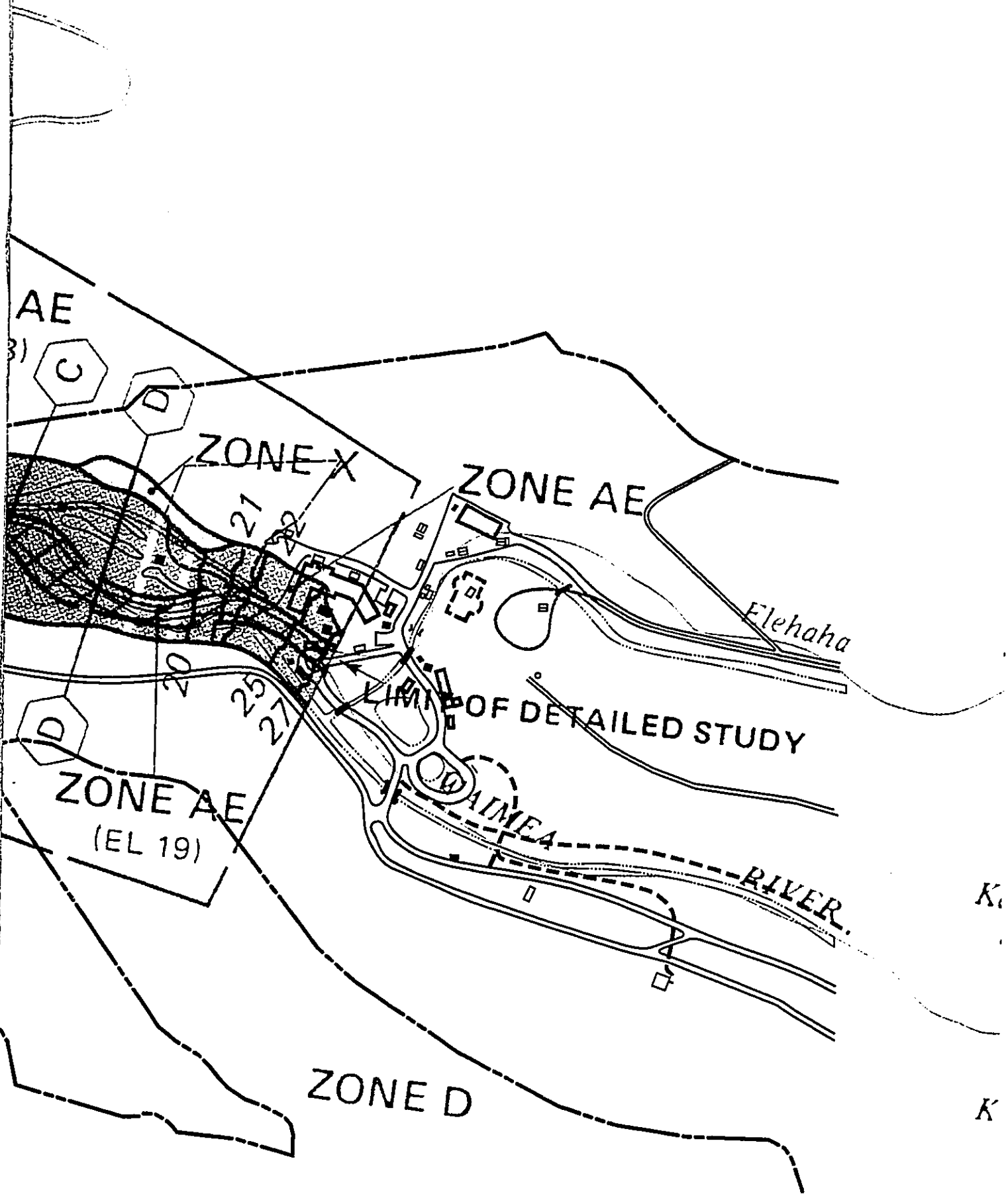


Exhibit 6
WAIMEA FALLS PARK
FLOOD MAP
DECEMBER 2001



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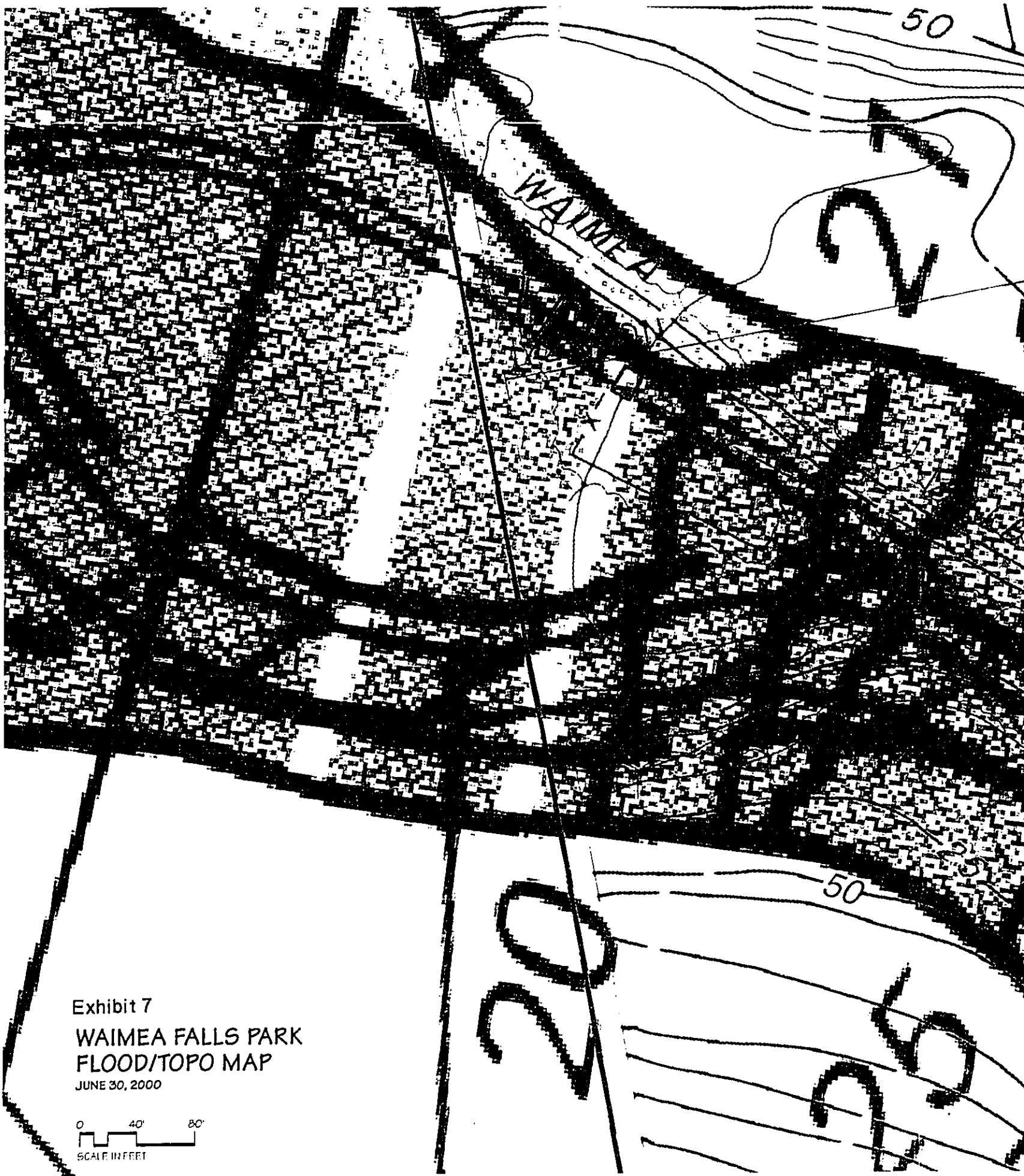
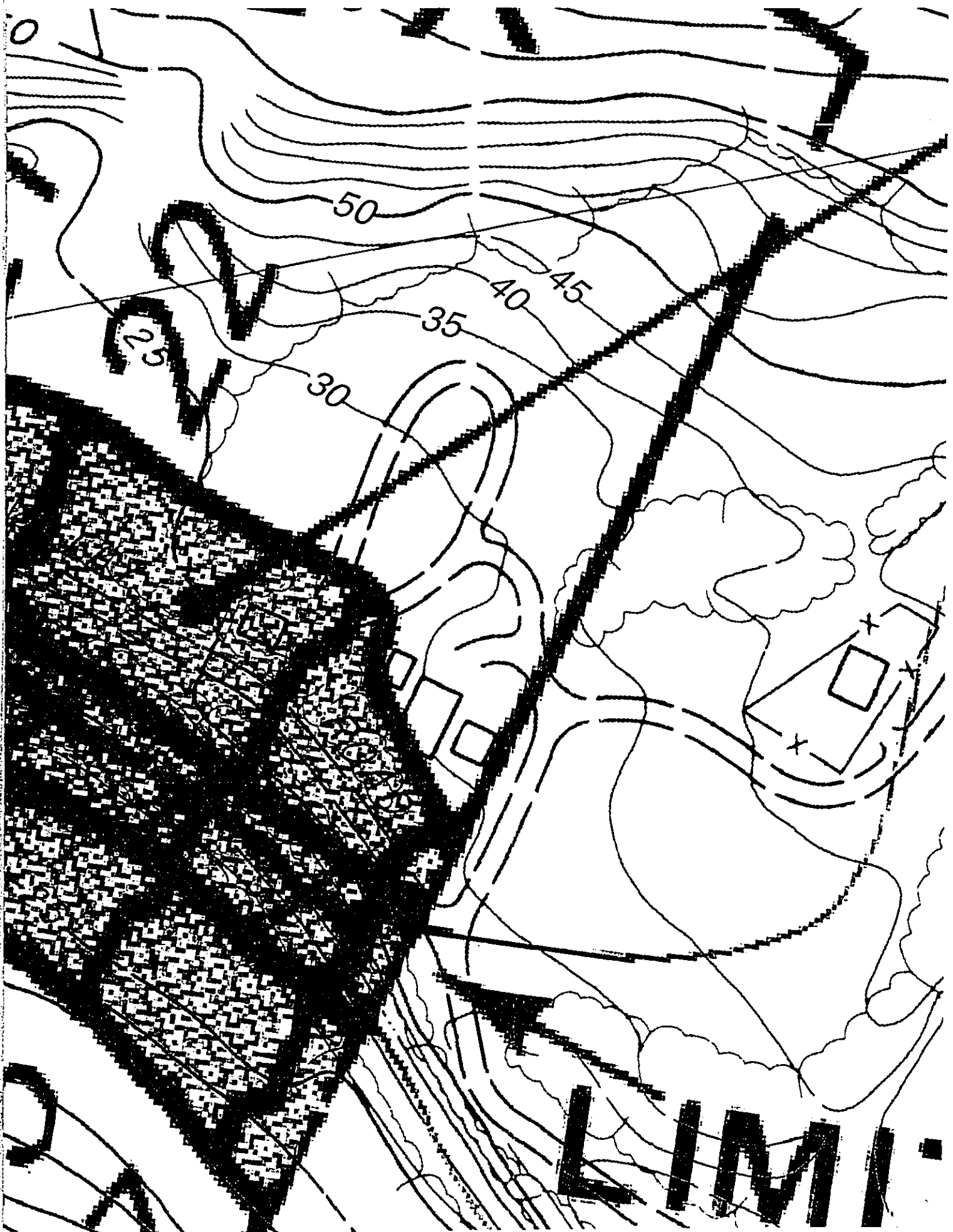


Exhibit 7
WAIMEA FALLS PARK
FLOOD/TOPO MAP
JUNE 30, 2000

0 40' 80'
SCALE IN FEET

DOCUMENT CAPTURED AS RECEIVED



flood zone. Also in the AE zone is structure #6, an entry gate, and structure #12 a kiosk used for renting Kayaks. The gate and the kiosk are minor break away structures.

(4) Hazardous Waste

In the event of the accidental release of any hazardous waste material stored in the Park or spills from gas tanks, Park protocol dictates that the staff use containment and absorption to mitigate and minimize adverse impacts. Specifically "absorptive pigs" are used. The Park is equipped with an internal communication system for such emergencies.

(5) Shoreline Impacts

The Special Management Area boundary extends from the ocean to the 1000 foot elevation which includes nearly the entire Waimea Valley. The Park property lies mauka of Kamehameha Highway and Waimea Beach. As such, the only impact on the shoreline from the Park is the water from the streams that flow through the Park to the ocean. A build-up of sand occurs across the highway at the mouth of the stream which blocks the flow of water to the ocean creating a small estuary adjacent to the beach park. Eventually water seeps from the lagoon through the sand into the ocean. A thorough discussion of issues which concern the Coastal Zone Management area and Chapter 25 ROH are included under "Impacts".

III. AFFECTED ENVIRONMENT

A. Relationship to Surrounding Area

(1) Surrounding Area

The Park is located across from Waimea Bay Beach Park on Kamehameha Highway and extends mauka 3.5 miles. Mauka of the Park property the land is forest/water reserve and designated State Conservation District. There are four house lots along the entrance road from Kamehameha Highway that are not part of the Park property. To the north, on the plateau above the valley, is Pupukea. Further in is the Pupukea residential area which is zoned Country. The land at the edge of the plateau is zoned Ag-2 General Agriculture. To the south of the plateau is land zoned Ag-1. The nearest town is Haleiwa approximately 4 miles away.

(2) State Land Use:

All of the area being used for the Park is within the State Conservation District. Waimea Falls Park, through the preservation activities of the Arboretum and its ongoing protection of Hawaiian cultural sites, fulfills the guidelines for the Conservation District.

(3) Sustainable Communities Plan:

The new North Shore Sustainable Communities Plan, as did the previous Development Plan, designates the area of Waimea Falls Park as Preservation/Open Space. The text of the Sustainable Communities Plan includes a brief description of the Park under "Parks and Recreation: Institutional and Private Facilities".

The Park meets the vision guidelines and policies of the Sustainable Communities Plan. For example, under "Open Space and Natural Environment" the general policies include:

- Retain the North Shore's rural character
- Protect significant natural features
- Protect ecologically sensitive lands
- Preserve cultural and historic features
- Provide recreational resources
- Protect scenic views

The Park has been a part of the North Shore community for more than 30 years and its presence and operation contributes significantly to these policies.

(4) The General Plan

The General Plan for the City and County of Honolulu contains eleven long range objectives and policies which serve as a guide for the development of the island of Oahu. Because the proposed action at Waimea Falls Park is minor relative to the whole island of Oahu it will have no effect on the growth and development objectives of the Plan. As a tourist attraction, the proposed action will accommodate a projected increase in tourism; however, it will have little effect on the number of visitors to Oahu. It implements the General Plan in the following areas:

Economic Activity

Objective A: "To promote employment opportunities that will enable all the people of Oahu to attain a decent standard of living."

The proposed action conforms to several of the policies underlying this objective insofar as it contributes to the economic and social well-being of Oahu residents; and encourages industry of a non polluting nature

Objective B: *"To maintain the viability of Oahu's visitor industry."*

The proposed action conforms to the underlying policies as it encourages the continued high level of diversified services provided to visitors.

Objective E: *"To prevent the occurrence of large scale unemployment."*

The Park works closely with local college programs to hire and train young people and provides employment for residents of the North shore of Oahu. In this regard, the proposed action helps to fulfill an underlying policy by encouraging the training and employment of residents for currently available and future jobs.

Natural Environment

Objective A: *"To protect and preserve the natural environment."*

The General Plan calls for the protection and preservation of the natural environment especially the shoreline, valleys, and ridges from incompatible development. This objective also includes retaining Oahu's streams as scenic, aquatic and recreation resources, protecting plants, birds, and other animals that are unique to the State of Hawaii and increasing public awareness and appreciation of Oahu's land, air, and water resources for the benefit of both residents and visitors. The natural environment is the major resource of the Park. Every effort is made to make the Park compatible with these surroundings while providing an educational and recreational experience. The natural beauty of the valley and its streams, the Waimea Falls, and the extensive collection of tropical plants will continue to be the major display features of the Park and will be unchanged by the proposed action.

Objective B: *"To preserve and enhance the natural monuments and scenic views of Oahu for the benefit of both residents and visitors."*

The Park provides an opportunity for the visitor to experience and "see" the island valley environment without

physically disturbing its ecosystem. In addition, the Park facilities are located in the valley on the mauka side of Kamehameha Highway and therefore do not affect scenic ocean or mountain views from the road.

Health and Education

Objective B: *"To provide a wide range of educational opportunities for the people of Oahu."*

Waimea Falls Park supports the policies underlying these objectives. Last year 12-15,000 school children were provided the opportunity to learn about the botanical gardens, wildlife preservation and Hawaiian historical sites and culture in the informal atmosphere of the Park's educational program tours.

Culture and Recreation

Objective D: *"To provide a wide range of recreational facilities and services that are readily available to all residents of Oahu."*

The General Plan encourages public and privately owned botanic and zoological parks on Oahu to foster an awareness and appreciation of the natural environment, recreation and leisure-time facilities and services, and the promotion of the interpretive and educational use of cultural, historic, and archeological sites and artifacts. Waimea Falls Park provides a unique environment which is an educational and recreational experience at the same time. There is nothing in Hawaii comparable to the Park's program which is used extensively as a resource by the public school system. The Park presents a positive image of Hawaii's culture and natural resources to the visitor population and contributes to the overall knowledge of the tropical gardens, wildlife preservation and Hawaiian cultural sites.

(5) Zoning Requirements

The Project contains land which for zoning purposes has been designated Restricted Preservation (P-1), Restricted Agriculture (Ag-1), and Country, by the Land Use Ordinance for the City and County of Honolulu. Only the Restricted Preservation (P-1) lands fall within the Special Management Area and are of concern to this application. All of the structures and activities of Waimea Falls Park fall within this designation. According to the Land Use Ordinance (LUO), the purpose of the preservation districts is to:

"Preserve and manage major open space and recreation lands and lands of scenic and other natural resource value. Within the P-1, Restricted Preservation District, all uses, structures, and development standards shall be governed by the appropriate state agencies."

The Waimea Falls Park is therefore under the jurisdiction of the State of Hawaii Department of Land and Natural Resources. No change in this regard will occur as a result of the proposed action since the historic, existing and future use of the site will be park and recreation.

B. Relationship to Public Beaches, Recreation Areas and Natural Resources

Waimea Falls Park lies directly mauka across Kamehameha Highway from Waimea Bay which is the nearest public beach park. Waimea Stream widens out before the Kamehameha Highway bridge forming a natural estuary. The estuary makai of the bridge is on state land and under the jurisdiction of the Hawaii Department of Land and Natural Resources. The structures and activities at the Park do not impact the beach or the estuary. The only Park activity permitted in the lagoon area on the Park property is Kayaking. While the general public does fish in the lagoon and estuary, the Park does not have a program that includes fishing. Fishing further up in the Park, where the Kamananui stream flows down toward the estuary, is not allowed. The rivers which flow through the Park, although on private property, are a natural resource for the people of Hawaii and it has always been the intention of the management to maintain and preserve them as such.

Included in the natural resources of the Park are the Arboretum plants many of which have been brought to the Park for propagation and preservation. There are no endangered animal or aquatic species in the Park; however, there are a few birds which are on the endangered list that make their habitat in the Park.

C. Relationship to Historic, Cultural and Archaeological Resources

Excavation and renovation of historic sites in the Waimea Valley have been carefully conducted in conjunction with Bishop Museum and are available for viewing by visitors. Nine historical sights are identified in the Park handout to guide visitors to the areas. A complete historical review was initiated in April

1974 with the Bishop Museum staff and is contained in the previously accepted EIS for Waimea Falls Park. The Park works with the State Historic Preservation Division (SHPD) as needed in the excavation and study of the valley's historical and cultural resources. A resident historian for the Park from 1976-1996, Mr. Rudy Mitchell, conducted a survey in 1991 which identified additional sites especially along the coral road in the North Valley. In a letter dated 12/28/00, in reference to the possible acquisition of Waimea Valley and Waimea Falls Park by the City and County of Honolulu, the SHPD had the following evaluation of the Park's preservation of existing historical sites:

"...Our office found little cause for concern over the treatment of significant historic sites known to at the Park and felt that the sites in question had been well-maintained, and still played an integral role in the cultural and historical interpretation programs at the Park."

The existing structures which pertain to this Special Management Area Permit are located on previously disturbed land within the South Valley which has been extensively surveyed for archeological resources. None of the identified sites are impacted by any of the items for which and SMP approval is being requested. The guided mountain bike activity in the North Valley uses pre-existing coral roads which were built by the Army during World War II. There are no plans to expand the Park activities into the undeveloped parts of the Valley. The Historical Sites Map (Exhibit 10) displays all known historic sites and their relationship to the structures and activities which are of concern to this EA/SMP application. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about the safety of the historical sites in the Valley.

For any new or additional uses, a Conservation District Use Permit and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District, including historical, archeological and cultural resources. An archeological survey, coordinated with the State Historic Preservation Division, would be undertaken for any new or proposed projects in an unsurveyed area. If, during the construction of any new projects, any previously unidentified sites or remains are discovered, the State Department of Land and Natural Resources will be contacted immediately and all work in the area will be stopped until a determination can be made. The Park management is in receipt of letters from Historic Preservation recommending that the unsurveyed portions of the North and South Valleys should undergo archeological inventory in

order to identify significant sites, and such surveys will be done as needed.

The Cultural Impacts Act 50 of Chapter 343, HRS, and the "Guidelines for Assessing Cultural Impacts" require preparers of environmental assessments to analyze the impact of a proposed action on cultural practices and features associated with the project area. The history of Waimea Valley has included several cultural traditions beginning with the ancient Hawaiians who inhabited the Valley hundreds of years before there was any recorded history of the islands. The remnants of these cultures are still present in the Valley today. While Waimea was considered, and continues to be, a spiritually significant place for the island of Oahu and the Hawaiian people, it has been privately owned since the Great Mahele of 1848 and there are no current cultural practices which are presently associated with the Valley and which would be impacted by the Park activities.

Native Hawaiians are constitutionally protected to exercise their traditional and customary rights. In recognition of the sacredness of Waimea Valley to the Hawaiian culture and in compliance with State statutes, native Hawaiians, with adequate notice to the Park management are permitted access to the Park grounds at any time to observe native Hawaiian cultural practices. Park management is aware of the increased sensitivity to Hawaiian resources and welcomes community input as to how these needs can be met.

D. Coastal Views

The Waimea Falls Park lies entirely within the Special Management Area. None of the structures and activities which are the concern of this SMA (except for the entry signs and kayaking) are within 4,000 feet of the nearest coastline which is Waimea Beach Park across Kam Highway. As the entire park lies mauka of Kam Highway and Waimea Bay, no coastal views from surrounding public viewpoints or from the nearest coastal highway are affected. There are no scenic lookouts along the coastal highway from which one can view the Park. The estuary can be seen from *Puu o Mahuka Heiau*.

E. Water Quality

The accessory structures and activities that are the concern of this EA/SMP, while they do not have an SMP permit, have been in existence for several years. Any action in an environmentally sensitive area, such as the Waimea Valley, has an effect on the total environment and the Park staff is careful to minimize the use of chemicals, fertilizers or pesticides. Product safeguards

are carefully followed and runoff minimized. Of special importance is any impact on the water quality of Waimea Stream, the estuary, and Waimea Bay. The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. The Waimea Stream estuary is often blocked by sand buildup at the beach. The stream water moves underground through the sand bar and, several times a year, the sand bar is broken by heavy stream flow and the fresh water flows into the bay. During heavy flooding, naturally occurring debris is washed into Waimea Bay and the bacterial count in the Bay is temporarily increased. There are also open ditches and irrigation tunnels from Lake Wilson at Schofield that occasionally flow into the estuary over which the Park has no control. According to the Department regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. Testing of the Waimea Stream, which flows through the Park facilities, is done periodically. Results vary depending upon stream flow. The stream is home to a variety of aquatic species including fresh water shrimp, three kinds of O'opu, fresh water fish, and others. Kayaking is the only recreational activity which could have an impact on water quality and it is discussed in the following section. It is the position of this Environmental Assessment that the items which are of concern do not have a significant nor cumulative impact on the water quality of the SMA or the Conservation District and no mitigation methods are required.

IV. SPECIFIC PROJECTS AND IMPACTS

The Park consists of numerous structures and activities spread over a relatively small area of the 1800 acres. Some of the activities and structures predate the December 1975 SMA ordinance and hence are "grandfathered" or non-conforming. Others have been included in previously approved SMP's. The remaining structures and activities, which need an SMP, are discussed below. The Master Project List (Exhibit 8) lists all the structures and activities in the Park together with their SMP status. Exhibits 9A & B are schematic maps showing the location of all the structures and activities. The items are numbered to match the numbers on the Master Maps of Waimea Falls Park (Exhibits 2A and 2B) and the pictures. This EA/SMP does not contain any proposed or future structures or activities; however, for completeness, three previously permitted projects, not yet constructed, have been included (dining pavilion #28, maintenance building #27, new admin office #36). The relationship of the structures with existing significant historical sites can be seen in Exhibit 10. This EA/SMP includes a total of 47 structures and activities.

Exhibit 8
WAIMEA FALLS PARK
MASTER PROJECT LIST
SMP STATUS

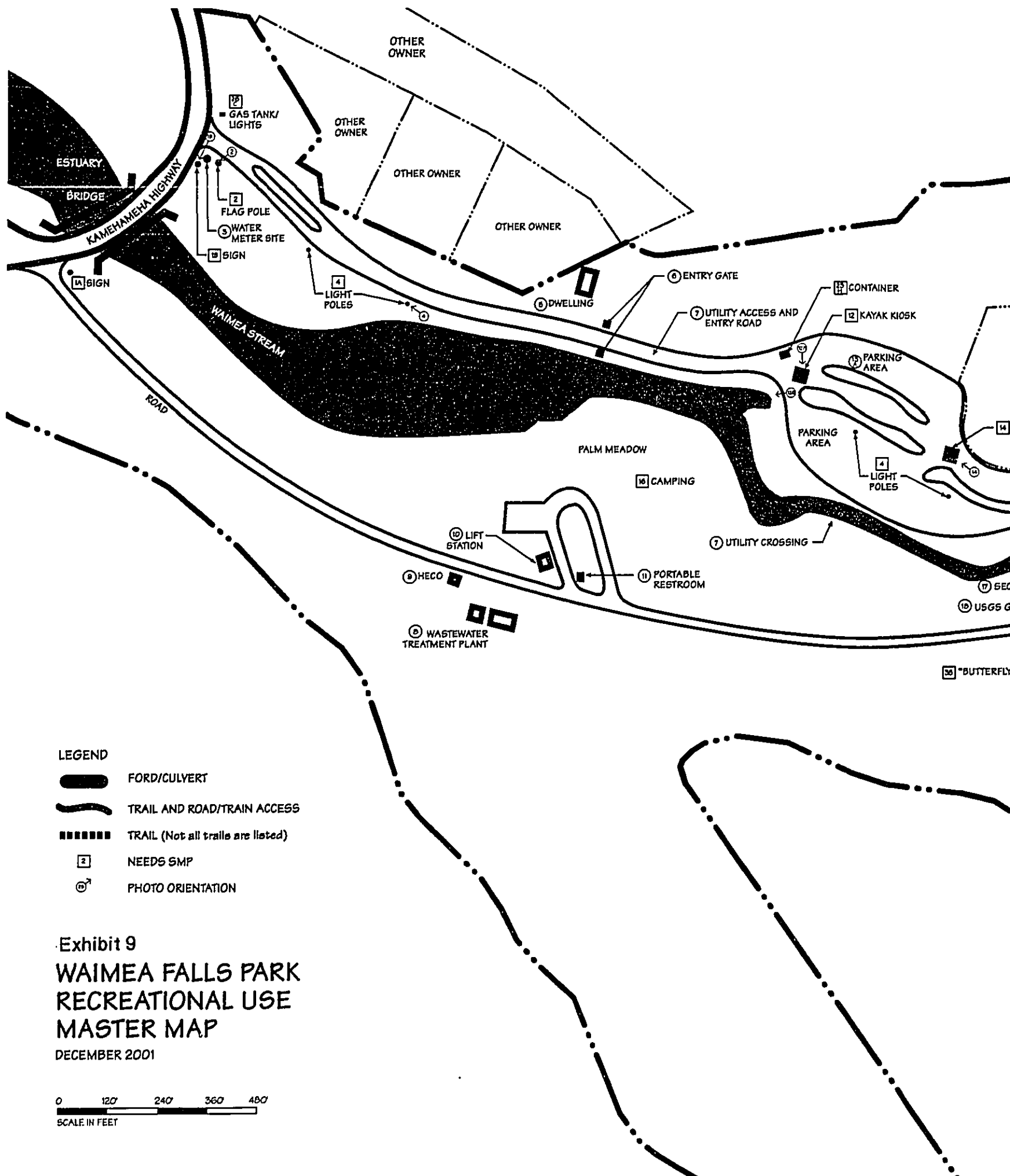
PROJECT DESCRIPTION	MAP #	SMP APPROVAL	COMMENTS
Historical sites	15,45,55	pre SMA	
Recreational use		pre SMA	
Utility Improvements		pre SMA	8.6 acres 10/28/71
Maintenance of Elehaha Stream		pre SMA	11/5/71
1975 DLNR MASTER PLAN			8/14/74
Roads /realignment	7	pre SMA	
Hiking trails	7	pre SMA	
Parking lots*/additional	13	pre SMA	*existing
Picnic areas (not site specific)	no #	pre SMA	
Visitor Center	21	pre SMA	
Restaurant	21	pre SMA	1985 sq ft plus lanai 864 sq ft
expand/new kitchen	21	80/SMA-88 4/81	
new dining pavillion	28	80/SMA-88 4/81	concept only/ 750 people
General store	21	pre SMA	
expand general store	21	80/SMA-88 Mod	same location 12/29/1989
Maintenance building	27	pre SMA	
expand building	27	80/SMA-88 Mod	expand to 6000 ft 12/29/89
replace (burned down)	27	NEED SMP	see text
Admin Office	36	pre SMA	
replace trailer	36	84/SMA-50	
replace w/ new structure	36	80/SMA-88 Mod	new 637 ft bldg/not done
The Aboretum	40A	pre SMA	
Nursery (seedling house,	40A	pre SMA	
potting shed, etc.)	40A	pre SMA	
Library	40A	future	see text
Plant quarantine house	38	NEED SMP	35' x 14'
Office (temporary trailer)	40B	NEED SMP	trailer w/facade
Restroom facilities	50	80/SMA-88 4/81	accessary use to snackbar
MASTER PLAN CONCEPTS			
Cabin/Camping Sites	no #	future	12 areas/non-site specific
support facilities			
Narrow gage train	no #	future	
Bridal Trails	no #	future	
MISC STRUCTURES			
Signs	1A&B	NEED SMP	Park entrance & inside park
Flag Pole	2	NEED SMP	
Water meter	3	pre SMA	
Light poles/entry road	4	NEED SMP	new poles
Dwelling (private)	5	na (pre SMA)	
Entry Gates	6	pre SMA	
Wastewater treatment plant/STP	8	80/ SMA-88	
Relocate/landscape	8	80/SMA-88 Mod	relocate makai/landscape
STP electrical supply/poles	8	80/SMA-88 Mod	
STP stream inverted siphon	8	80/SMA-88 Mod	
Lift station	10	pre SMA	

Exhibit 8
 WAIMEA FALLS PARK
 MASTER PROJECT LIST
 SMP STATUS

PROJECT DESCRIPTION	MAP #	SMP APPROVAL	COMMENTS
MISC STRUCTURES			
CONTINUED			
Restrooms (near lift station)	11	portable	
Kayak kiosk (old ticket booth)	12	NEED SMP	new use/new location
Parking lot security booth	14	NEED SMP	new use/new location
Security gatehouse	17	pre SMA	part of parking lot
replace security gatehouse	17	80/SMA-88 Mod	140 ft in same location 12/89
USGS Gauging Station	18	pre SMA	
Exit booth	19	NEED SMP	moved from Visitor Center
Office trailer	22	NEED SMP	used for administration
Containers (14 total)	23 A-H		
Container/storage A (1)	23A	NEED SMP	
Container /storage B (2)	23B	NEED SMP	
Container /storage C (3)	23C	NEED SMP	
Container /storage D (3)	23D	NEED SMP	
Container /storage E (2)	23E	NEED SMP	
Container /storage F (1)	23F	NEED SMP	
Container/storage G (1)	23G	NEED SMP	
Container/storage H (1)	23H	NEED SMP	
Utility office trailer	24	NEED SMP	8X20 SF
Mountain bike trailer	25	NEED SMP	8 X 20 SF
N Valley office trailer	28	NEED SMP	in area for future restaurant
POL shed	29	pre SMA	
Education trailer	34	NEED SMP	used for administration
Butterfly House (old depot)	35	NEED SMP	SMP for screen doors (1998)
Admin support trailer	37	NEED SMP	support facility for weddings
Antenna	39	pre SMA	internal communication
NOAA Weather Station	41	pre SMA	
Animal/bird enclosures	42A-E	NEED SMP	
Rain Shelters	43A&D	pre SMA	
Tumaround	43B	pre SMA	
Falls (5)	43C	NEED SMP*	*new use/structures are pre-SMA
Hula stage & seating (Kauhale)	44	NEED SMP	Kauhale Living Site
Hawaiian Game & Hula site	47	pre SMA	
landscaped redwood seats	47	NEED SMP	seating for 300-400
hula stage	47	NEED SMP	40' X 96'
Hawaiian game hut	47B	NEED SMP	traditional hale
Jungle Trek	48	NEED SMP	includes portable toilets
Changing room for hula show	49	NEED SMP	14' X 12'
Tram bus turnaround	51	80/SMA-88 4/81	
concession facility	52	80/SMA-88 4/81	
portable toilets	50	accessory use	
Falls amphitheater seating	56	93/SMA-18 3/93	seating for 250/replaced benches
Horse Paddock	57	NEED SMP	approx 1/2 acre fenced area
Storage Shed near game hut	58	NEED SMP	stone and wood
Retaining wall/old Garden Trail	59	NEED SMP	repair of trail for horses/guidrails

Exhibit 8
WAIMEA FALLS PARK
MASTER PROJECT LIST
SMP STATUS

PROJECT DESCRIPTION	MAP #	SMP APPROVAL	COMMENTS
STREAM PROJECTS			
Stream fords/bridges	30	pre SMA	
replace 4 bridges	30	92/SMA-76 12/92	after the fact (flood damage)
Culverts	31	pre SMA	
Ponds	20A-D	NEED SMP**	ponds C&D need SMP
Falls electric recirculating pump	54	NEED SMP	located behind rain shelter at falls
UTILITIES			
Fire system/31,000gal water tank	32	80/SMA-88 4/81	accessory to Visitor Center
Well #1	33A	NEED SMP	tunnel 100,000 GPD
#2	33B	NEED SMP	200,000 GPD
HECO			
Propane gas tanks	26A-E	9 pre SMA	
2,000 gal - Visitor Center	A	pre SMA	
1,000 gal - maintenance shed	B	pre SMA	
2 small at Park entrance	C	NEED SMP	
1 small at falls	D	NEED SMP	
1 small at Kauhale	E	NEED SMP	
Transformer Sheds	53A&B	pre SMA	for HECO transformers
	53C-E	NEED SMP	sheds covering conduits
Night Lighting	60 A&B		poles and theatrical lights
Kauhale	60A	NEED SMP	2 25' poles/theatrical lights
Falls/lights,speakers, shed	60B	NEED SMP	25' pole/lights/2 speakers/shed
ACTIVITIES			
General recreation use	no #	pre SMA	
Hiking/walking/swimming/fishing	no#	pre SMA	
Food & Beverage/Liquor	no#	pre SMA	permit OK
Retail	no#	pre SMA	
Education(plants/animals)	no#	pre SMA	
Camping (Meadow)	16	NEED SMP	
Horseback Riding	no #	NEED SMP	recreational activity 1999
Kayaking activity	12	NEED SMP	recreational activity 1991
Mountain bike activity	25	NEED SMP	recreational activity 1992
APPROVED/NOT BUILT			
Maintenance Shed	27	80/SMA-88 Mod	not built
New dining facility	28	80/SMA-88 4/81	concept only approved
Admin office addition	37	80/SMA-88 Mod	not built



LEGEND






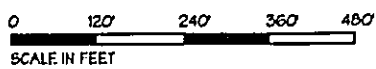
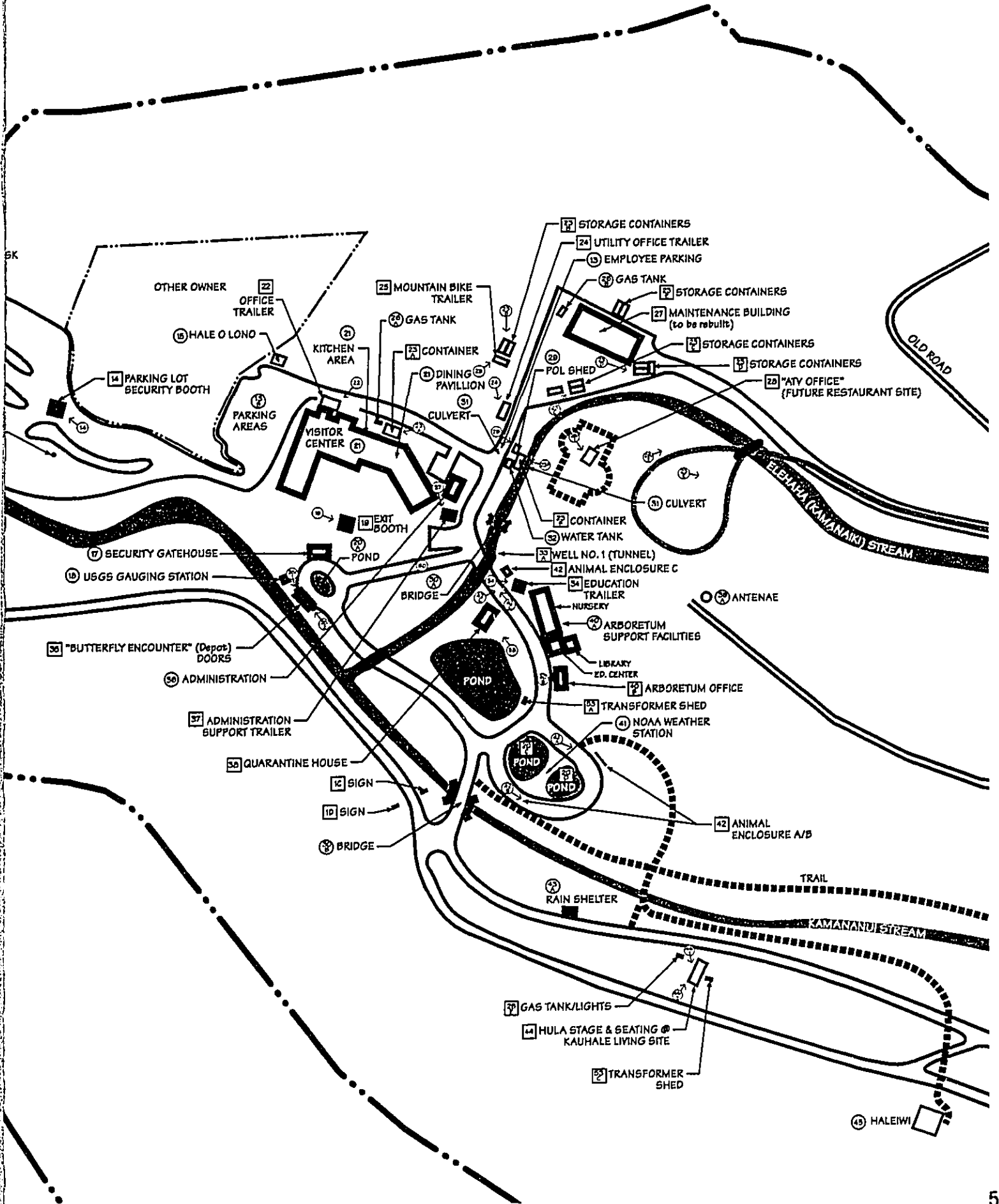
-  FORD/CULVERT
-  TRAIL AND ROAD/TRAIN ACCESS
-  TRAIL (Not all trails are listed)
-  NEEDS SMP
-  PHOTO ORIENTATION

Exhibit 9
**WAIMEA FALLS PARK
 RECREATIONAL USE
 MASTER MAP**
 DECEMBER 2001





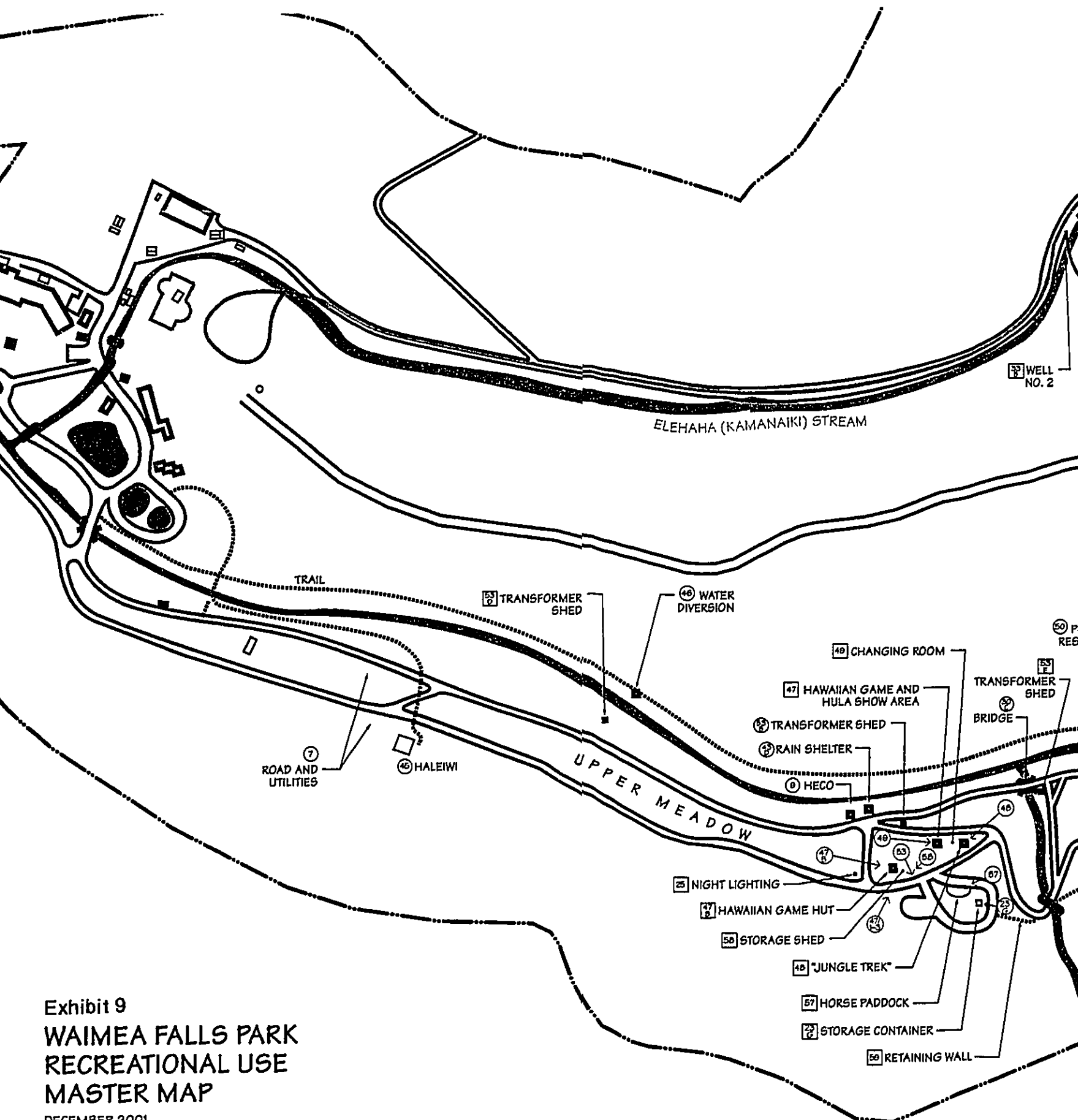
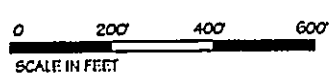
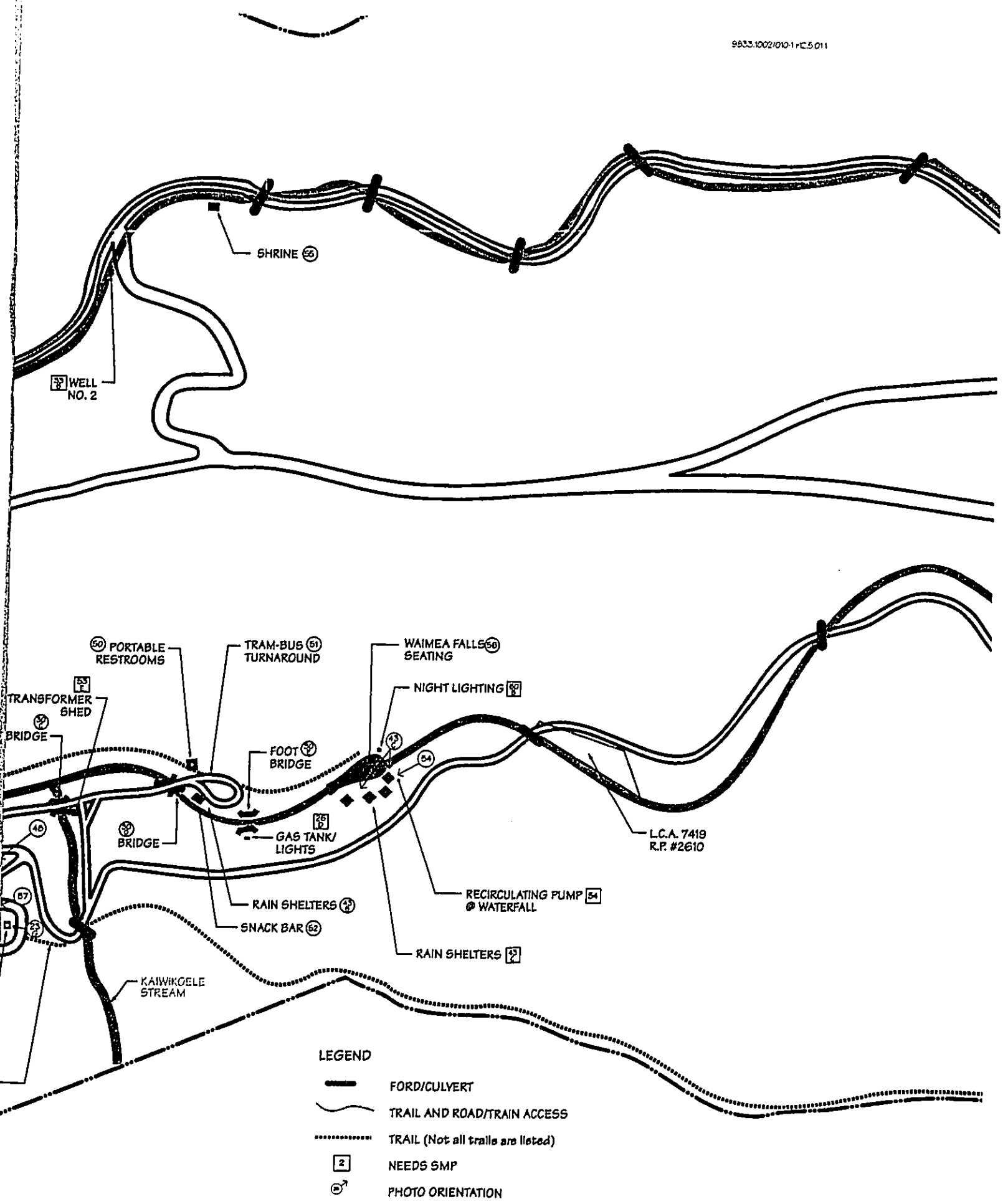


Exhibit 9
**WAIMEA FALLS PARK
 RECREATIONAL USE
 MASTER MAP**
 DECEMBER 2001





Waimea Valley Historical Sites*

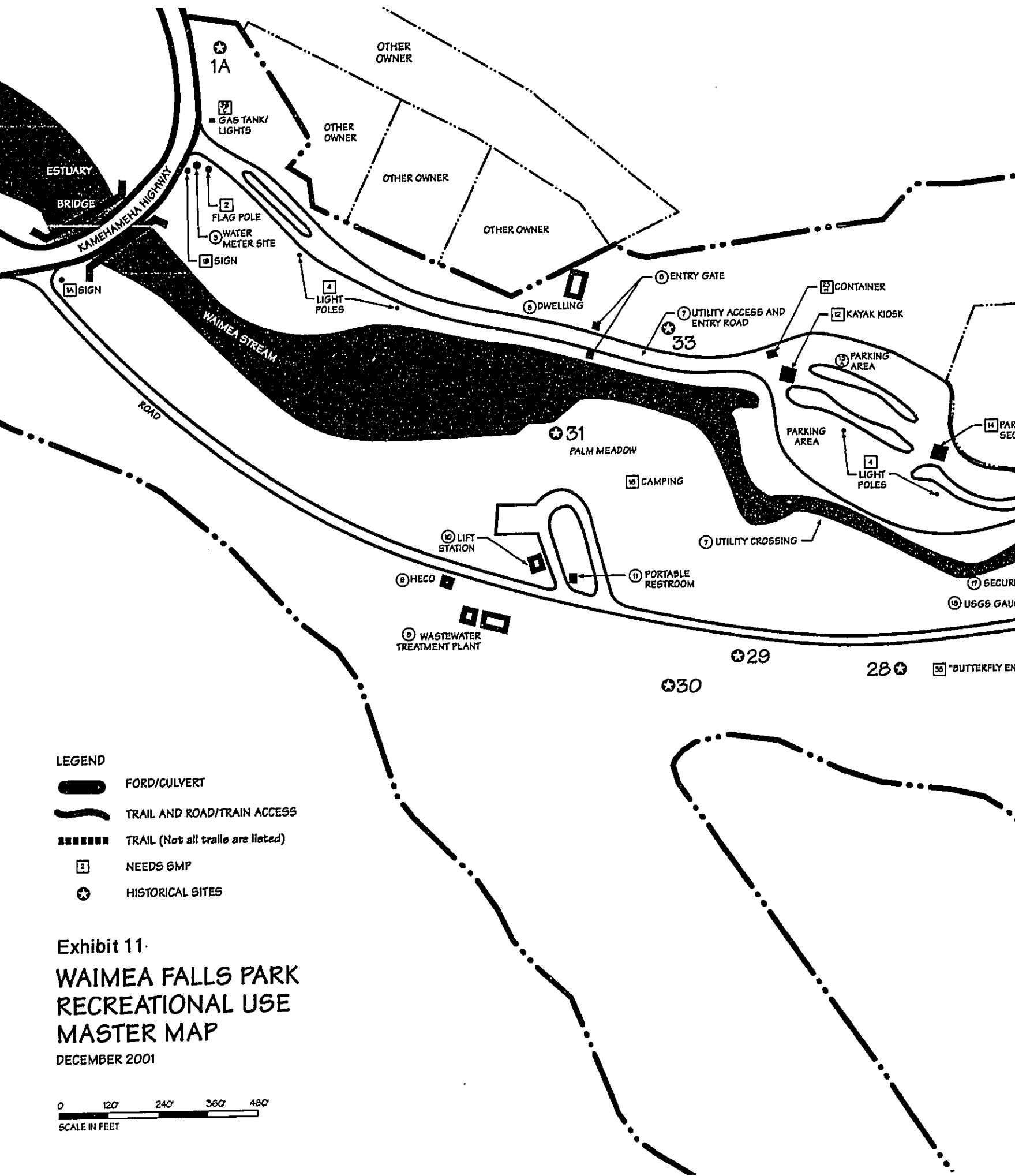
Exhibit 10

Surveyed by Bishop Museum 1974

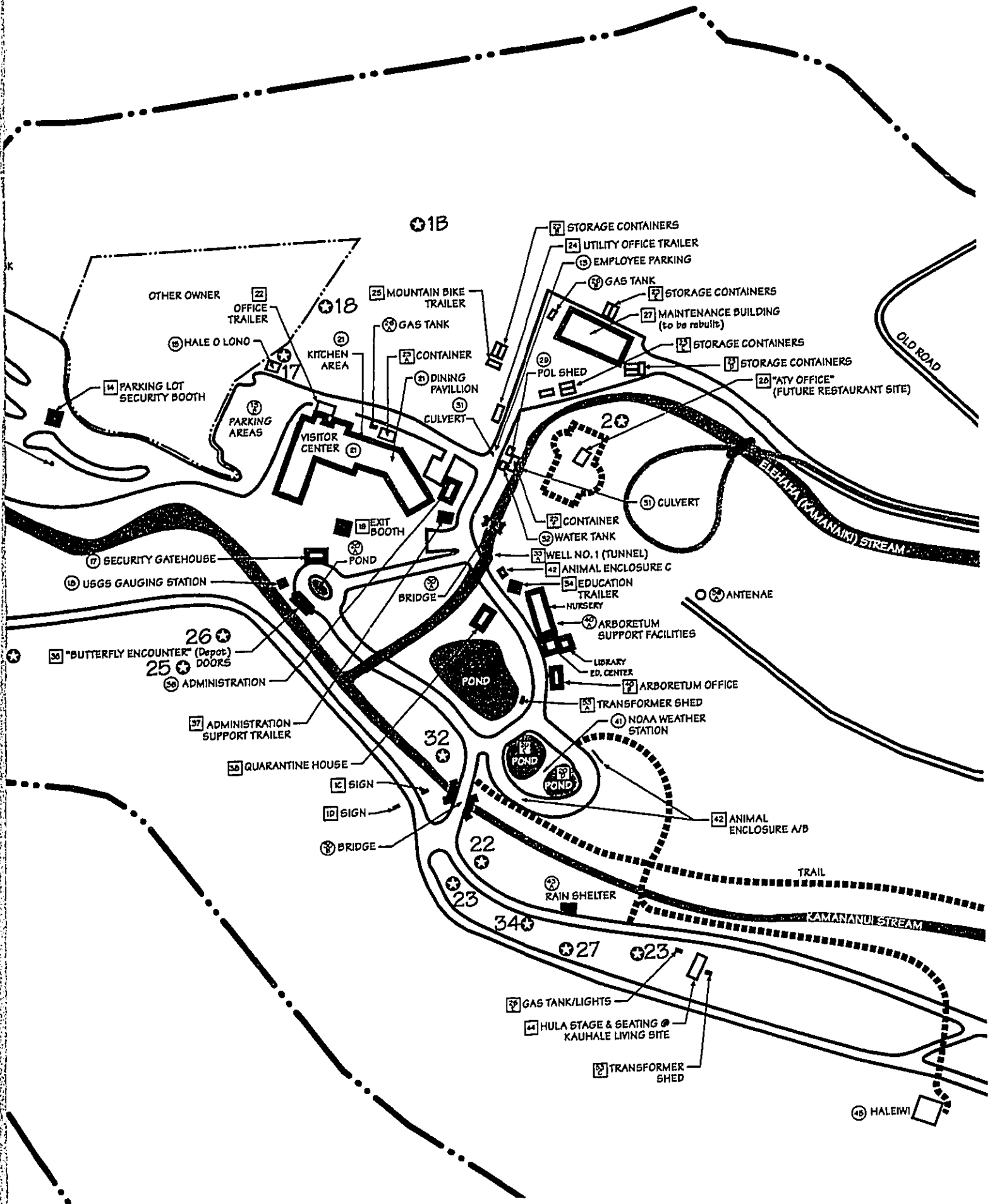
<u>Map #</u>	<u>Code (50-Oa-D7-)</u>	<u>Description</u>
	1-4	Not on property
	5	Agricultural terraces along River/non site specific
1a	6	Kuhale Heiau
1b	7	No description
2	8	Historic enclosure
3	9	Wall and terrace complex
4	10	Walled enclosure
5	11	Walls and historic remains
6	12	Walls and historic remains
7	13	Japanese shrine
8	14	Dry-agriculture mounds
9	15	Dry-agriculture mounds
10	16	Dry-agriculture complex
11	17	Wall and dry-agriculture slope with terraces
12	18	Terraced slope
13	19	Dry-agriculture terraces
14	20	Dry-agriculture mound
15	21	Walls and terraces
16	22	Walls and terrace complex (including Ka'ili'ili)
17	23	Hale O Lono (heiau)
18	24	Wall
19	25	Walls
20	26	Wall complex with mounds
21	26Z	Hale Iwi (heiau)
	27,28,29,30	Portable artifacts
22	31	Possible terrace and mounds
23	32,33	Possible terrace and mounds, Kauhale Kahiko
24	34	Wall
25	35	No description
26	36	Wall
27	36-I	Rock shelter, Kauhale Kahiko
28	37	Terraces
29	38	Rock shelter
30	39	Dry-agriculture complex

Surveyed by Rudy Mitchell, Waimea Falls Park Archeologist 1976-96

<u>Map #</u>	<u>Code (50-Oa-D7-)</u>	<u>Description</u>
31	40	Ali'i Lo'i
	41	Pu'u Kua (other owner)
	42	Hewe hewe burial (other owner)
	43	No description
32	44	HMS Daedalus
	45,46	Na /open
33	47	Rock shelter
	48-52	Not on property
34	53	Rock shelter
	54,55	Na/open
35	56	Auwai
	57	No description
	58,59	Not on property
36	60	Agricultural terracing
37	61	Agricultural terracing
38	62	Agricultural terracing
39	63	Agricultural terracing
40	64	Rock wall
41	65	Agricultural terracing
42	66	Agricultural terracing
	67-78	Upper north valley/off map



ESTUARY
 BRIDGE
 KAMEHAMEHA HIGHWAY
 WAIMEA STREAM
 ROAD
 OTHER OWNER
 OTHER OWNER
 OTHER OWNER
 OTHER OWNER
 1A
 GAS TANK/LIGHTS
 FLAG POLE
 WATER METER SITE
 SIGN
 SIGN
 LIGHT POLES
 DWELLING
 ENTRY GATE
 UTILITY ACCESS AND ENTRY ROAD
 33
 CONTAINER
 KAYAK KIOSK
 PARKING AREA
 PARKING AREA
 LIGHT POLES
 31
 PALM MEADOW
 CAMPING
 LIFT STATION
 HECO
 WASTEWATER TREATMENT PLANT
 PORTABLE RESTROOM
 UTILITY CROSSING
 29
 30
 28
 SECURITY
 USGS GAUGE
 BUTTERFLY EN



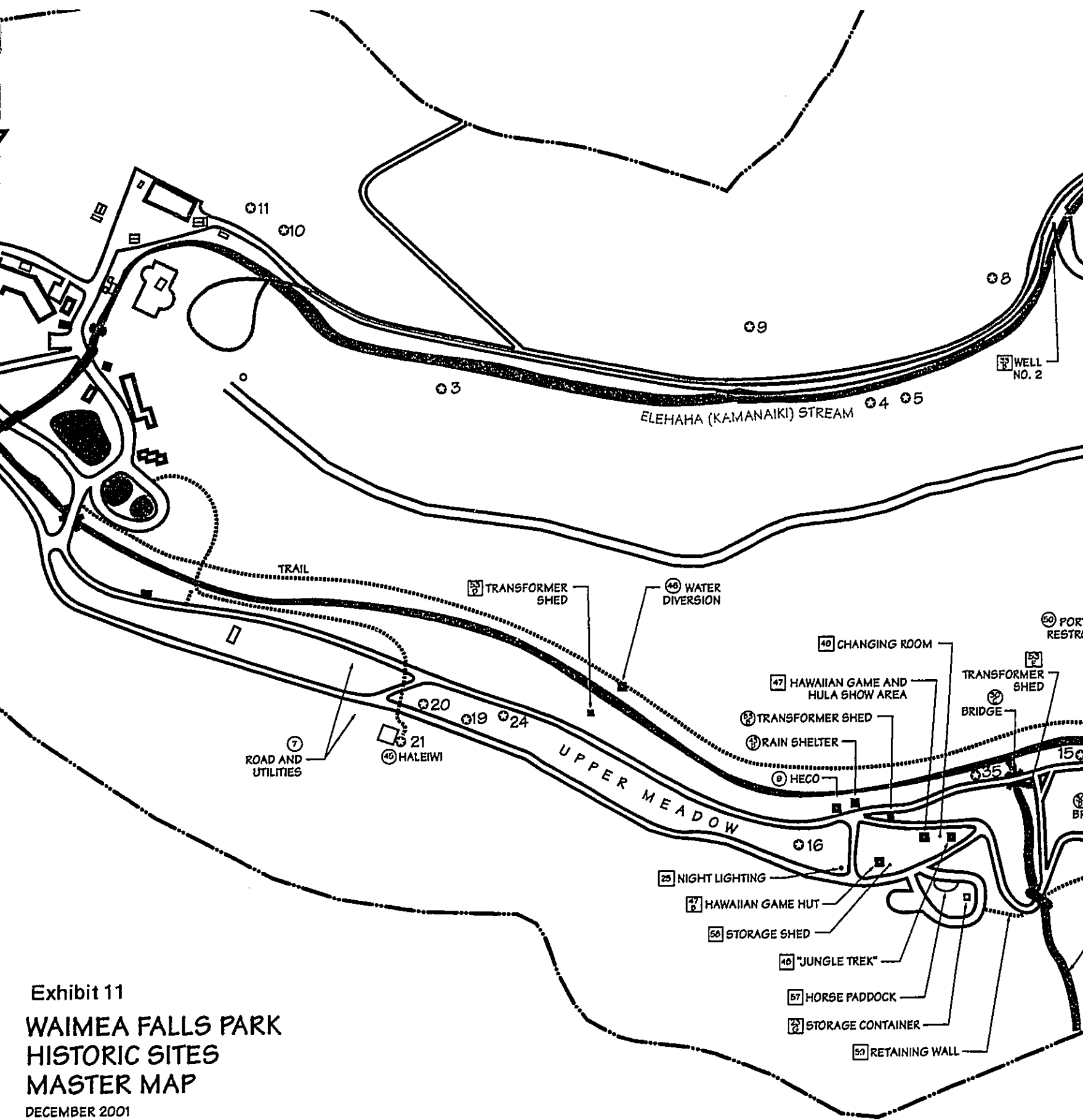
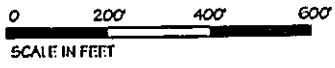
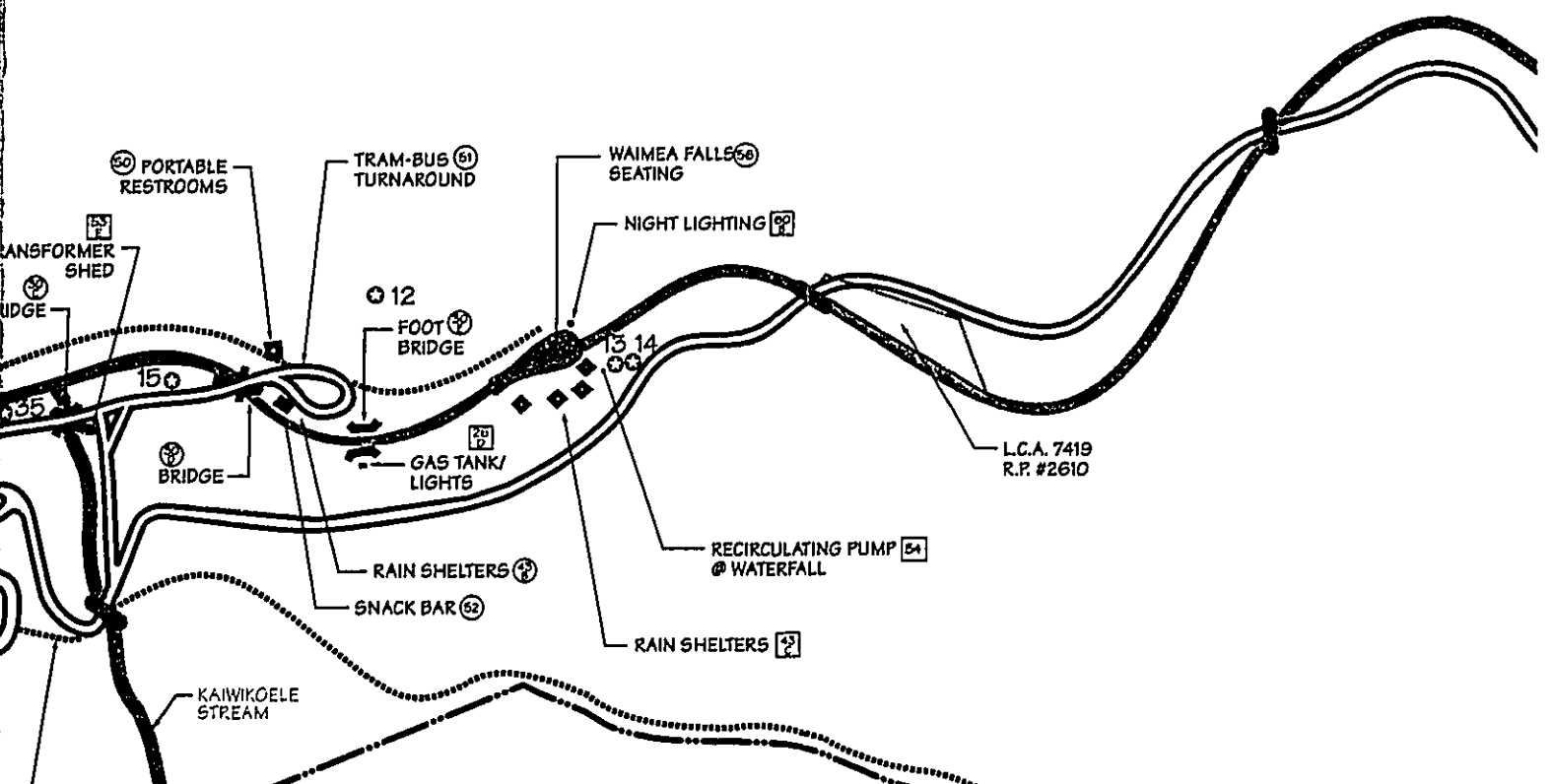
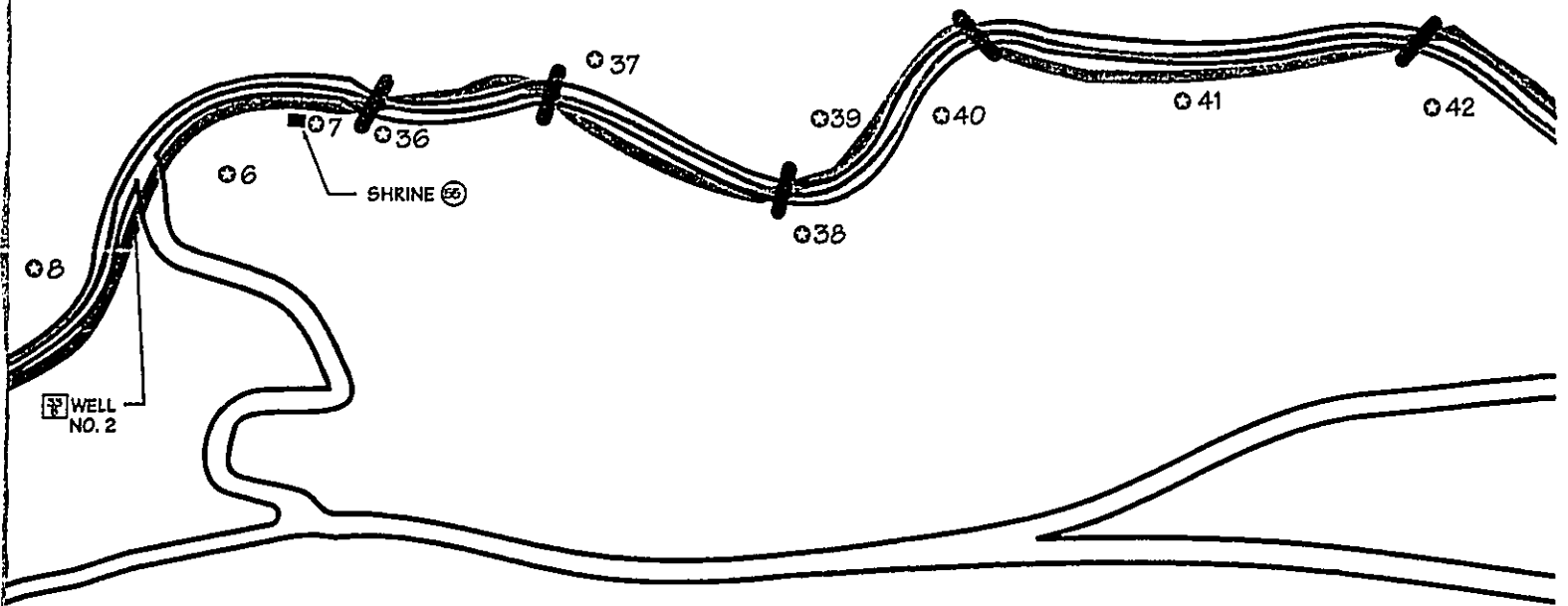







Exhibit 11
 WAIMEA FALLS PARK
 HISTORIC SITES
 MASTER MAP
 DECEMBER 2001





LEGEND

-  FORD/CULVERT
-  TRAIL AND ROAD/TRAIN ACCESS
-  TRAIL (Not all trails are listed)
-  NEEDS SMP
-  HISTORIC SITES

A. Structures in Waimea Valley

The following structures at Waimea Falls Park are the subject of this Environmental Assessment and application for a Special Management Area Use Permit. It is important to note that all the structures that are the concern of this EA/SMP are located on previously disturbed land near existing Park visitor facilities. None of them are located near known archeological sites or stream banks. They are used as accessory to existing structures and activities. Most of the structures involved are "temporary" in nature such as storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages; however, they constitute "development" according to the SMA guidelines and require a permit. Also, any "change in the density or intensity of use of land" requires an SMA permit. No cumulative significant environmental impact is projected; however, the total cost off all of the construction and programs is greater than \$125,000, hence a major SMP is required.

(1 A-D) Signs There are two metal signs on either side of the bridge along Kam Highway which indicate the turnoff to Waimea Falls Park. The signs, which have been in place since 1999, are each approximately 8 feet above grade and are held by stylized Hawaiian figures which were designed by the Park cultural arts department. The Park has permission from DLNR to install the signs in this location. There are also two similar sign supports on the Park grounds along the trail to the palm meadow. (Signage in the Conservation District is not regulated by the Land Use Ordinance.)

Impact: The signs do not interfere with or detract from the line of sight toward the sea from the state highway nearest the coast which is a concern of the SMA. Their placement does not interfere with traffic safety on Kam Highway.

(2) Flagpole There is a flagpole at the beginning of the entry road to the Park for flying the Hawaii and US flags.

Impact: None

(4) Entry Road Light Poles Light poles along the access road from Kam Highway into the Park were included in the realignment of the entry road when the Park first obtained its CDUA from DLNR. The present twelve foot high light poles were put into place in 1994 to replace the original lights. Yellow and red cloth banners, welcoming visitors and describing Park activities, are hung from ten of the poles. The new light poles are included in this SMP application.

Impact: The poles are on private Park property. No coastal views are impacted.

(12) Kayak Kiosk The kiosk was originally used as the main gate ticket booth; and, as such, was included in the 1974 CDUA as an existing Park structure. It is a small, (7' X 7') portable, octagonal, structure which has been moved from its previous location and is now being used as the rental office for kayaking. The booth is located near the parking area just mauka of the Park entrance road from Kam Highway. People renting kayaks enter the river at this point and paddle down the waterway to the beginning of the estuary which is approximately 500 feet away. Depending on the time of year, the water level in the stream fluctuates and at its highest level is 30 feet away from the kiosk. The kayaks are stored in a container (23H) near the kiosk. The new location of the kiosk and the kayak activity are included as part of this SMP application.

Impact: Minor leveling of the ground for the placement of the kiosk. The structure is a minimum of 30 feet away from Waimea Stream. Impacts from the kayaking activity are discussed in a later section.

(14) Parking Lot Security Booth This is a small, portable, wooden structure (100 inches X 50 inches) that has been used for several purposes at the Park in different locations. Since 1998, it has been used as a booth for issuing parking permits to people visiting the Park. It also provides protection and security for Park staff and visitors. The new location of the booth is included as part of this SMP application.

Impact: None. The booth is located on the paved visitor parking area.

(19) Exit Booth The structure, which is now being used as the exit booth, has been in existence since 1974. Previously it was used as an information booth inside the visitor center. In 1989, it was moved to its present location where visitors pay an entrance fee and exit when they are finished touring the Park grounds. It is a small (5' X 5') painted wooden structure with a corrugated roof.

Impact: None. The booth is located on a paved area near the visitor center.

(20 C&D) Two Ornamental Ponds Prior to 1975, a weir was constructed to divert some of the Kamananui Stream water to be used to create ponds downstream. The upstream diversion dam includes a six-inch diameter pipe which passes out of the stream and remains buried approximately 1800' before the water enters

the first pond. Water flows from pond to pond in a series and back to the stream. The two makai ponds (A&B) were natural depressions that the Park let fill with water and are pre-SMA. The ponds were included on the 1989 Master Plan for Waimea Falls Park which was approved by the Department of Land and Natural Resources. After the 1991 flood, two additional ornamental ponds were created in the same general area across from the Arboretum office. The two new ponds (C&D) are shallow depressions 1-2 feet deep which were designed to provide an aesthetic water feature in a previously flat, unsightly, utility area. The upper pond (20D) is approximately 47' X 106" and the next pond (20C) is 40' X 130'. The ponds are inhabited by carp, *Tilapia*, and aquatic plants. Each pond has an island in the middle protected from predators which is used by aquatic birds as habitat. The landscaped area is surrounded by a figure eight paved Park road; paving and other improvements in the area were done for safety and aesthetic reasons as part of normal Park maintenance. The Water Commission requested that the Park apply for a permit for the two new ponds after all County and SMA permits had been obtained. This will be done.

Impact: Work on the ponds necessitated the relocation of some of the Arboretum plants to other gardens in the Park. The endangered plants in the area were replanted around the ponds. The ponds have become a habitat for aquatic species of plants and wildlife. There is some loss of water due to ground percolation but no other environmental impact.

(22) Office Trailer Located directly behind the Visitor Center, the trailer has been in use since 1990 as an office and for storage by the food and beverage operation. The trailer is a replacement for a trailer that was in existence when the Park was purchased in 1969 and was no longer usable.

Impact: None. The trailer is placed on a previously leveled gravel area near the Visitor Center.

(23A-H) Storage Containers There are 14 shipping containers used by the Park for storage and security. Some of the items stored are feed, pipes, records, bikes, banquet supplies, tools, store supplies, janitorial supplies, costumes, and other items necessary to run the Park operation. The containers are approximately 40 feet long. The locations of the containers are indicated on the Master Maps (Exhibits 2A & B):

- A) One container is located behind the Visitor Center
- B) Two containers near the mountain bike trailer
- C) Three containers near the proposed new maintenance building
- D) Three containers near the new maintenance building

- E) Two containers up against the cliff near the proposed new maintenance building
- F) One container near the POL shed.
- G) One container near the horse corral for storing saddles, bridles, feed etc.
- H) One container near the kayak kiosk for storage of kayaks.

Impact: Park management is aware that alternatives to the containers would be more aesthetically pleasing, however they are being used for temporary storage until finances for the new maintenance shed are available. In some cases minor leveling of land was done prior to installation. The container near the water tank is approximately 20 feet from the dry Elehaha Stream.

(24) Utility Office Trailer This trailer houses all of the records and office necessities to maintain the Park, i.e., phones, desks, computers, a copy machine, file cabinets, Internet access, logs, accountings, etc. It was installed in 1999 after a fire destroyed the old maintenance shed.

Impact: None. The trailer is placed on a previously leveled gravel area near the Visitor Center.

(25) Mountain Bike Trailer Rental office located in a 10' X 40' trailer mauka of the Administration Building toward the Erythrina garden. The trailer has been in existence since 1996. For security, the bikes are stored in the nearby containers (23B). The tent which is seen in the picture was temporary and has since been removed. The use of mountain bikes is a recreational activity that is included in this SMP request.

Impact: None. The trailer is on previously leveled and cleared land.

(26C&D) Gas Tanks for Night Lighting On occasion, the Park is open for special night functions. In the early 1990's, gas torches were installed at the entry way, the Kauhale Living Site, and the falls. There are gas torches and two small propane tanks with the necessary piping at the Park entrance on Kamehameha Highway. Torches are also located along the last bridge on the way to the falls; the piping is underground and the tank is before the bridge and hidden behind foliage. The average size of the propane tanks is 100 gallons.

Impacts: As the Park is rarely open at night, the torches are not often used; however, Park management would like to continue to offer night activities and the torches provide a nice effect. The necessary infrastructure is minimal and

has little impact on the environment. No historical sites are affected.

(27) New Maintenance Building (to be built/no picture/see Master Map Exhibit 9) In 1989, permission was given to expand the existing open maintenance shed from 5,000 sq. ft. to 6,000 sq. ft as part of a modification to SMP permit 80/SMA-88. It was not built due to financial considerations and in March 1999 the old building was destroyed by arson. For completeness, the construction of a new 6,000 sq. ft., covered maintenance building, to replace the one that burned down and was previously approved, is being included in this SMP. The new maintenance shed would serve in the same capacity as the original shed which was used for both storage and for operational support and maintenance tasks. There will be less need for the storage space provided by the containers when the new maintenance building is constructed. Lack of financial resources continues to delay construction of the new building.

Impact: Grading and clearing of land. The new maintenance building will serve as an area to store equipment and supplies which are now stored elsewhere and will improve the aesthetics and efficient operation of the Park.

(28) North Valley Office Trailer Located in the area which has been designated as the future new dining pavilion. (The concept of the new dining pavilion was approved in 1981 by 80/SMA-88, but has not been built due to financial considerations.) The existing structure is a 10' X 40' trailer and includes a covered porch running the length of the trailer. The trailer has been in use since 1991 and was previously providing the ATV operation with office and storage space. The ATV activity has been discontinued as a Park activity and the trailer is now being used for office, record storage, and an archival photography library. (There are no ATVs being stored in containers; the Park has retained three ATVs to access the back acreage for maintenance as needed.)

Impact: None. The trailer is on previously leveled and cleared land.

(33A&B) Wells #1 and #2 (no pictures - see Master Map for locations)

Well #1 is located near the Arboretum. It was included as part of the 1975 CDUA permit and has been drilled but never used. It has an approved withdrawal of 100,000 gallons of nonpotable water per day.

Well #2 is located in the North Valley. It was drilled but never used and has an approved withdrawal of 200,000 gallons

of nonpotable water per day.

Permission was given by the state Water Commission in the 1990's to drill the second well and to deepen the first. The wells have not been used due to financial considerations.

Impact: None. While the Park has never experienced a shortage of water, permission to develop the two wells for reserves is being included as part of this SMP.

(34) Education Trailer A small trailer located near the main building of the Arboretum which was installed in 1995. This office space is used by the staff involved in the educational functions of the Park. (The education trailer is technically not part of the Arboretum complex.)

Impact: None. The trailer is on previously disturbed level land near the Arboretum complex.

(35) Butterfly House (Screens) Previously this structure was used as the bus depot for the Park. It is now being used as a walkthrough display of Monarch Butterflies. The building has two entrances and screen doors have been added to keep the butterflies in. The original building has been maintained; it is the addition of the screen doors which is being included in this SMP.

Impact: None.

(37) Admin Support Trailer This trailer is located adjacent to the administration building and is presently used for preparation and administration of the weddings which are occasionally held in the Park. Permission was granted in 1989 (80/SMA-88 Mod) to replace the trailer with a new, 637 sq. ft. structure as an admin support facility. This has not been done due to financial considerations. Until the new building can be built, an SMP is required for the existing trailer.

Impact: None. The trailer is placed on a previously leveled gravel area near the existing Administration Building.

(38) Quarantine House A quarantine house for the temporary storage of imported plants was included in the original concept of the Arboretum complex approved by the 1975 CDUP. There has always been a quarantine area as part of the Arboretum and, the present quarantine house has been constructed in phases over the years. The present structure was completed in 1985 and is a self-contained facility where the plants can be isolated and observed before they are added to the Park grounds. The 35' X

14' screened structure is built on a concrete slab with a base of concrete blocks 3-4 feet high on all four sides, a slanted corrugated plastic roof and a drain sump.

Impact: None. The building has been constructed on a previously disturbed area near the existing Arboretum complex. The quarantine house is an integral part of the Arboretum facility and helps protect the botanical resources of the Park.

(40B) Arboretum Office Trailer The trailer has been used as an office facility for the Arboretum since the opening of the Park and was intended as a temporary structure until a larger office, lecture and display building could be built. It is being included in this SMP because the original trailer has been expanded and a facade added.

Impact: None. The construction is on previously disturbed land near the existing Arboretum complex.

(42A-E) Animal/Bird Enclosures

42A Animal Enclosure: Five feet high rock and screen enclosure constructed against a land formation that runs adjacent to one of the Park roads near the Arboretum facilities. For safety, the cage was designed to prevent visitors from reaching inside. This enclosure is presently unused.

42B-E Bird Enclosures: There are two large walk-in aviaries with a variety of birds, one enclosure with Hawaiian geese, and one birdcage with macaws on the Park property. The enclosures are all located in the area of the Arboretum and visitor facilities.

Impact: None.

(43C) Rain shelters Due to frequent showers in the valley, there have always been a number of rain shelters at the Park. The five shelters at the falls have been there since the Park has been in existence; one of them was destroyed in the 1990 flood and rebuilt. The shelters are sometimes used as concessions for refreshments and retail sales and one contains a changing room for the divers. The shelters are being included in this SMP request because of the additional use.

Impact: The Park has permission from DLNR to operate retail establishments and refreshment stands as part of the recreational use of Waimea Valley. The occasional use of the rain shelters at the falls as concession stands, does not impact the SMA or the Conservation District or increase

the visitor population to the falls. Rubbish from the concessions is removed with other Park waste.

(44) Seating & Hula Stage (Kauhale Living Site) Hula stage and 26 wooden benches on concrete supports for 100 people at the Kauhale Living Site.

The small stage (approximately 8' X 20' and 6" high) is made of Douglas Fir framing with a plywood top covered by Astro-turf. It was installed in the Park in 1998 and is used for educational and cultural presentations for visitors. The stage was constructed mainly for the protection of the dancer's feet.

Seating The 26 wooden benches, on concrete supports, were installed for the comfort of Park visitors in 1993. The benches are very rustic in appearance and blend in with the natural setting of the site. The Park hosts many school groups and, previously, the children sat on the grass and dirt.

Between the stage and benches is an area that has been dusted with gray basaltic sand for safety and aesthetics. The interpretive layout of the paths and the sites in the Kauhale village area were coordinated with the Bishop Museum before the SMA guidelines were in effect. In 1993 the Park management determined that this open space would be suitable for the small stage and seating.

Impact: The Kauhale living site was one of the sites recommended by Bishop Museum for historical interpretation for visitors to the Park. The stage and seating are an addition to the site which enhances the educational function of the Park and were constructed with an adequate buffer between the structures and the historical sites. The foot traffic does not have an adverse effect on the rock structures or planted gardens in the area. The Hawaiian Hibiscus and Ethnobotany gardens, which contain endangered Hawaiian plants, are 100 feet away.

(47) Hawaiian Game & Hula Show Area The amphitheater seating and stage, adjacent to the Hawaiian Games Site, were installed in 1993. There have been hula presentations on the lawn in this area for many years. The stage and the seating were intended to enhance the comfort and safety of the guests and staff. The stage, which is used for Hawaiian cultural plays, is approximately 40' X 96' and constructed of a black sand-like material. The stage is surrounded by black rocks and vegetation and approached by two stone steps facing the amphitheater. The 300-400 capacity redwood seating complements the landscaping.

Impact: There was some concern that a canoe shed had been

removed from this area and replaced by the stage. In a letter to the Park management regarding their visit to the Park in December 1998, Historic Preservation commented:

"... The recently installed dance/performance area has been put on a previously graded surface; no significant historic sites were present at this location. Consequently, the removal of the canoe shed (due to it's deteriorated condition) and establishment of a dance/performance area would have 'no effect' on significant historic sites."

(47B) Hawaiian Game Hale The "hut" was a gift from the Liliuokalani Trust in the late 80's. It is made out of natural native materials and is approximately 34' X 20' at the base. No permits were obtained for placing the structure in its present location; therefore, it is being included in the SMP.

Impact: None.

(48) Jungle Trek Constructed in mid 1998 to create an interactive experience for smaller children that would encourage the patronage of families and extend their stay in the Park. The recreation site, which is made of metal, wood, and plastic with straw roofing, also includes a portable vinyl maze that was purchased from Paradise Park. The site encompasses approximately 40,000 square feet and is surrounded by a wooden fence to make the area safe for children. Adjacent to Jungle Trek are two portable restrooms mounted on a 10' X 12' concrete pad. In addition, there is a concrete pad approximately 450 SF under the climbing apparatus, and another pad approximately 350 SF (which was used for remote-controlled cars which is no longer an activity in the Park). There are also concrete supports under the tower and the stairs. Cleanliness and safety are monitored by the Park staff. The Park is seeking an SMA permit for the Jungle Trek structure as part of its recreational activities for children.

Impact: In a letter to the Park management regarding their visit to the Park in December 1998, the State Historic Preservation Division commented:

"The playground has been constructed in a previously modified area not known to have significant historic sites present. The continued operation of the Jungle Trek will have 'no effect' on significant historic sites."

(49) Hula Show Changing Room Located between the Hawaiian game and hula show area and the Jungle Trek, the 14' X 12' wooden structure is used by employees of the Park to change their costumes for the hula show and plays. It was put into place in

1993 after the stage and seating were constructed. No permits were obtained.

Impact: None. The structure was constructed in a previously modified area and no historical sites are impacted.

(53B,C&E) Transformer Sheds After the 1990 flood, the Park contracted for the replacement of four bridges(92/SMA-76). As part of the reconstructing, HECO ran electrical service ducts and conduits on the bridges to provide power to the upper Park facilities and the falls area. The new lines run under the ground and pavement and replaced the existing lines which were damaged. As part of this project, three ground conduits with circuit breaker boxes were installed for future Park infrastructure - one in the Kauhale site(B), one on the way to the upper meadow(C), and one near the bridge over Kaiwikoele Stream(E). For safety, the conduits are enclosed by wooden sheds (4'X 5' and 6-7' in height) similar to the sheds enclosing the two transformers at the Park.

Impacts: The increase in electrical servicing was installed by HECO as part of the repair of the bridges and damaged lines due to the 1990 flood. The sheds enclosing the conduits have no impact.

(54) Recirculating Pump at the Falls Since the Park has been existence, the dive show at the falls has been a main attraction for visitors. The purpose of the pump is to re-circulate water from the pool at the bottom of the falls to the top of the falls in order to maintain water flow over the falls at those times when the stream flow is below average. The pump was installed in 1995 and is powered by a quiet, non-polluting electric motor located behind the mauka rain shelter/snack bar at the falls (43C picture #4). The piping for the pump goes up the side of the cliff and is hidden by the natural growth in the area. The pump is used an average of seven days a month for eight hours a day.

At the time of installation, the Park management consulted with the Army Corps of Engineers. It was the determination of the Army Operations Chief that "pumping water from the pool to the top of the falls did not result in a discharge or dredge of fill material in a waters of the United States"; hence, Army authorization was not required (see Exhibit 16). It was their opinion that this was an acceptable activity to alleviate the problem of occasional low flow at the falls.

An application for the Water Re-circulation System was submitted to the DLNR Commission on Water Resource Management in November 1999. In a letter dated 1/27/00, DLNR stated that "HRS 205A-29(b) prohibits our issuance of stream alteration permits

prior to County SMA permits." This Environmental Assessment for an SMA permit is the first step in that process.

Impact: When stream flow is low, the pump increases the amount of cascading water by pumping water from the pool to the top of the falls. No water is lost by increasing the flow over the falls and aeration of the water helps keep the pool from becoming stagnant at times of low stream flow especially in the hotter months. This happens mostly during the dry season which is the months of August and September.

No official survey of the streams has ever been undertaken or considered necessary. While there has been some public concern about the effect of the pump on the resources of the stream, according to Park management, there has been no change in the aquatic species. The stream is home to a variety of aquatic species including fresh water shrimp, three kinds of *O'opu*, fresh water fish, and others.

(57) Horse Paddock Horseback riding has been one of the recreational opportunities offered at the Park since its inception. Twelve horses are kept in a 20,000 square foot paddock behind the Hawaiian game and hula show area. The paddock is enclosed by 4 foot open metal fence, portions of which are protected from the sun by a tent. Horseback riding is a seasonal activity and, for economic reasons, is dependent upon visitor population and demand. Presently the horses have been removed, but Park management plans to continue the activity. The paddock and the inclusion of horseback riding as a recreational activity in the Park, are a part of this EA/SMP application.

Impact: The paddock area was cleared and graded. No historical sites or endangered plants were affected as a result of the action.

(58) Storage Shed Adjacent to the Hawaiian game and hula area is a small storage shed constructed of stones with a wooden door. It is used to store costumes and other cultural props for the plays and displays at the Hawaiian game show area.

Impact: None. The structure was constructed in a previously modified area and no historical sites are impacted.

(59) Rock Retaining Wall In the summer of 1999, the Park consulted with a soil engineer at Dames & Moore regarding the repair of the garden trail which connects to the "Coach Road" in preparation for using the roads for horseback riding. According to the report, approximately 300 feet of this upper access trail was impassable due to rock falls and needed to be cleared and

secured. The trail has since been cleared, re-paved with coral and a 200+ foot section secured with a four foot high mortared rock retaining wall. For safety, a three foot high guide rail with metal poles and rope has been placed on top of the wall. Over the years that the Park has been in operation, many of the trails and sections of the old coral roads have been similarly repaired and secured as a normal part of Park maintenance. Routine repair and maintenance of the existing roads in the Park do not require an SMA or CDUA permit; however, construction of the retaining wall constitutes "development" according to the SMA guidelines.

Impacts: The road shown in Exhibit 2B, which extends 1 mile above the falls and into the upper south valley was constructed by the US Army over 40 years ago. No historical sites or artifacts were impacted by the repair of this road or the construction of the retaining wall along the garden trail which connects to the "Coach Road".

(60A&B) Night Lighting On occasion, the Park is open for special night functions. In the early 1990's, lights were installed at the upper meadow(60A) and the waterfall(60B). The fixtures are theatrical lights installed on 25' poles (two at the meadow and one at the falls). The light fixtures at the falls are connected to a computer system which is enclosed in a small storage shed (4' X 4' and 7' high) near the mauka rain shelter and amphitheater seating (43C/picture 4). The night lighting at the falls also includes two loud speakers on poles

Impacts: As the Park is rarely open at night, the night lighting is not often used; however, Park management would like to continue to offer night activities and the lighting is a necessary feature. The electrical infrastructure is already in place and the lights have a minimal impact on the environment. No historical sites are affected.

B. Recreational Activities

The following activities at Waimea Falls Park are included in this Environmental Assessment and application for a Special Management Area Use Permit. None of the activities are located near documented archeological sites. According to the SMA guidelines any "change in the density or intensity of land use of land" requires an SMA permit. No significant cumulative environmental impact is projected.

(12) Kayaking The applicant is seeking permission to include kayaking as a recreational activity as part of this SMP. The Park began offering this activity in the early 1990's. Visitors

renting kayaks enter the Waimea stream near the rental booth and paddle down the waterway to the estuary. Kayakers can paddle around the estuary and continue down to the beach at Waimea Bay and, in the summer months when the weather is calm, they can continue out into the ocean. The kayaks can hold up to three people or be operated by a single person. On an average day, ten people may rent kayaks and sign up for different tours - one half hour down the stream to the estuary, a one hour guided tour, one and a half hour guided to the ocean, etc.

Impact: The Boating and Ocean Resources Division of DLNR refers to kayaking as an environmentally benign recreational activity and no permits or licenses are presently required for private or commercial use of kayaks. Cleanups of the stream are coordinated by the Park with the "Adopt a Stream" program several times a year. The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. The Waimea Stream estuary is often blocked by sand buildup at the beach. The stream water moves underground through the sand bar and, several times a year, the sand bar is broken by heavy stream flow and the fresh water flows into the bay. During heavy flooding, naturally occurring debris is washed into the Bay and the bacterial contamination count is temporarily increased. According to the Department regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. It is the position of this EA/SMP that Kayaking does not have a significant impact on the stream, estuary or aquatic resources.

(25) **Mountain Biking** The applicant is seeking permission to include mountain biking as a recreational activity as part of this SMP. The bikes are non-motorized pedal bikes. The Park averages one tour with eight people per day which lasts one to one and a half hour in length. Depending on the weather, the Park occasionally hosts special biking events for the general public. Mountain biking is done on the paved roads that run throughout the Park and the existing coral roads and not on the hiking trails. Guided bike rides are available on the old cattle road in the North Valley. Many people choose to just pedal the bikes around the Park grounds. All biking off the paved roads in the Park are accompanied by a guide.

Impact: Environmental concerns about the appropriateness of such vehicles on land designated as Conservation is an important and sensitive issue; however, erosion on the existing cattle road from the activities is not a problem.

Park management is vigilant to monitor the biking activity so that "side trails" are not created. The trail for the mountain bikes follows the Elehaha and crosses the streambed several times as it goes back into the North Valley, but as the stream is dry the majority of the time, water quality is not impacted. In a letter regarding their visit to the Park in December 1998, the State Historic Preservation Division commented:

"The current ATV trails (used by the mountain bikes) follow previously created access roads and paths in the valley. A comparison of the current Park visitors' guide with the map of the approved Master Plan (approved by the DLNR on 10/25/89) indicates that previously existing roads and/or trails have been converted to mountain bike usage. We believe that if the landowner ensures that all users of these vehicles operate them only on approved paths, there will be 'no effect' on significant historic sites."

(16) Camping Camping as a recreational activity (and the concept of future campsites and cabins scattered throughout the valley) was included in the original 1975 CDUA Master Plan for the recreational use of Waimea Falls Park. In practice, camping at the Park has been sporadic; periodically the Park sets up temporary tents for groups and individuals that want to camp over. The applicant is seeking permission to include camping in the Palm Meadow as a recreational activity as part of this SMP.

Impacts: The Palm Meadow, which is the area between the STP and the parking area, is a good location for this activity because it is level land close to Waimea Bay, near other Park activities, is insulated by the stream and is easily controlled from a security standpoint. In response to community concerns about Park activities, representatives of the State Historic Preservation Division made a field inspection to the Park in November 1998. Regarding camping activities on the lawn of the Palm Meadow and its potential impact on *Hewahewa's lo'i* the Division had the following comments:

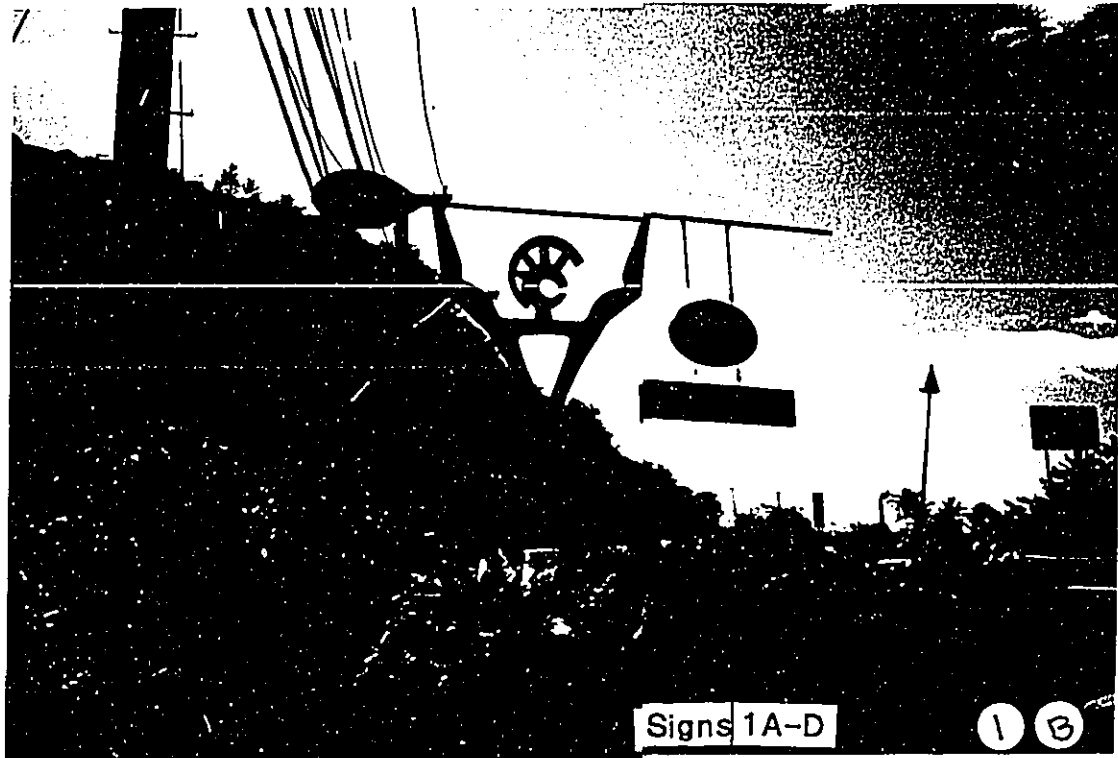
"The tents placed on the lawn in the vicinity of the palm garden are resting on a layer of fill that has been deposited over the *lo'i* which were once on this flat of the Waimea River. Consequently, since the tents are on platforms which rest on the grass, there is "no effect" on significant historic sites which may be present below the fill layer."

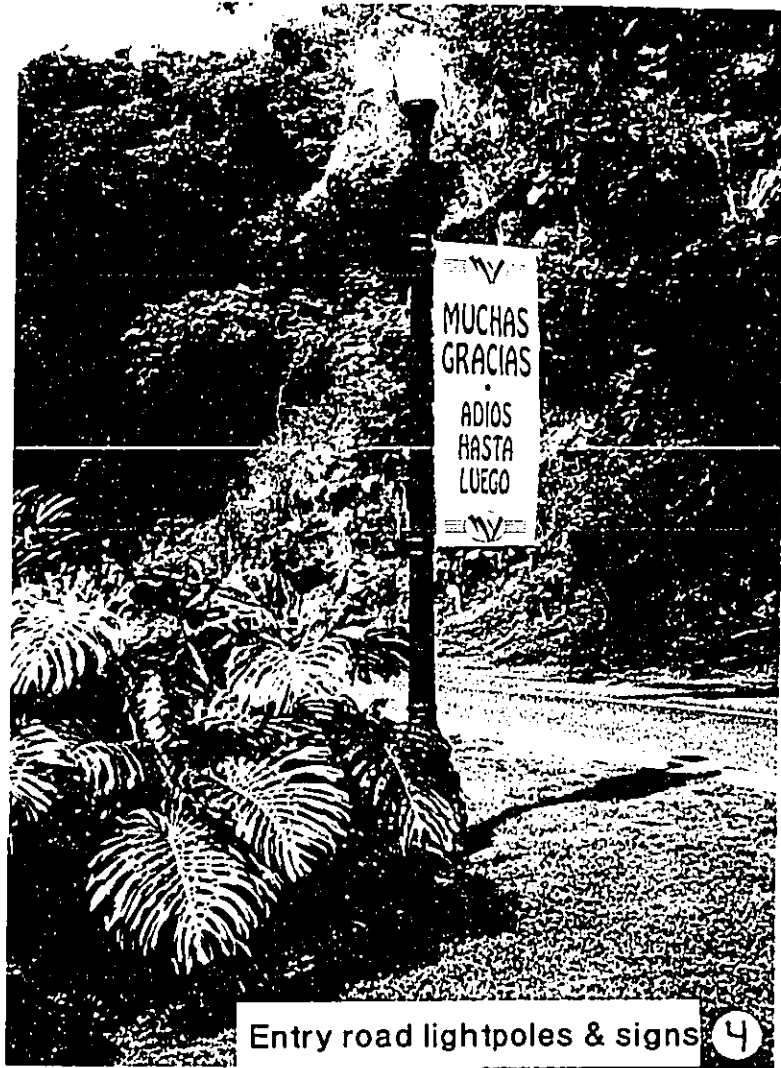
Rubbish left behind from campers is removed with other

Park waste.

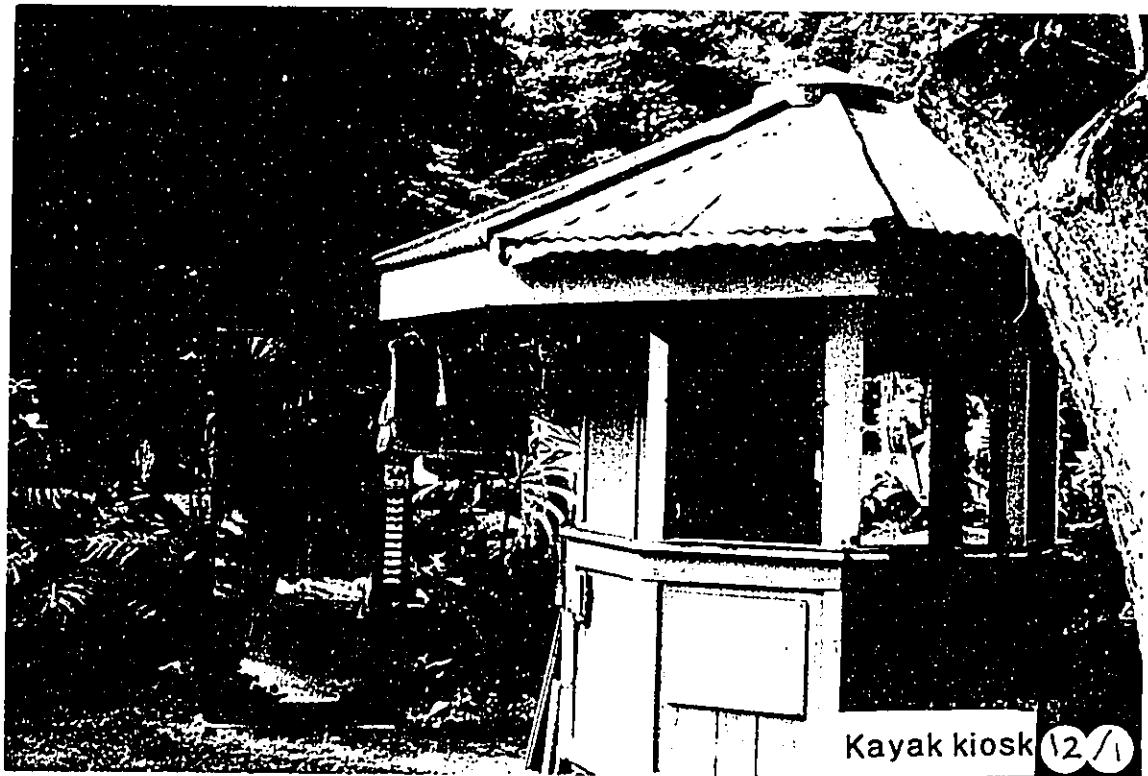
(57) Horseback Riding A provision for bridal trails was included in the original 1975 Master Plan and CDUA Permit. Horseback riding is a seasonal activity that has been offered off and on since the Park has been in operation. Starting from the paddock, supervised horseback riding is done on the garden trail which connects to the "Coach Road" up to the falls, and then continues on the existing coral road further back into the valley above the falls. The Park would also like to offer horseback riding in the North Valley along the existing road and trails.

Impact: In 1999, in preparation for offering horseback riding as a recreational activity, Park management consulted with a soil engineer about repairing the garden trail which connects to the old "Coach Road". The road/trail shown in Exhibit 2B, extends 1 mile above the falls and into the upper South Valley and was made by the US Army more than 40 years ago. (In the 1950's there were stagecoaches which traveled along the coral road above the falls.) The old trail had been overgrown and partially hidden and needed to be resurfaced with crushed coral rock as part of Park maintenance. To safely reestablish the road, portions of it were secured by a four-foot rock alignment. Today the road is used for safe access above the falls for horseback riders and hikers. The garden trail and "Coach Road" do not impact any known historical sites or Arboretum gardens.

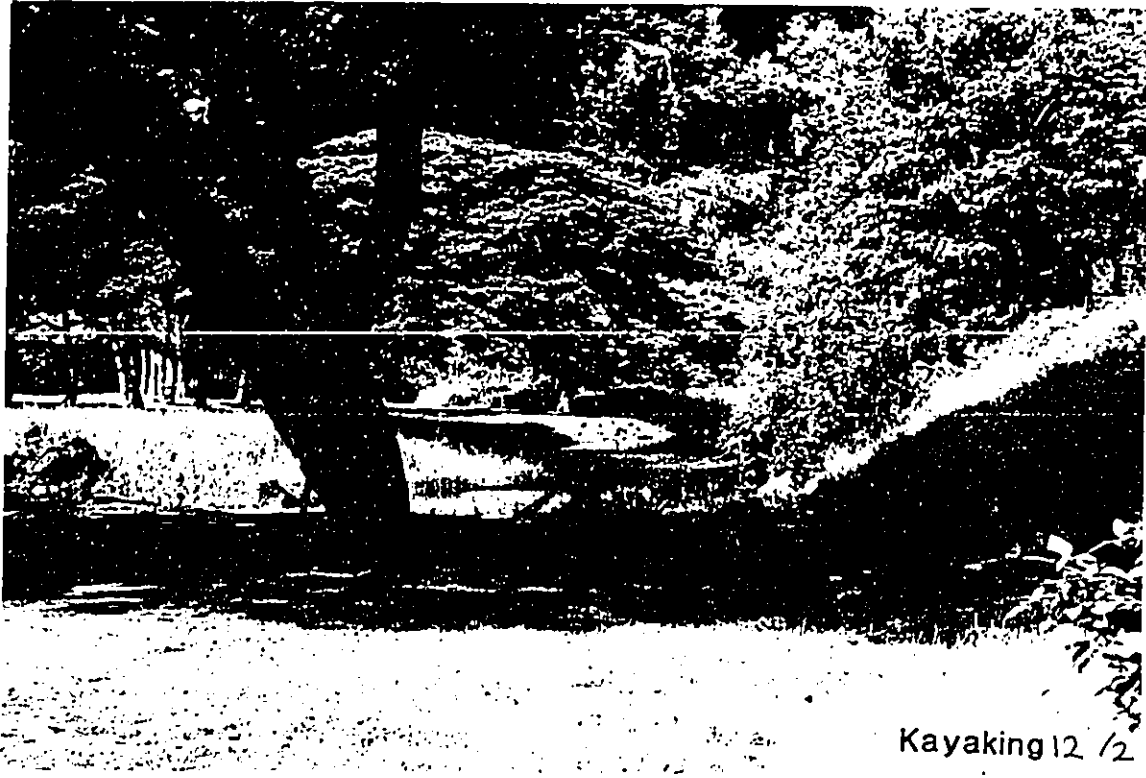




Entry road lightpoles & signs 4



Kayak kiosk 12/1



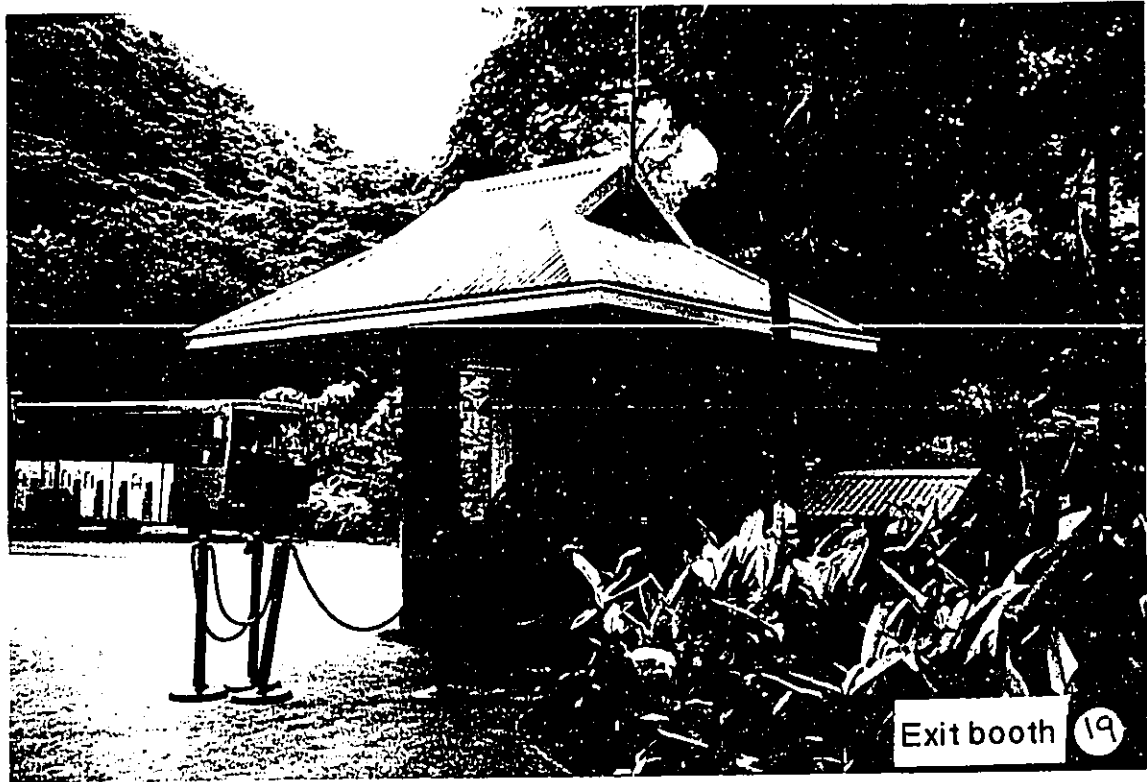
Kayaking 12 / 2

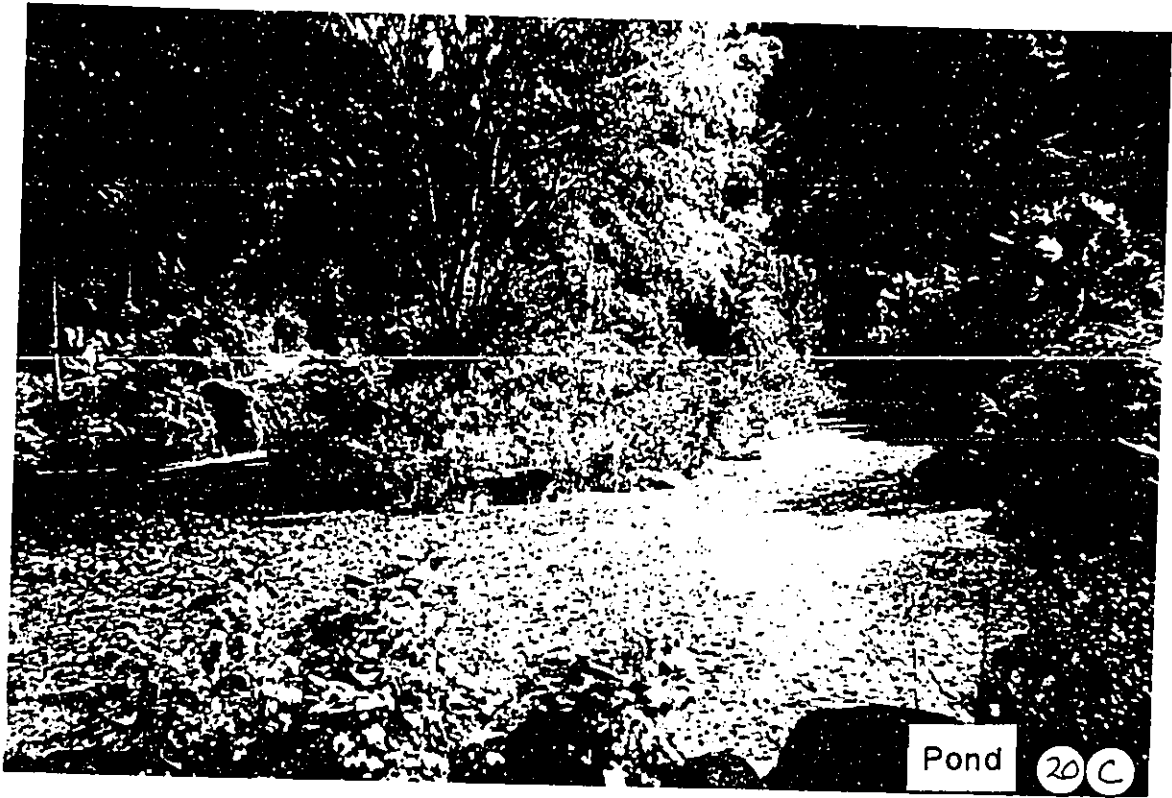




19

Camping the Palm Meadow







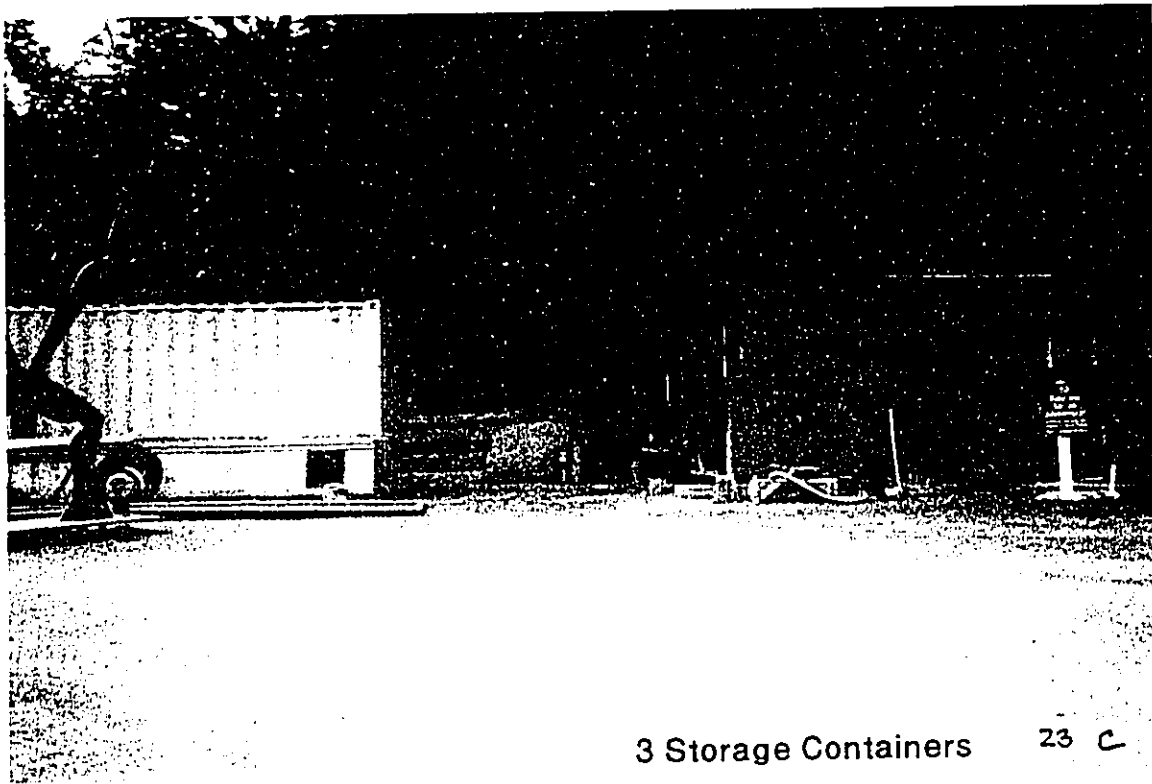
Office trailer 22



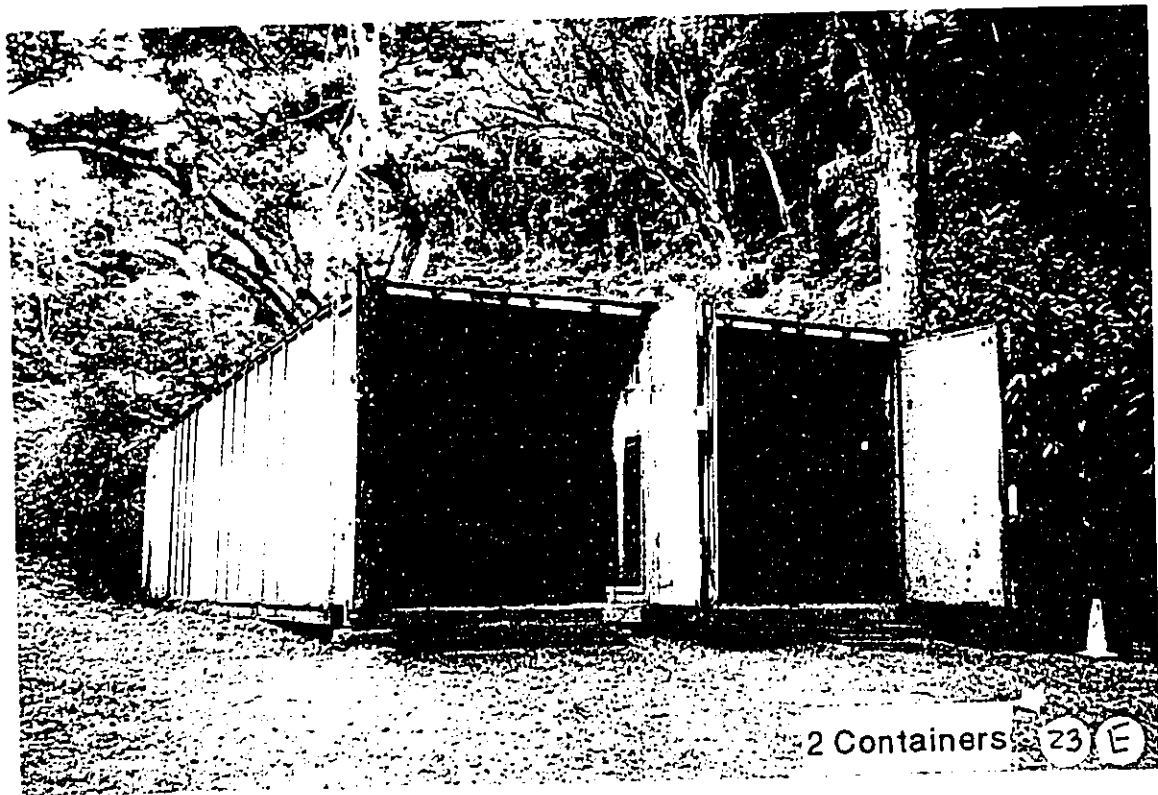
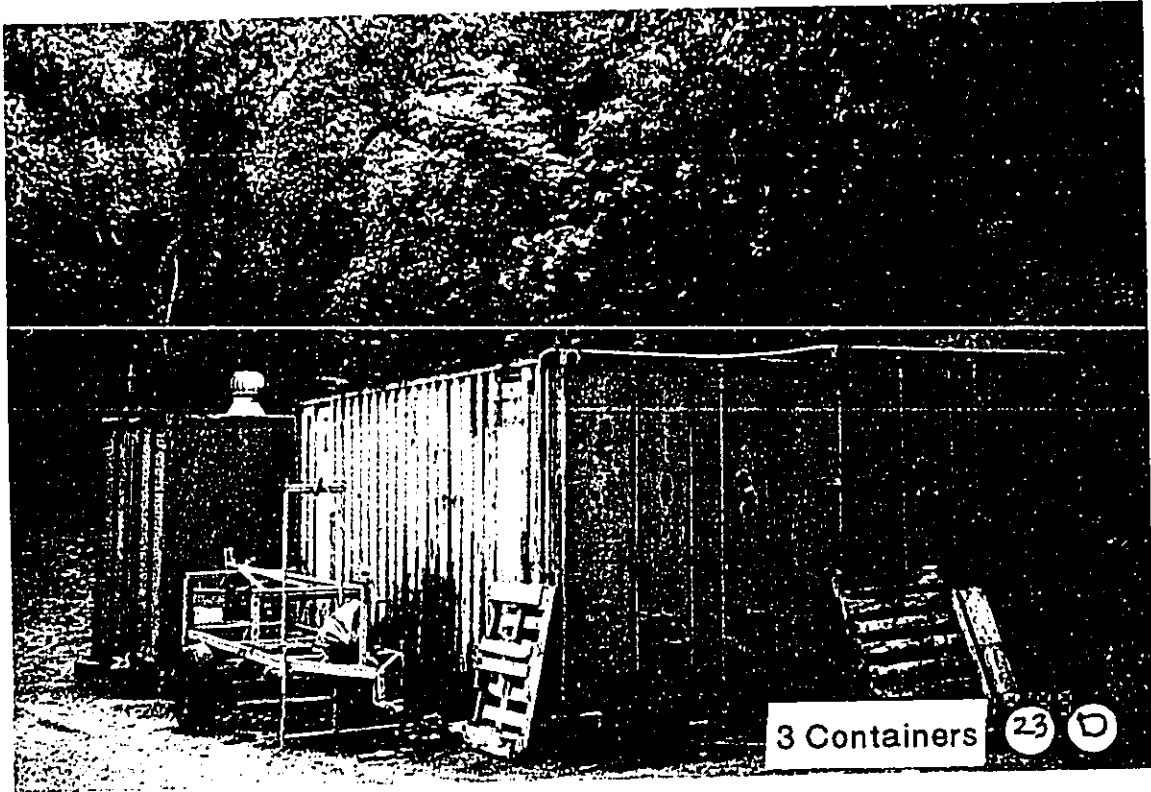
Container behind visitor center 23 A

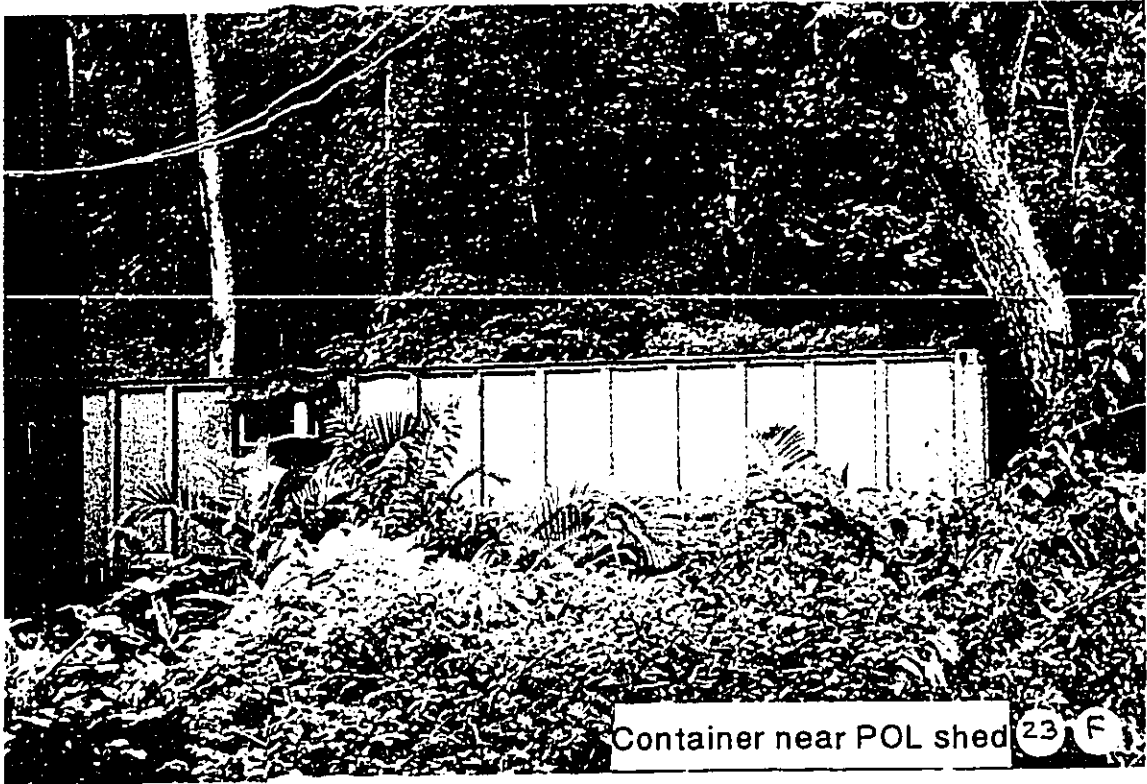


2 Storage containers 23 13

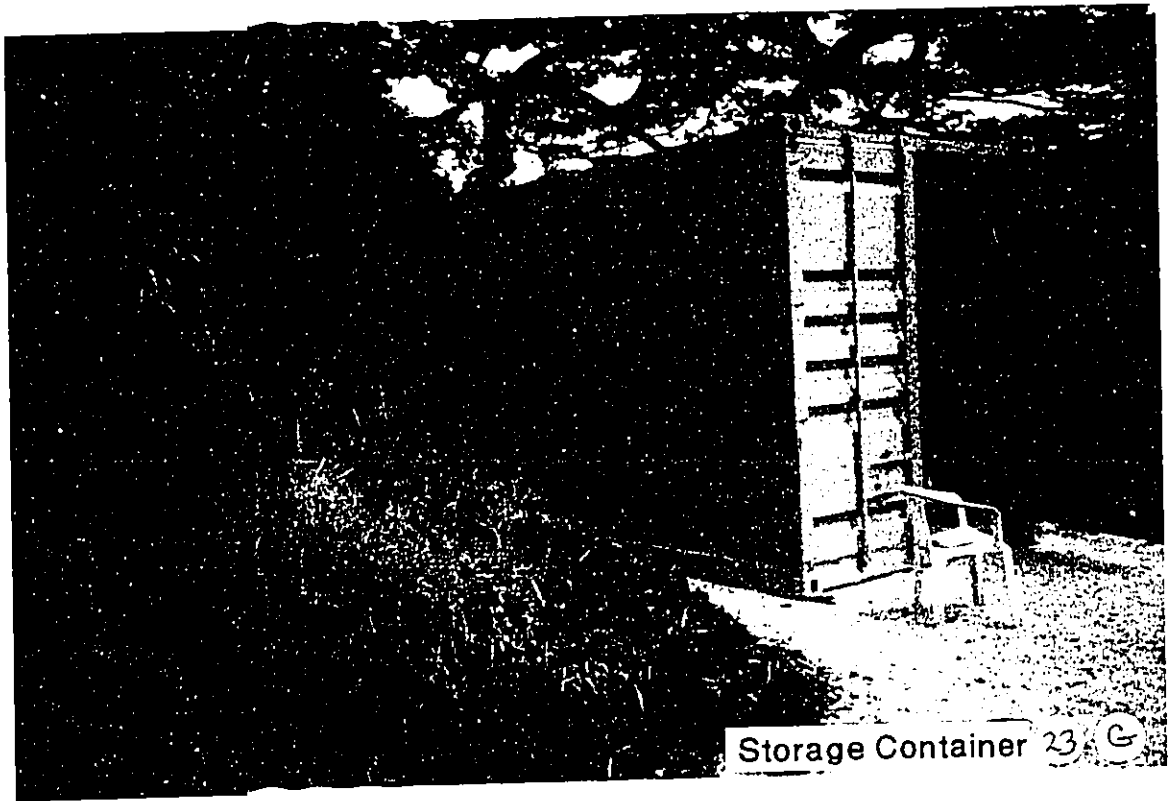


3 Storage Containers 23 C



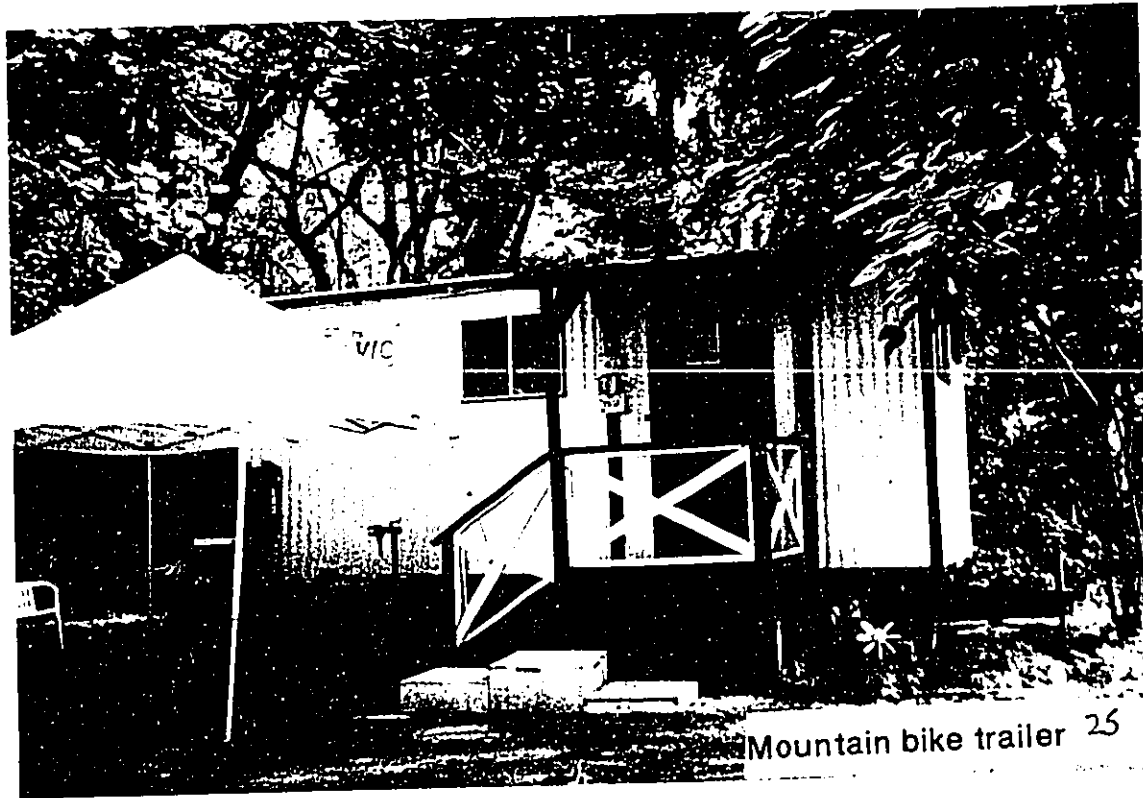


Container near POL shed 23 F



Storage Container 23 G





Mountain bike trailer 25

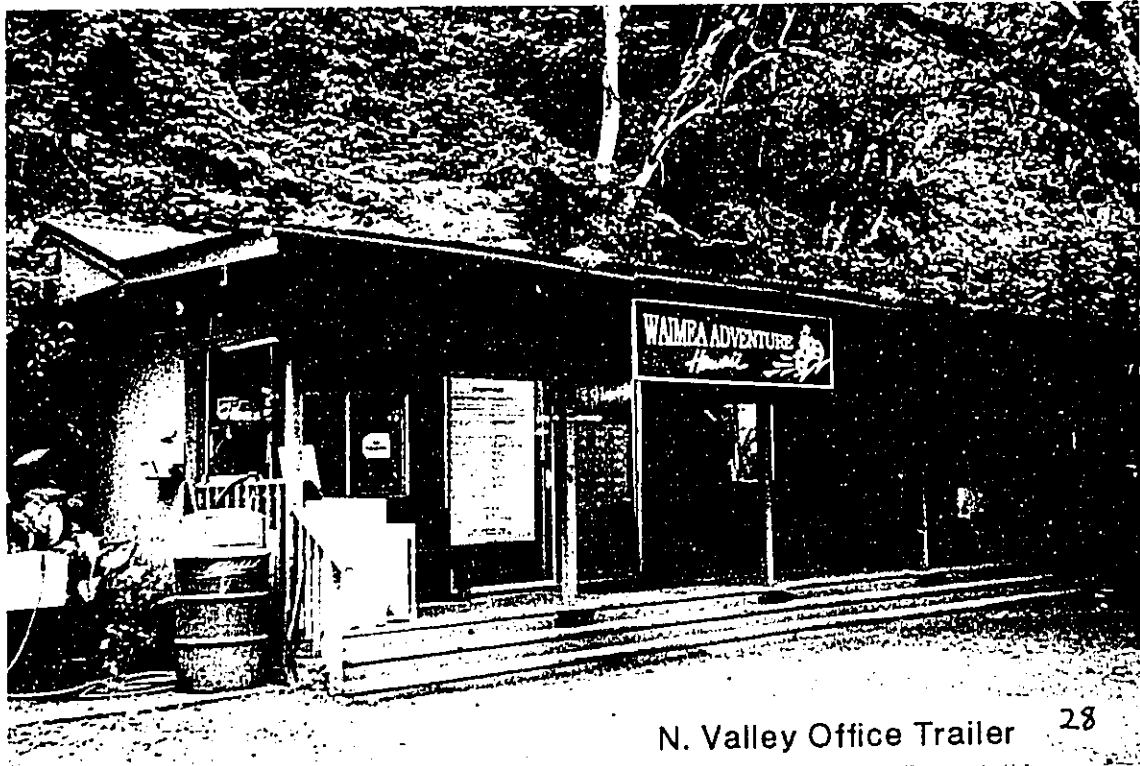


Gas Torches at Entry

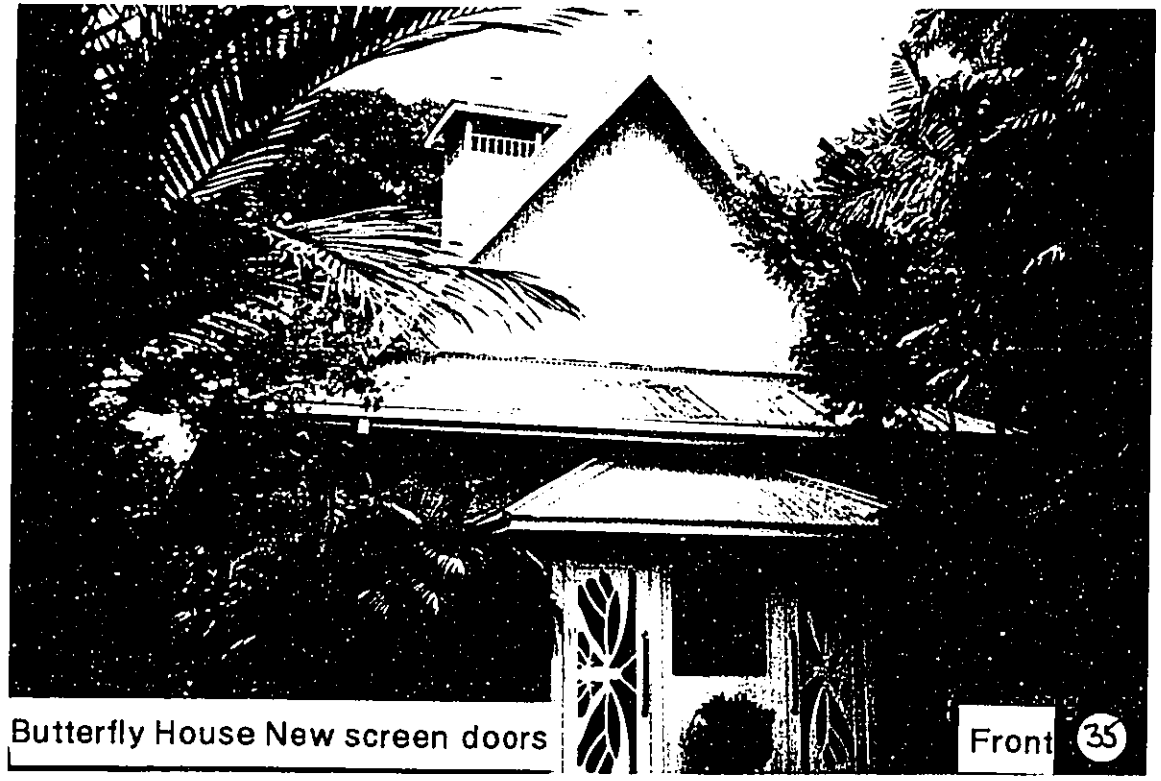
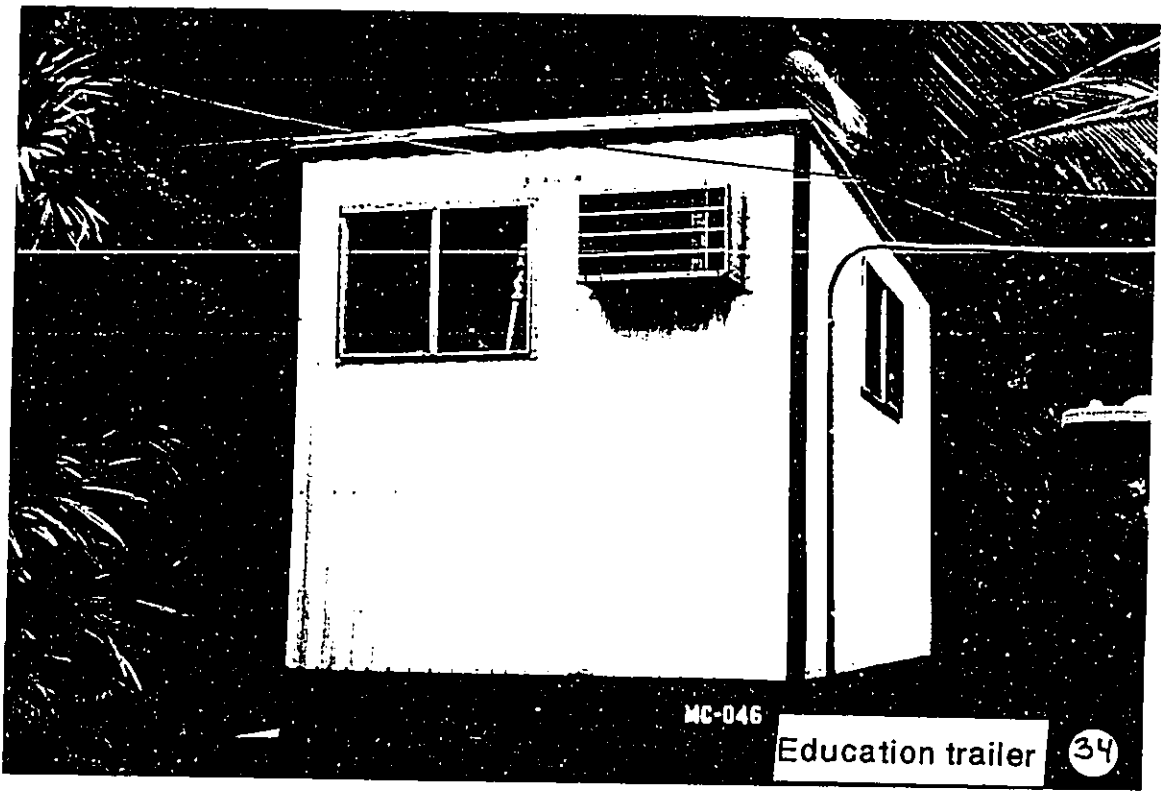
216 C

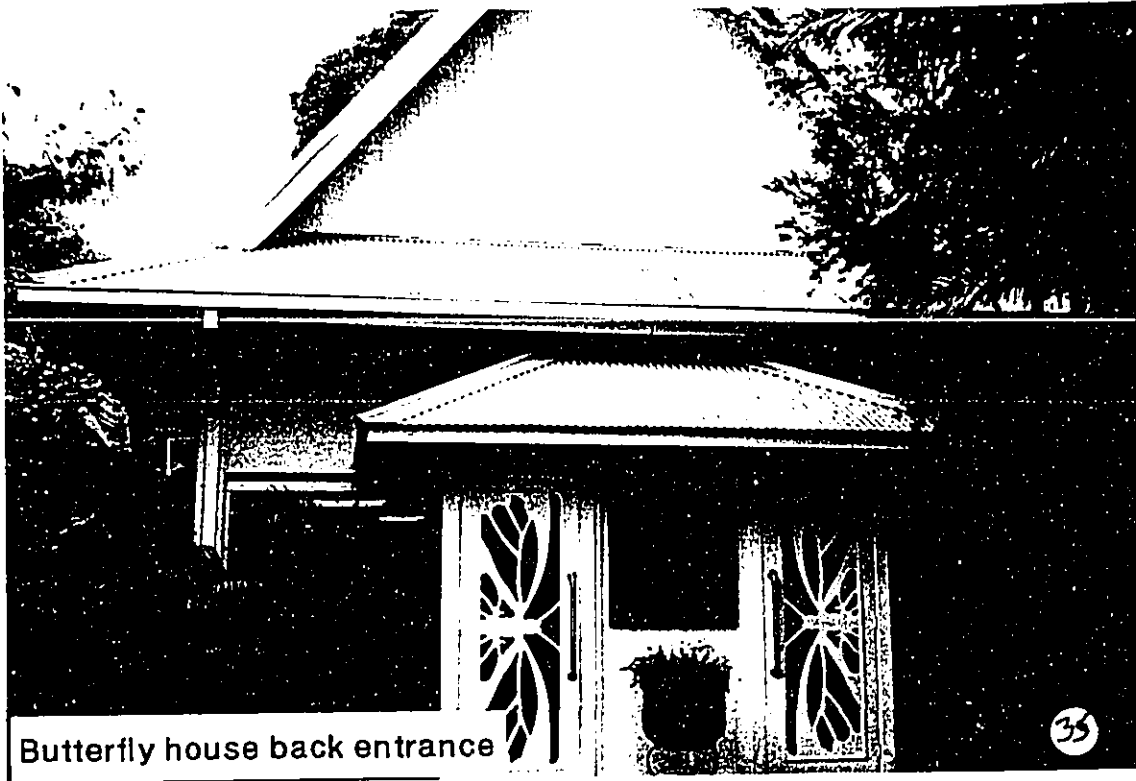


Propane Tank 26 C

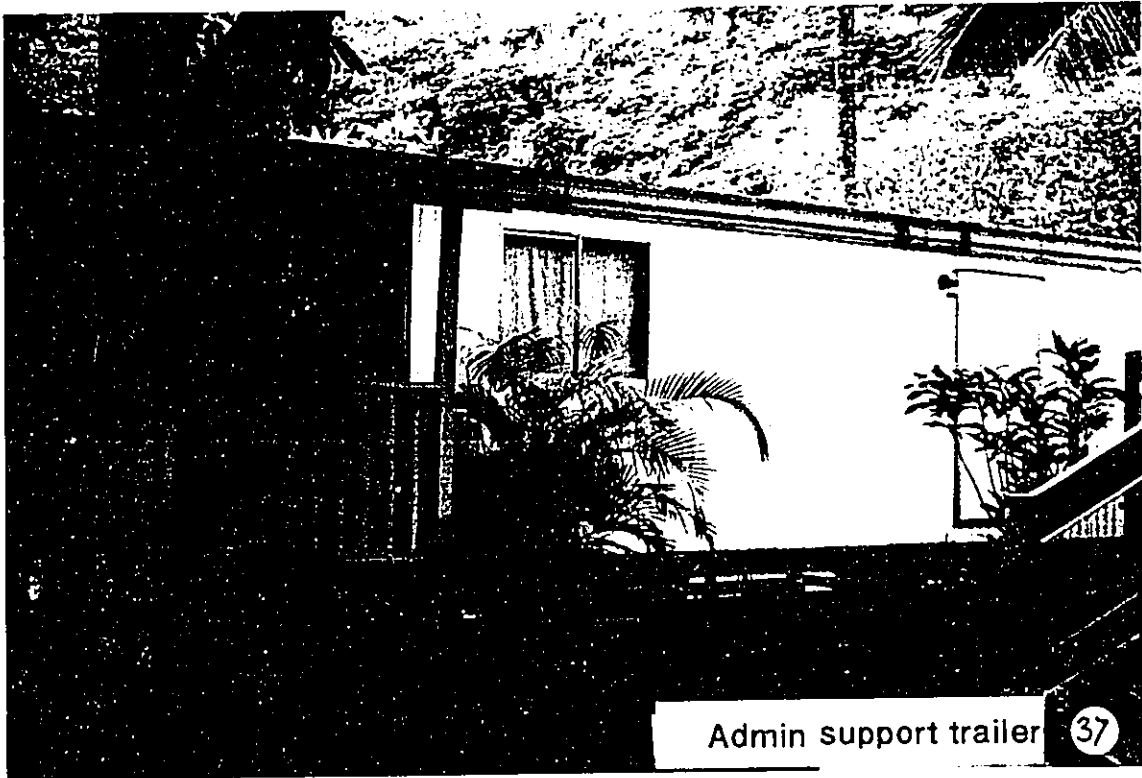


N. Valley Office Trailer 28

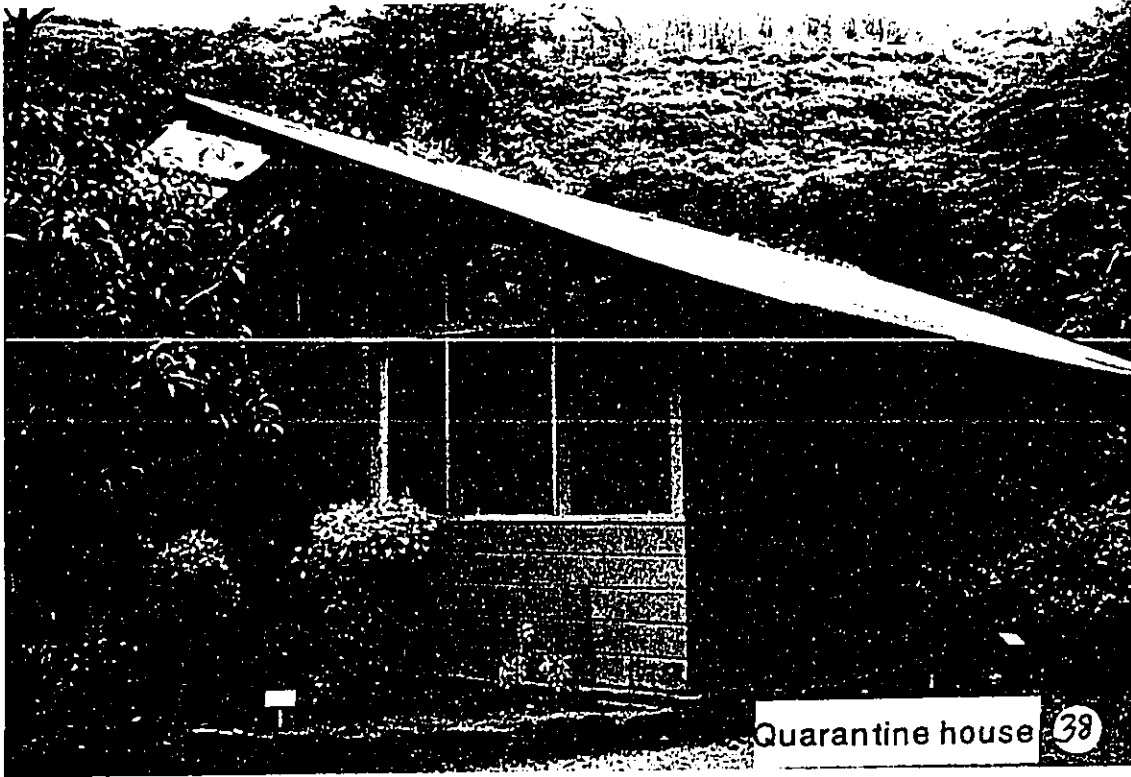


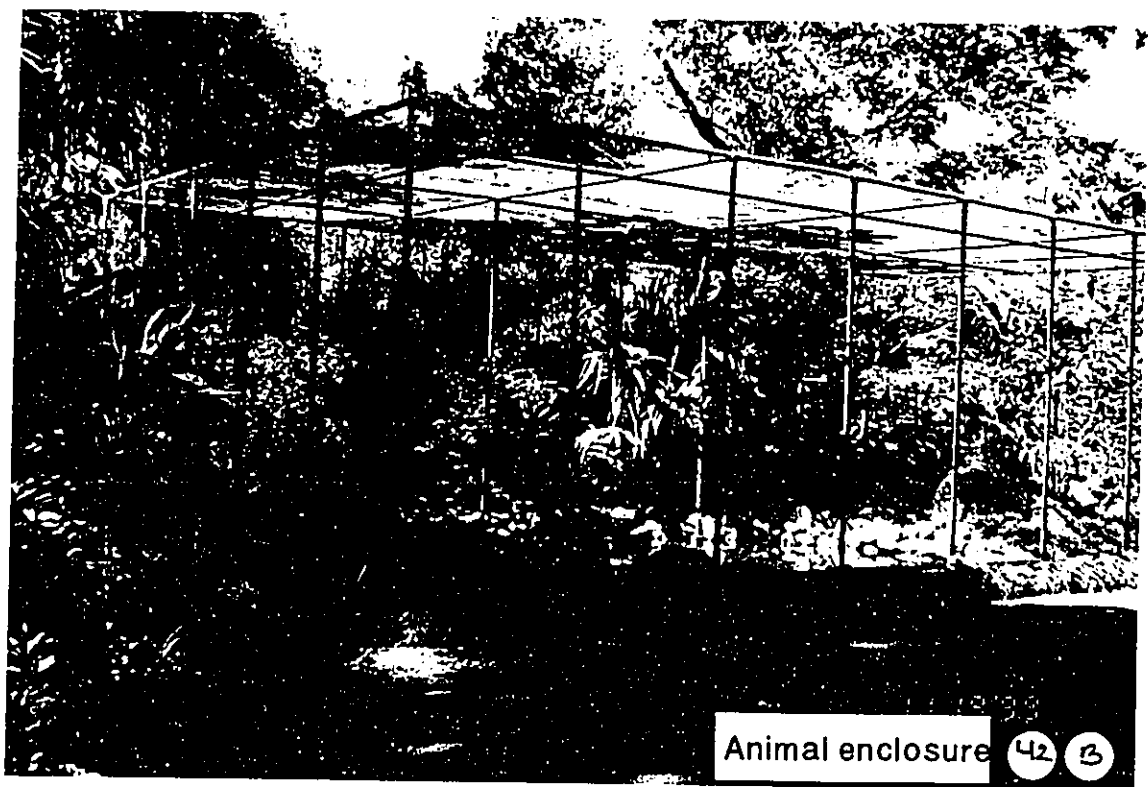
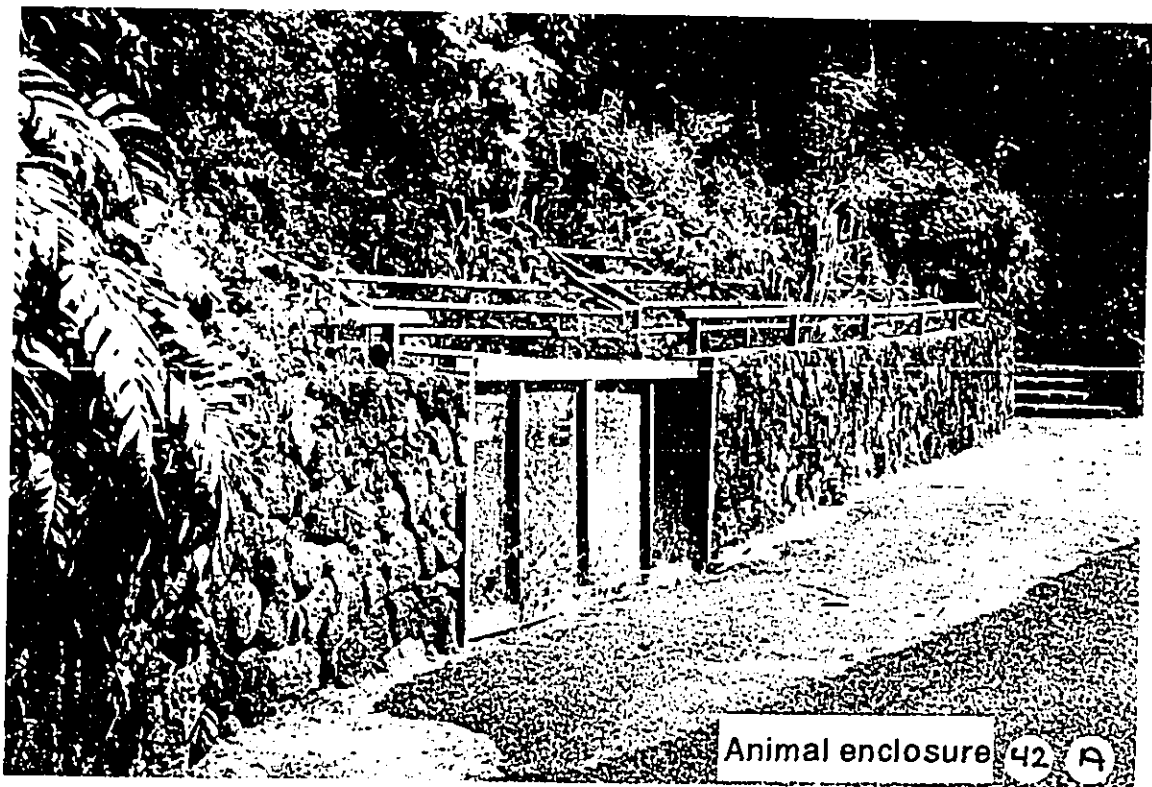


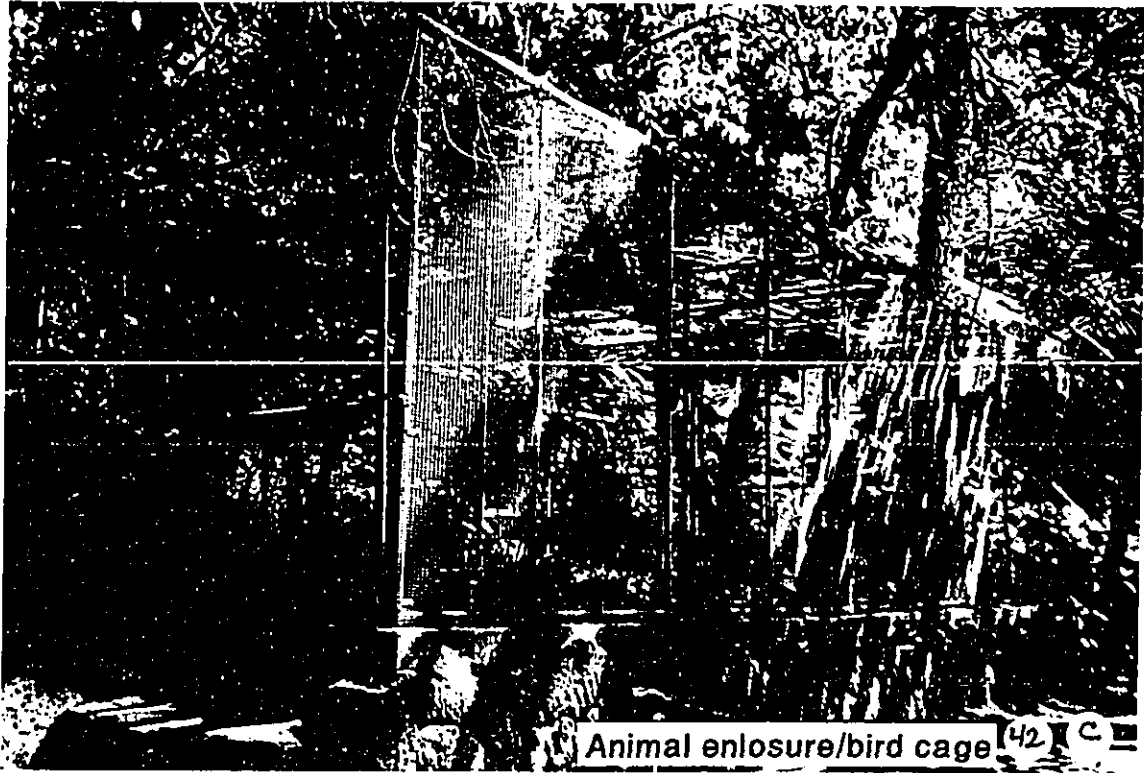
Butterfly house back entrance

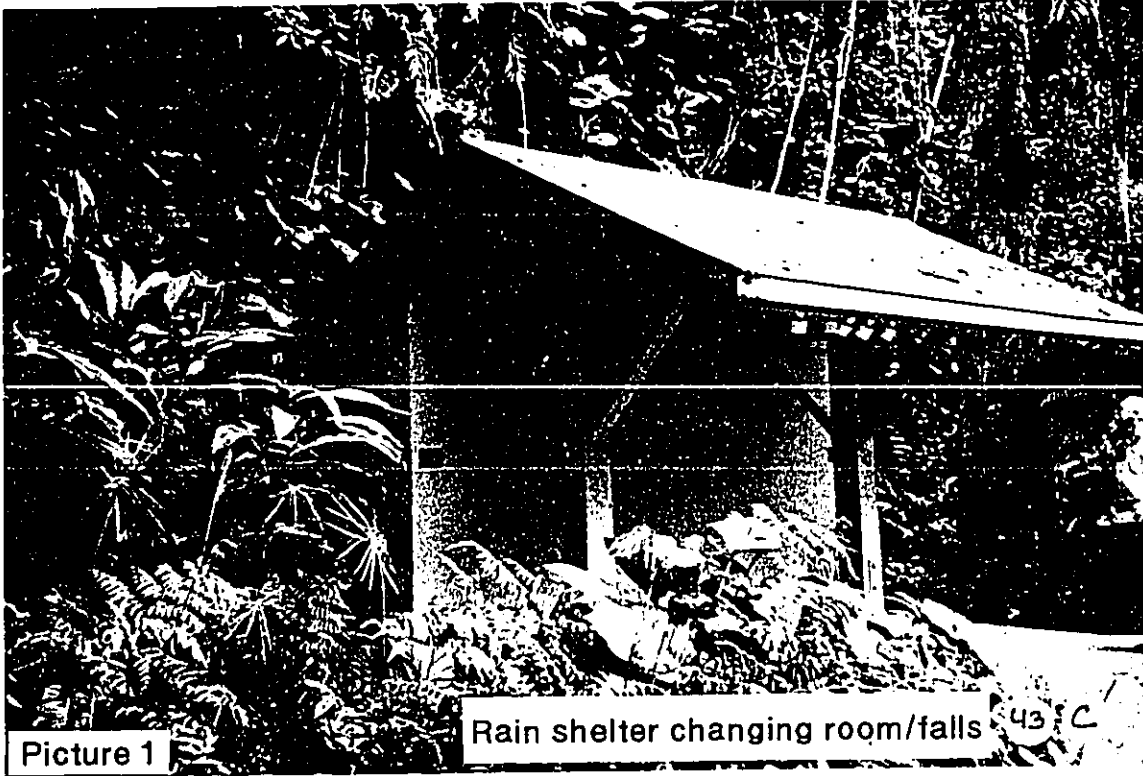


Admin support trailer









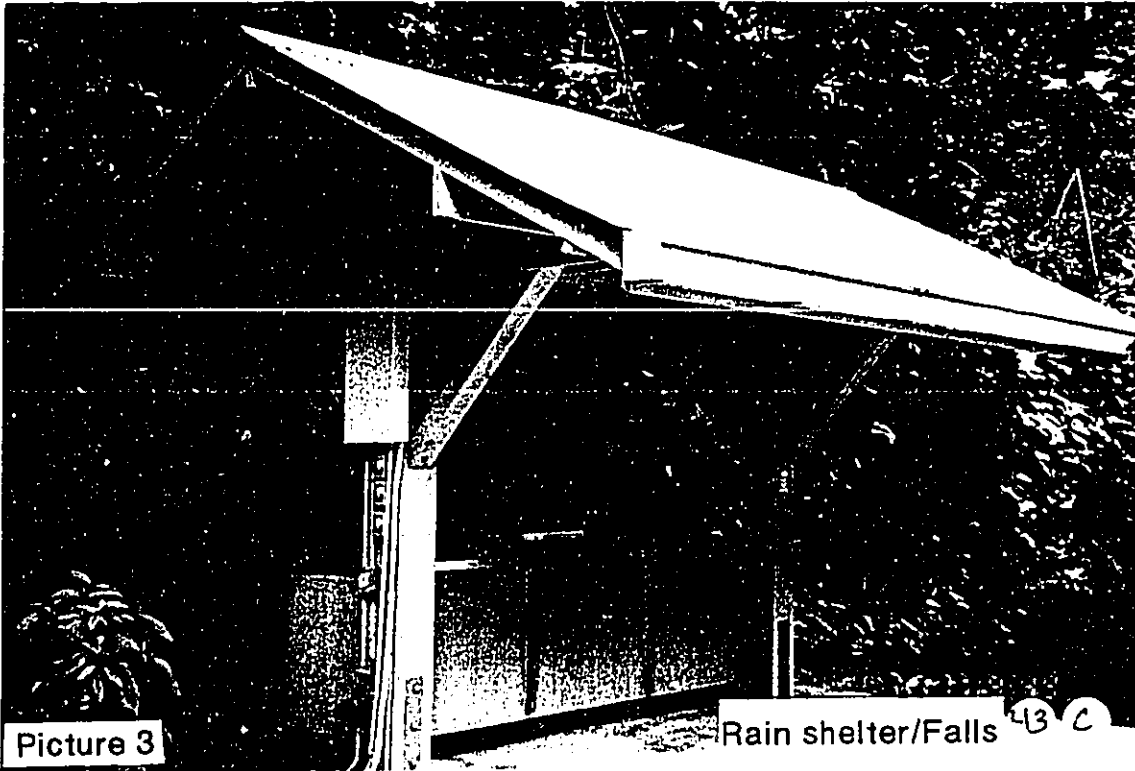
Picture 1

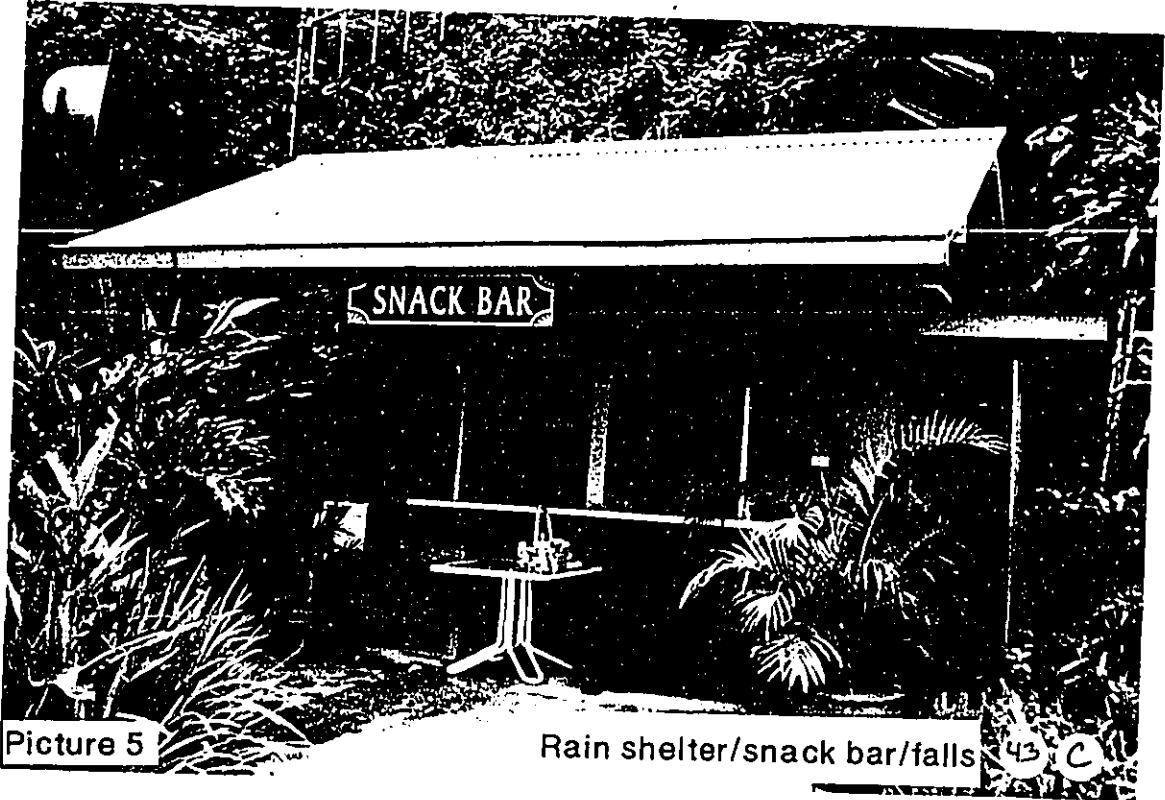
Rain shelter changing room/falls 43 C



Picture 2

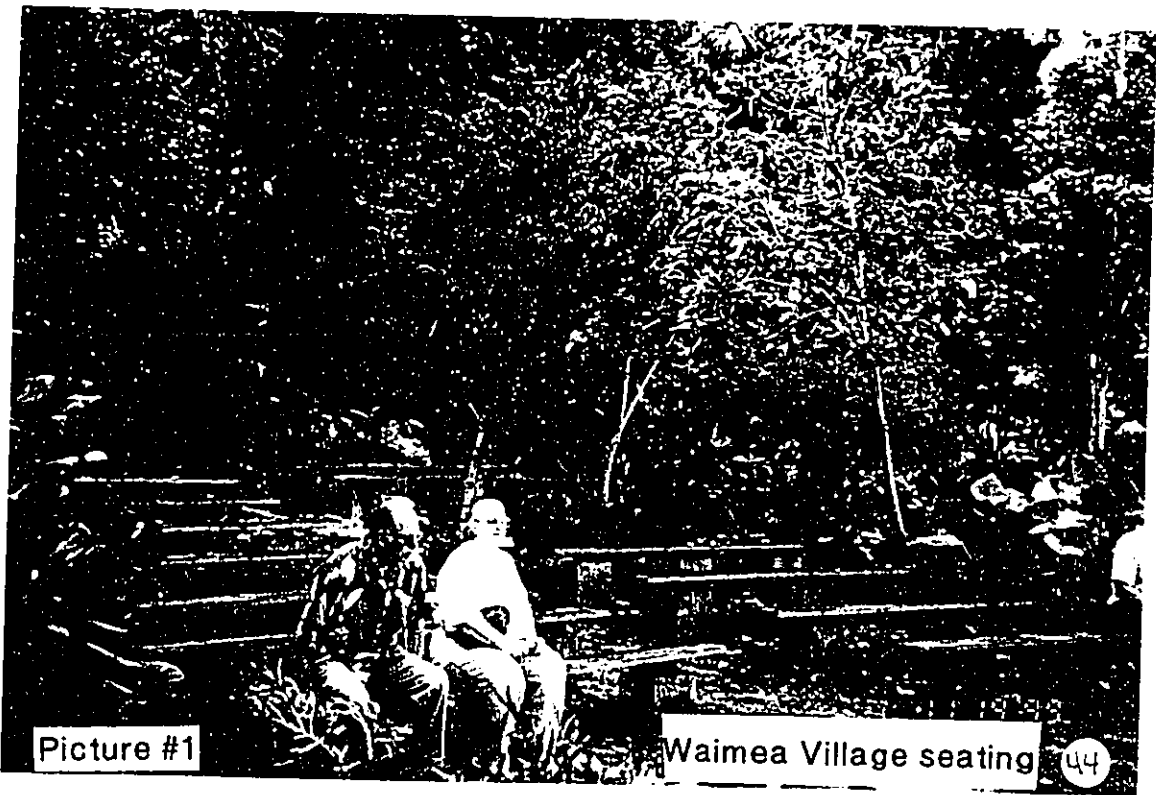
Rain shelter/falls 43 C





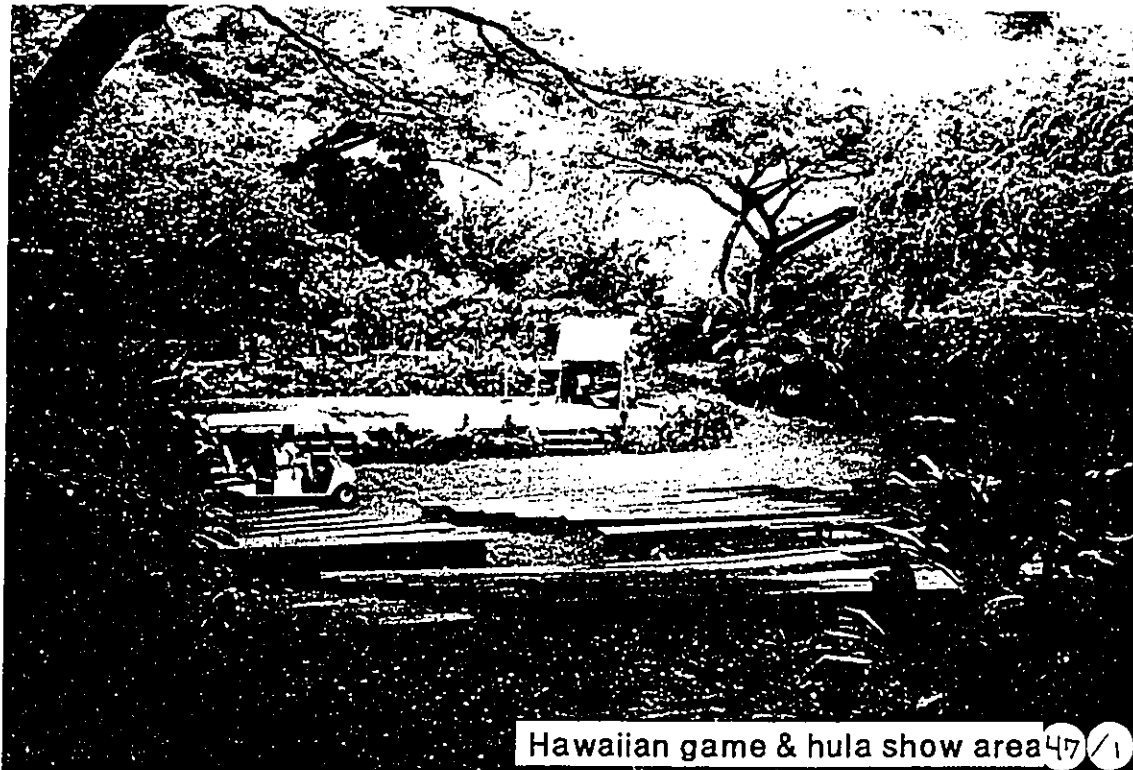
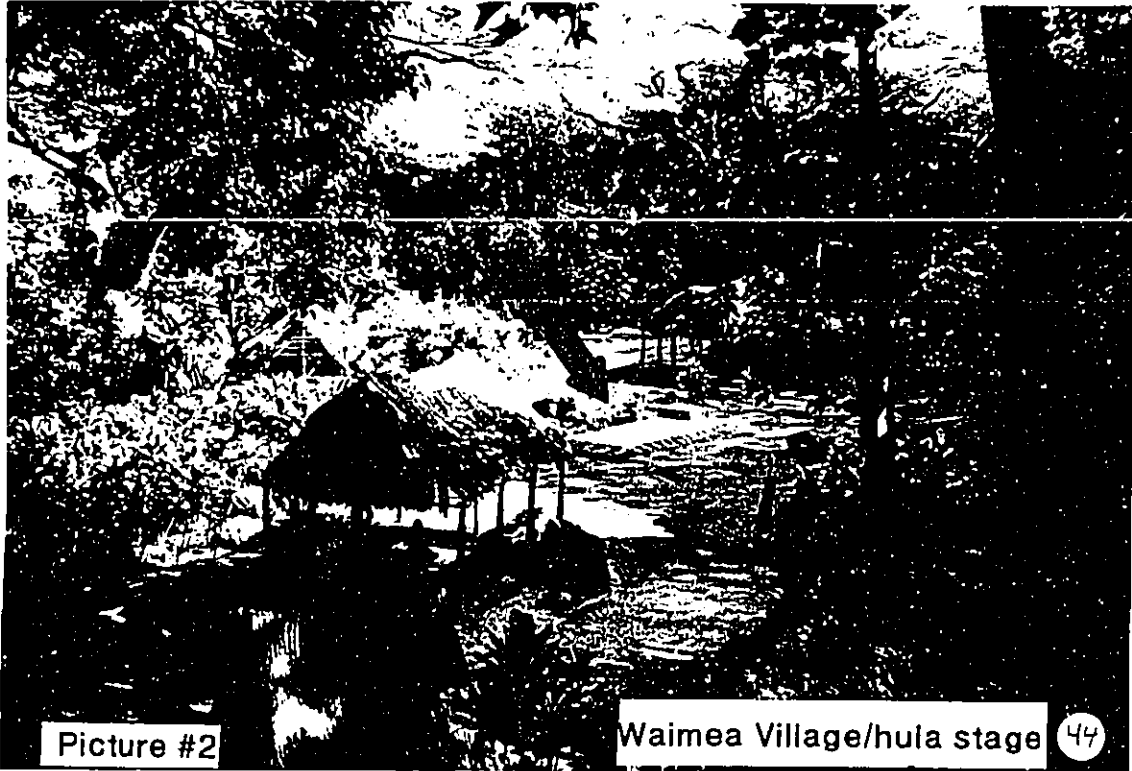
Picture 5

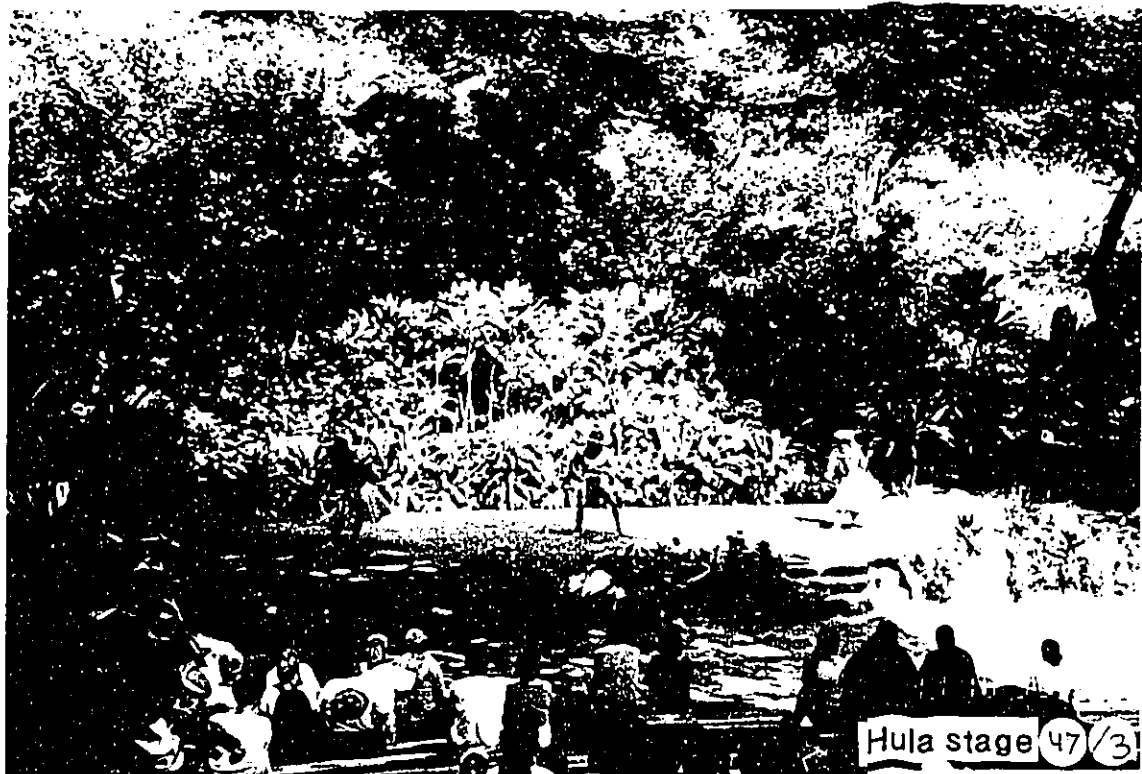
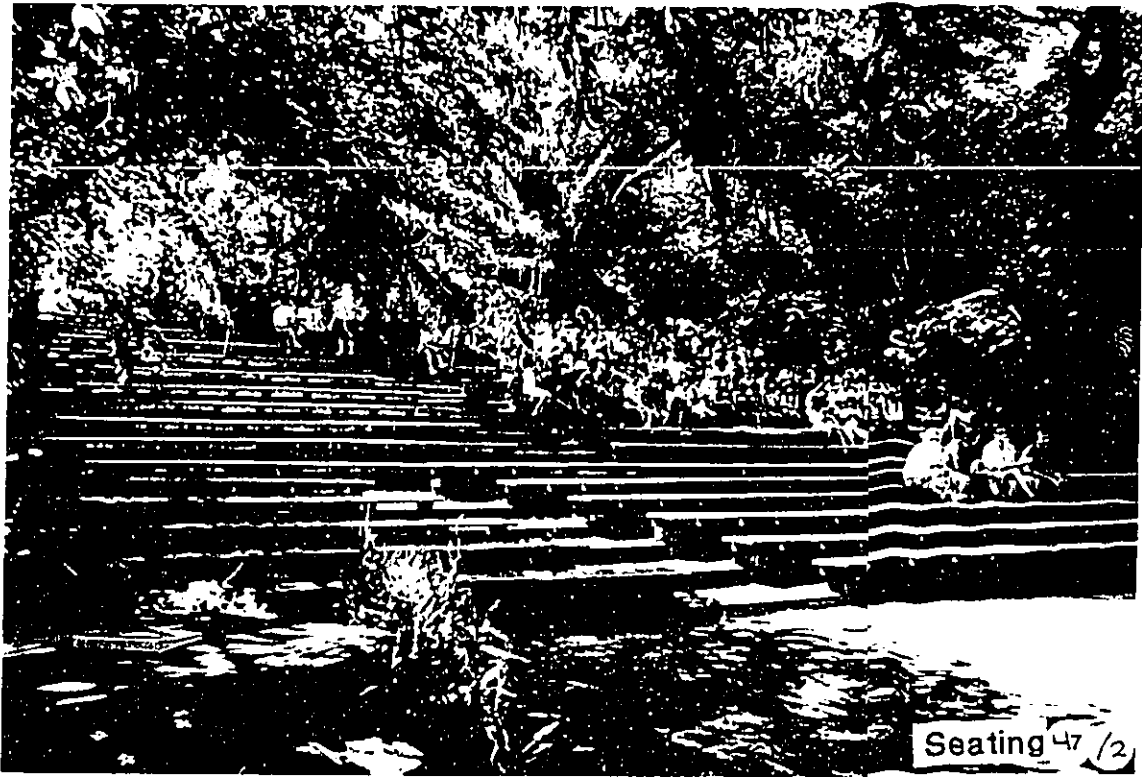
Rain shelter/snack bar/falls 43 C



Picture #1

Waimea Village seating 44



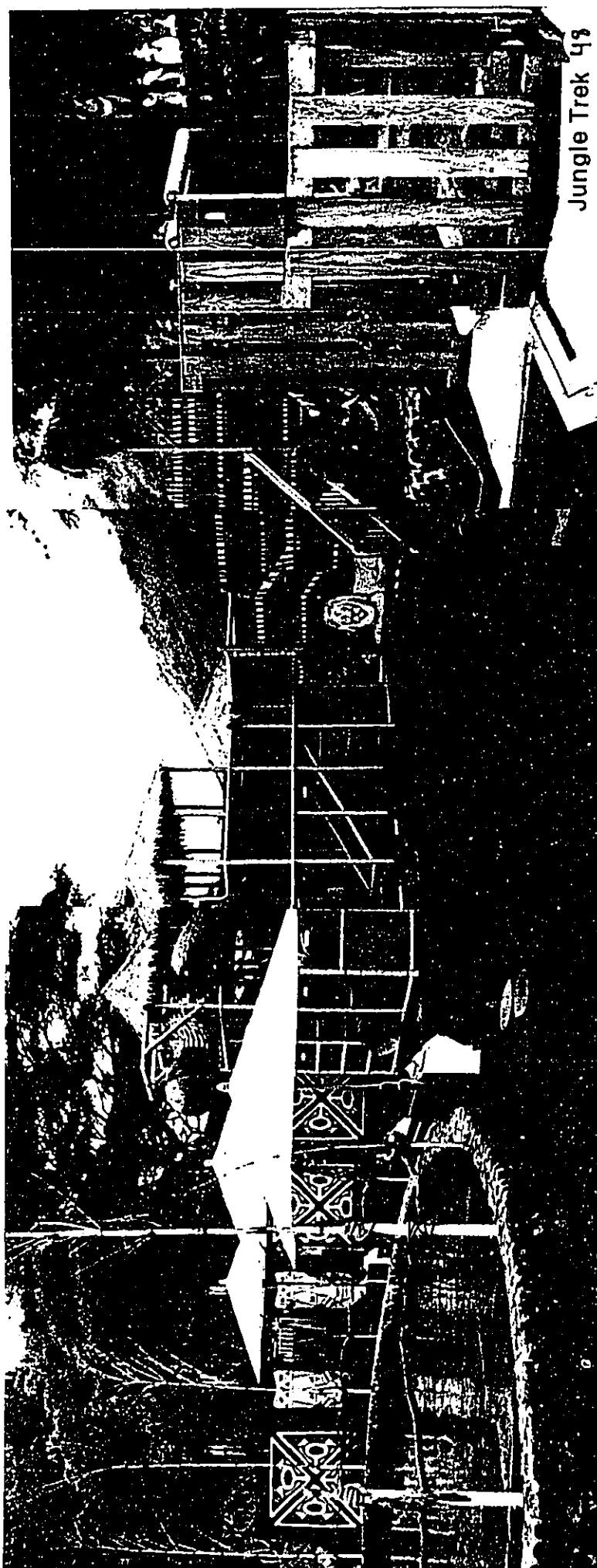




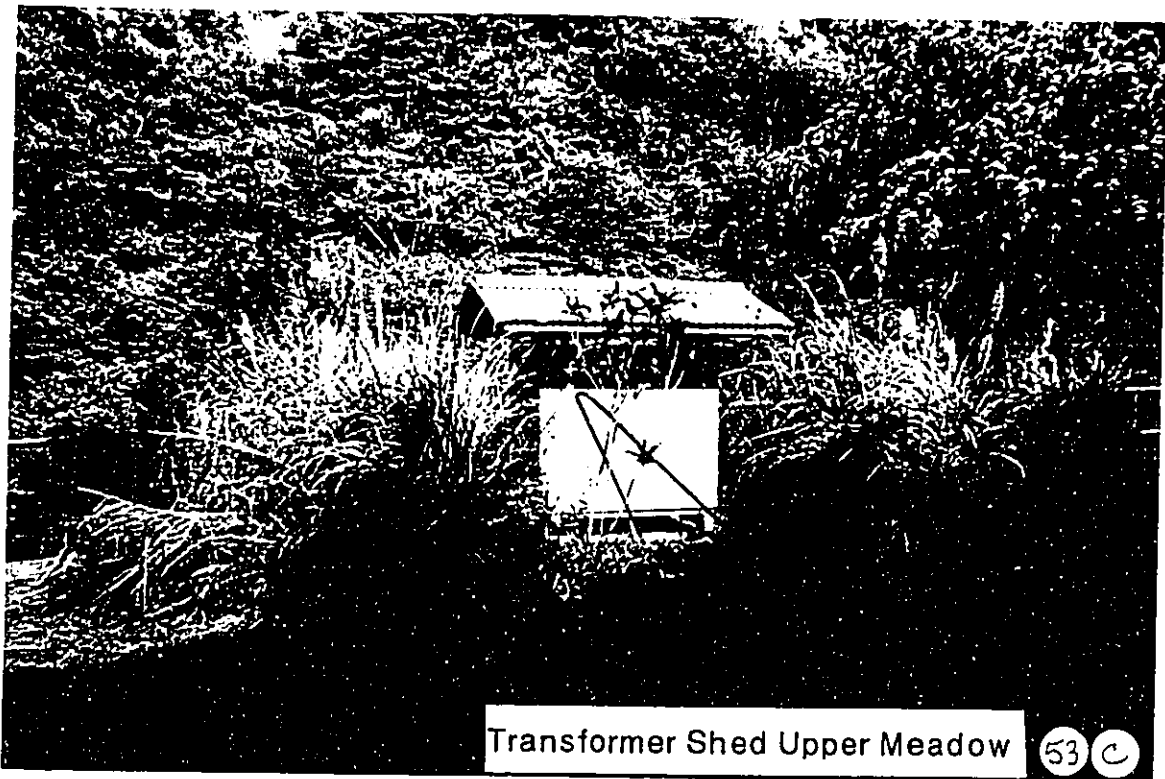
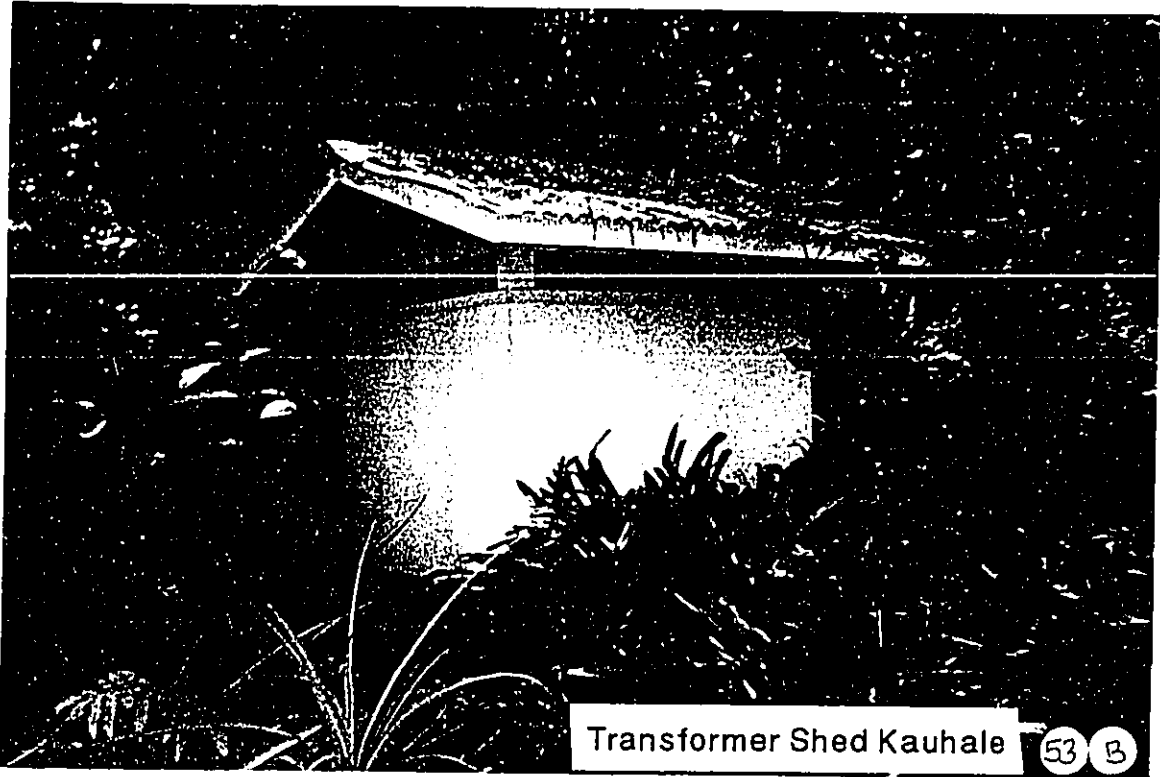
Hawaiian game hut 47 B

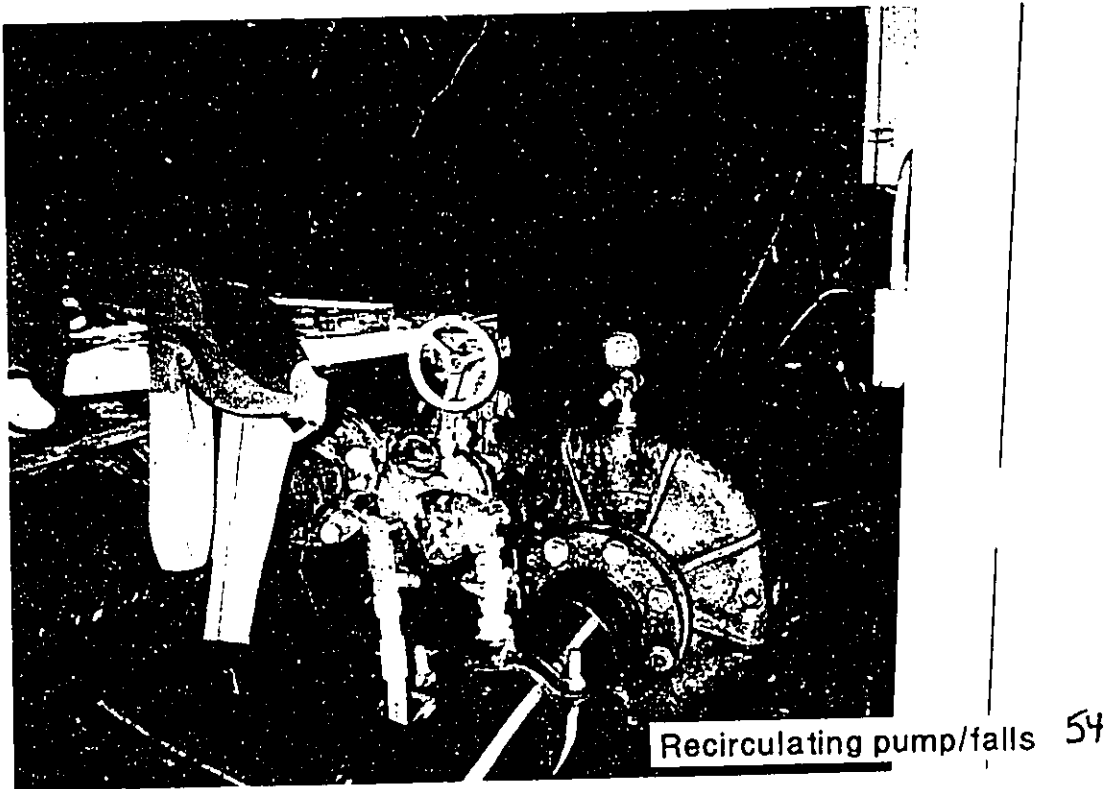
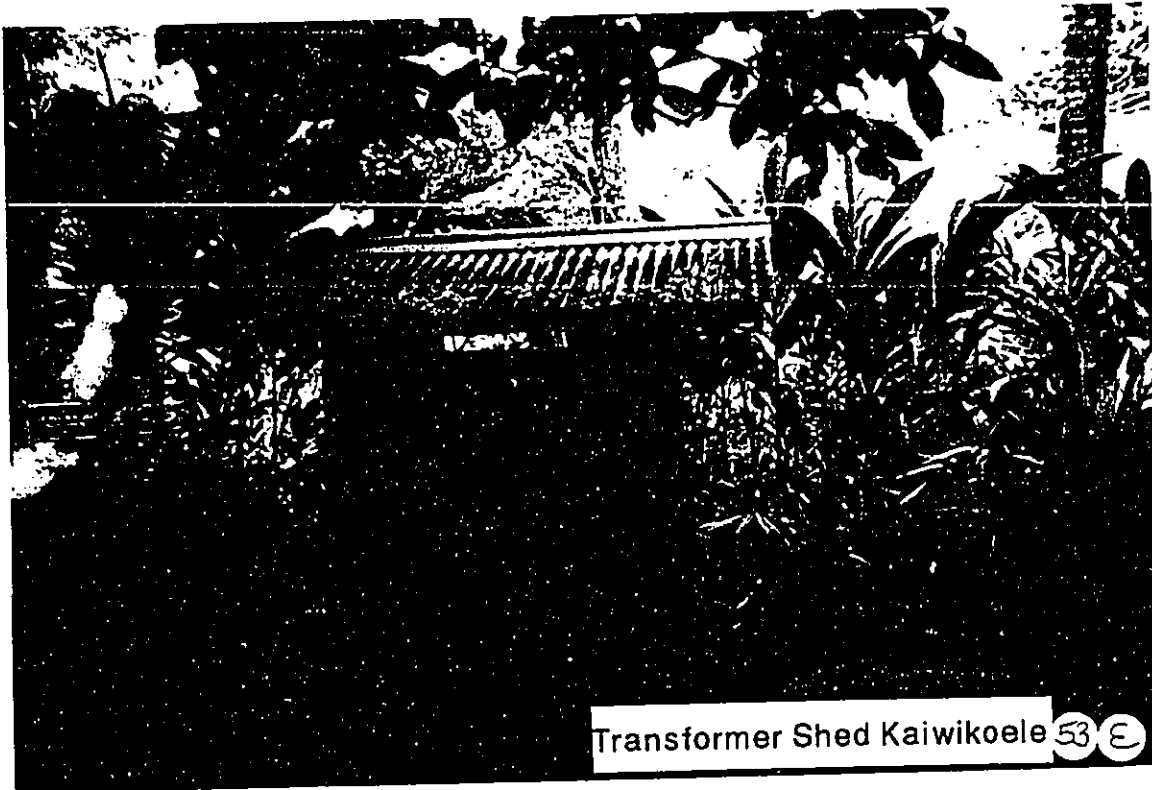


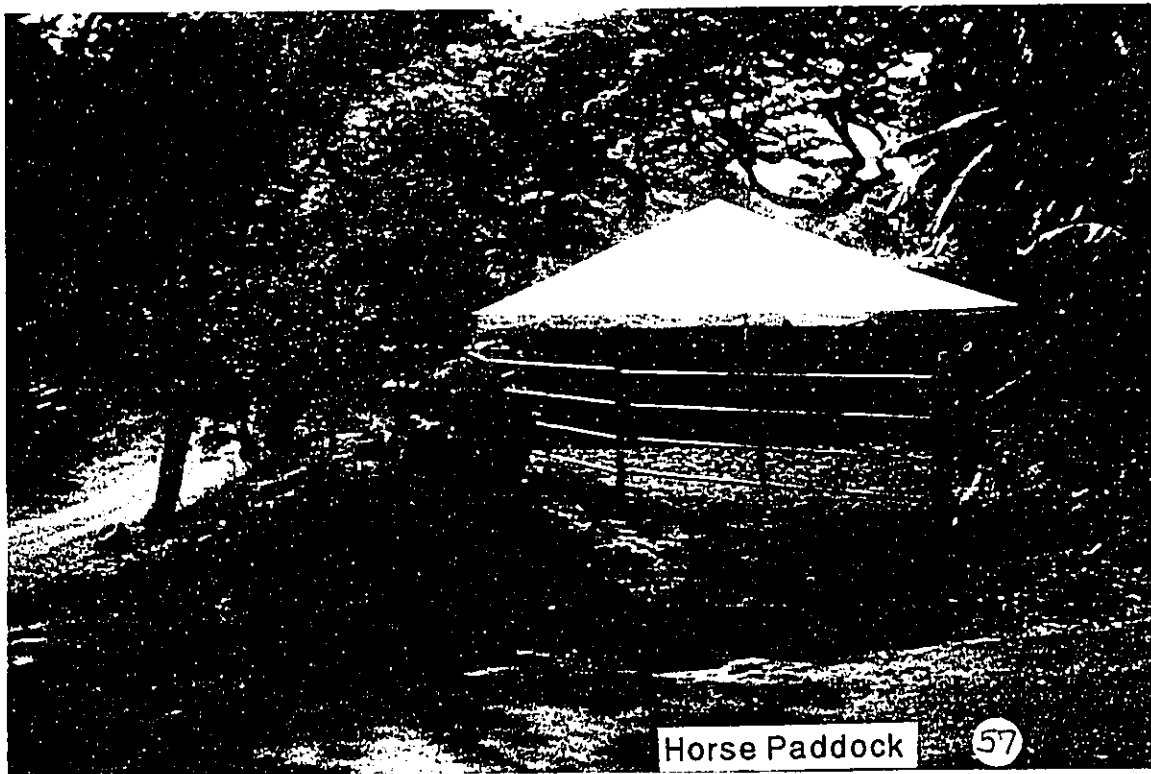
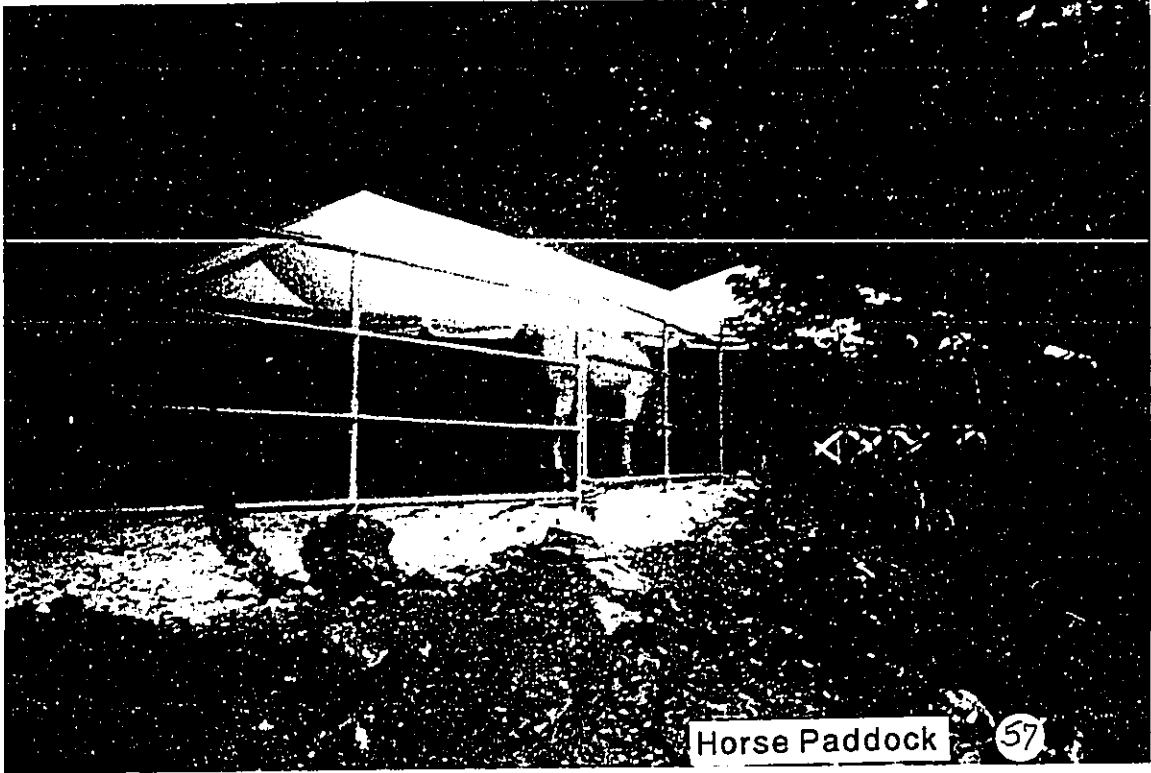
Hula show changing room 49

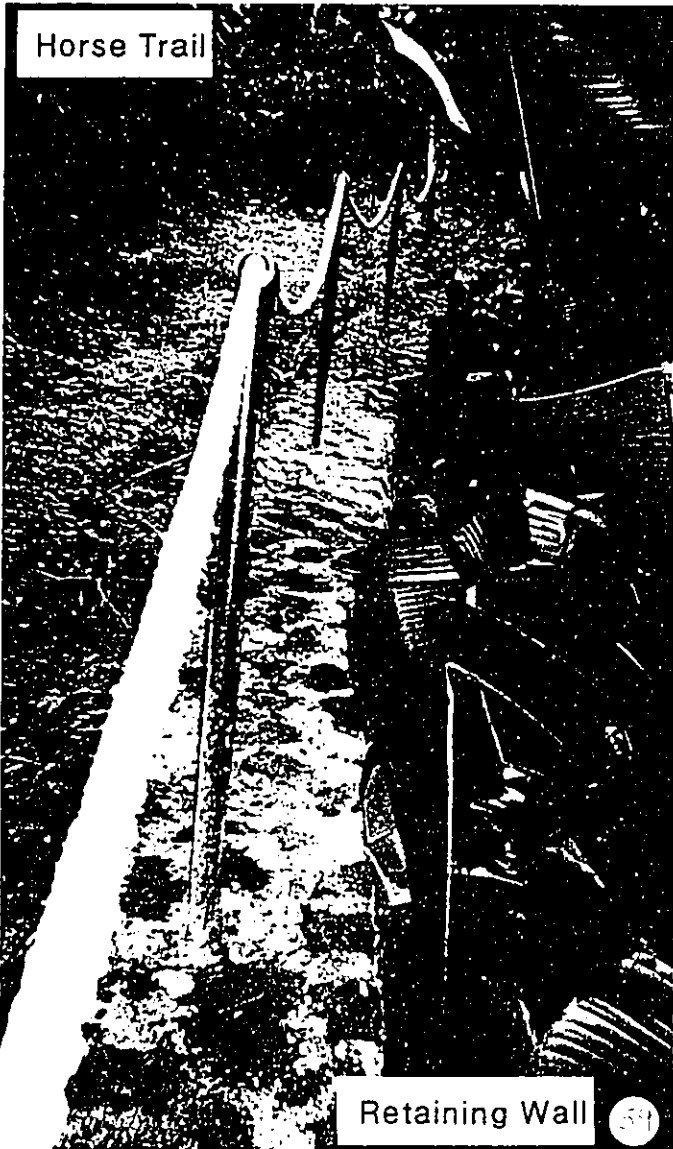
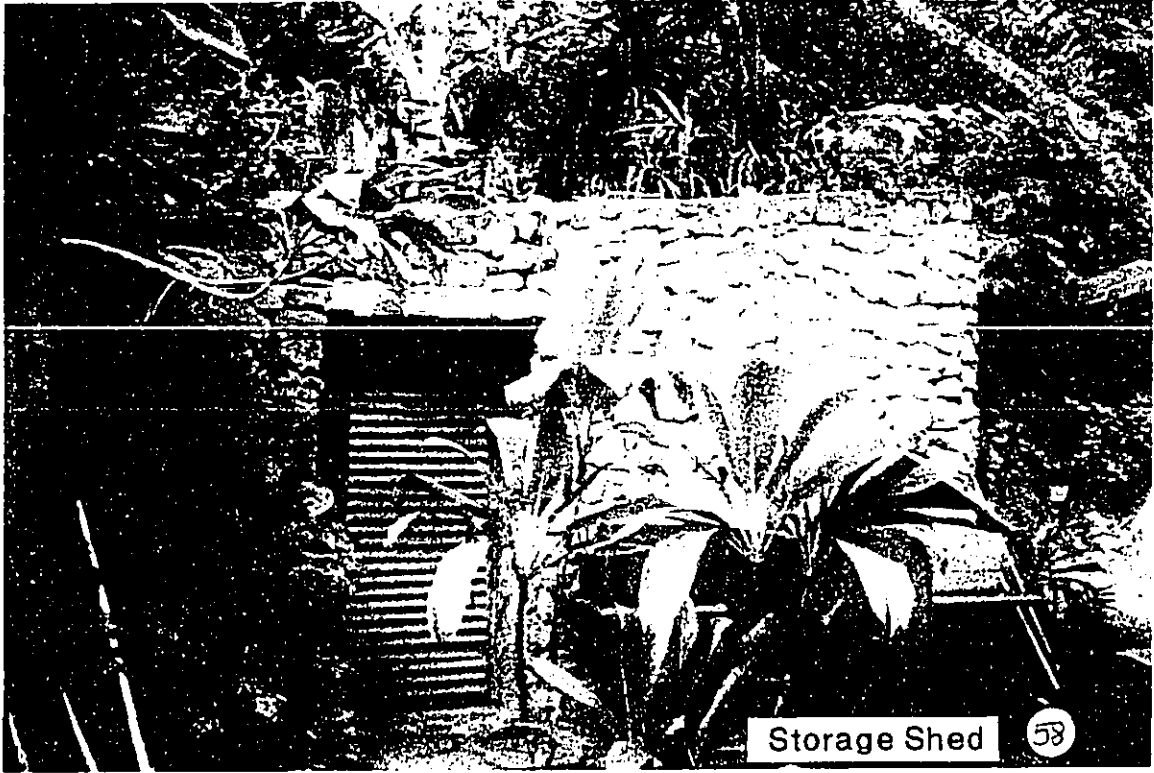


Jungle Trek 43











Night Lighting Upper Meadow (W) (A)



Night Lighting Upper Meadow (W) (A)



Night Lighting/Waimea Falls (W) (A)



Speaker/Waimea Falls (W) (A)



Night Lighting/Falls

Shed for Computer/Falls

C. CUMULATIVE IMPACTS

Peak attendance at the park was in the early 1990's and was estimated at 600,000 visitors per year (approximately sixteen hundred per day/twenty-four hundred in the peak summer season). Attendance for 2000 was estimated at 250,000 per year or 600-700 per day. The inclusion of the requested structures and activities will not substantially affect the amount of visitors to the Park or have any consequential cumulative impact on the environment; but, will allow the Park to continue to operate as a recreational, cultural and botanical park.

It is the position of this Environmental Assessment that there is no cumulative effect on the Special Management Area or Conservation District from the proposed action. The property has been designated for recreational use by the state Department of Land and Natural Resources and the granting of this SMP will not change the status of the Park. The structures and activities which are a part of this EA/SMP are in essence accessory to existing structures and activities and are on previously disturbed land. The items included in the SMP application are already existing, and as a consequence after-the-fact permission is being sought. None of the structures or activities which are the concern of this EA/SMP impact the Arboretum gardens nor are any historical sites impacted. In the future, a Conservation Use District Permit and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District for existing uses or structures that do not have a CDUP and any new structures or additional uses that are proposed.

D. CHAPTER 25 ROH

The following considerations are specified in Chapter 25 of the ROH regarding the use of land within the Special Management Area. These concerns will be addressed in general for all the structures and activities covered by this application, unless other wise noted.

1. All development in the Special Management Area shall be subject to reasonable terms and conditions set by the council to ensure that:

(a) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles.

Access to publicly owned or used beaches, recreation area and natural reserves will remain the same. The activities and structures for the Park will have no impact on public access to beaches, recreation areas or natural reserves. Waimea Falls Park is privately owned.

Native Hawaiians are permitted access to Waimea Valley and the Park grounds at any time to observe cultural practices with adequate notice to the Park management.

(b) Adequate and properly located public recreation areas and wildlife preserves are reserved.

There are no sanctioned wildlife preserves on the Park property; however, Park management is sensitive to, and encourages, the protection of wildlife in the Park. The nearest public recreation area is Waimea Beach Park directly across Kam Highway. Waimea Falls Park is privately owned.

(c) Provisions are made for solid and liquid waste treatment, disposition and management which will minimize adverse effects upon Special Management Area resources.

There are no adverse effects on the SMA from solid or liquid waste treatment or disposal. Currently solid waste disposal for the Waimea Falls Park is handled by a private company that removes all solid waste for proper disposal. The existing Wastewater Treatment Plant, which was included as a modification to the previous SMP (80/SMA-88) on November 9, 1989, is presently underutilized.

(d) Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of earthquakes.

There has been no major alteration of land forms within the Park and care has been taken to see that all grading work has been done according to Chapter 14 ROH. Extensive landscaping has been done in the South Valley over the years with little or no effect on water resources. No coastal scenic or recreational amenities are affected. The structures which are included in this EA/SMP are on previously disturbed land near existing visitor facilities, and minimal leveling of land was required. None of the improvements or activities or recreational amenities that are a part of this EA create any danger to the area associated with flooding.

2. No development shall be approved unless the council has first found that:

(a) The development will not have any substantial, adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.

None of the structures or activities, which are the concern of this EA/SMP, individually have any substantial adverse environmental or ecological effects on the SMP area. The individual structures and activities are spread out over the Park grounds and to a large extent are independent of each other. The structures and activities are already existing and there is no substantial cumulative adverse environmental or ecological effect on the environment.

Peak attendance at the Park was in the early 1990's and was estimated at 600,000 visitors per year (approximately sixteen hundred per day/twenty-four hundred in peak summer seasons). Attendance for 2000 was estimated at 250,000 per year or 600-700 per day. The inclusion of the requested structures and activities will not substantially affect the

amount of visitors to the Park or have any consequential cumulative impact on the environment; but, will allow the Park to continue to operate as a recreational, cultural and botanical park.

(b) The development is consistent with the objectives and policies set forth in Section 25-3.1 and any guidelines contained in HRS Section 205A-26.

The structures and activities identified for this EA/SMP as part of the Waimea Falls Park meet the Coastal Zone Management Program objectives, and the corresponding policies that are applicable. These objectives and policies will be discussed in more detail in the next section.

(c) The development is consistent with the county general plan, development plans and zoning.

The structures and activities that are a part of this EA/SMP are in compliance with the General Plan, Development Plan, North Shore Sustainable Communities Plan and zoning. (More detailed discussion is in Section III, Affected Environment.)

3. The City Council shall seek to minimize, where reasonable:

(a) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon.

There has been no dredging, filling or alteration of any bay, estuary, salt marsh, river mouth, slough, or lagoon due to the structures and activities of the Park which are of concern to this Special Management Area permit. The estuary and mouth of the Waimea Stream are located on State land across Kam Highway from the Park boundary.

Regarding the ponds on the property, prior to 1975 a weir was constructed to divert some of the stream water to be used to create ponds downstream. The water flows from pond to pond and back to the stream. In 1991, two additional ornamental ponds were constructed in the same area. There is some loss of water due to ground percolation.

(b) Any development which would reduce the size of any beach or other area usable for public recreation.

There are no beaches on the property. The structures and activities at Waimea Falls Park, which are a part of this

application, contribute to the functioning of the Park as a recreational source for the public.

(c) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions or rivers and streams within the Special Management Area and the mean high tide line where there is no beach.

The Waimea Stream and estuary are on privately owned land. Granting of the requested SMA permit for the specified structures and activities for Waimea Falls Park will not change the existing public access to tidal and submerged lands, beaches, portions of rivers and streams within the Special Management Area.

(d) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.

The structures and activities, which lie within the Waimea Falls Park are mauka of Kam Highway; and hence, do not interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.

(e) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

None of the structures or activities specified in this application adversely affect water quality in the stream or the water flowing from the Park into the ocean. The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. There are no structures that visually impact the estuary, which is the only open water in the Park, and there are no fisheries or fishing grounds in the Park. Wildlife is encouraged and protected; however, there are no designated wildlife habitats in the Park. Except for the Arboretum activities, there has been no significant agriculture in the Park area for the past 40 years. According to the tax office, only 14 of the 1800+ acres are designated as agriculture.

The purpose of the pump at the falls is to re-circulate water up the side of the cliff in order to maintain the flow

of the falls and the depth of the water in the diving area. No water is lost by increasing the flow over the falls and aeration of the water helps keep the pool from becoming stagnant at times of low stream flow. At the time of installation, the Park management consulted with the Army Corps of Engineers. It was their opinion that this was an acceptable activity to alleviate the problem of occasional low flow at the falls.

No official survey of the streams in Waimea Valley has ever been undertaken or necessary; and while, there has been some public concern about the effect of the pump on the resources of the stream, according to Park management, there has been no change in the aquatic species. The stream is home to a variety of aquatic species including fresh water shrimp, three kinds of *O'opu*, fresh water fish, and others.

E. COASTAL ZONE MANAGEMENT (205A-2 HRS)

Waimea Falls Park is entirely within the Special Management Area and is therefore under the jurisdiction of HRS 205A-26 Coastal Zone Management. However, the makai property boundary is approximately 1500 feet from the coastal shoreline area of Waimea Bay. None of the structures and activities which are the concern of this SMA (except for the entry signs and lighting and kayaking) are within 4,000 feet of the nearest coastline which is Waimea Beach Park across Kam Highway; and, would therefore, have no significant impact on the coastal area of the SMA. Coastal Zone Management policies and objectives which apply to this application for a Special Management Area permit for Waimea Falls Park are included below. These concerns will be addressed in general for all structures and activities covered by this application unless other wise noted.

1. Recreational Resources: Provide coastal recreational opportunities accessible to the public.

Waimea Falls Park is privately owned and, as such, is not obligated to provide coastal recreational opportunities accessible to the public.

2. Historic Resources: Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

An extensive Archaeological survey of the Lower Waimea Valley was commissioned by the Bishop Corporation in 1974. The survey was prepared by Kenneth R. Moore and Margaret L. K.

Luscomb of the Department of Anthropology of the Bishop Museum. In 1991, Mr. Rudy Mitchell Park historian from 1976-1996, conducted another reconnaissance survey identifying additional historic sites. No further archeological review was undertaken for this EA/SMP as all of the items included in the EA/SMP are in the previously surveyed area, and none of the identified sites are impacted by any of the items for which and SMP approval is being requested. Any further expansion of the Park into areas not surveyed would require appropriate evaluation of the impact on natural and manmade historic and prehistoric resources of cultural significance.

Waimea Falls Park is a recreational, botanical and cultural park. The archeological sites noted in the 1974 survey are preserved and protected at the Park and some are available for public view. Park management has always actively supported the state goals for protection, restoration, interpretation, and display of historic resources.

3. Scenic and Open Space Resources: Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

None of the structures and activities which are the concern of this SMA (except for the entry signs and lighting and kayaking) are within 4,000 feet of the nearest coastline which is Waimea Beach Park across Kam Highway and therefore, have no significant impact on the coastal scenic and open space resources. As the entire Park lies mauka of Kam Highway and Waimea Bay, no coastal views from surrounding public viewpoints or from the nearest coastal highway are affected. There are no scenic lookouts along the coastal highway from which one can view the Park.

4. Coastal Ecosystems: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

There are three streams found in Waimea Valley which culminate in the Waimea Stream and eventually flow out to the ocean. (The state Commission of Water Resource Management does not consider the Elehaha to be a "stream" since it is totally dry during other times.) The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. According to the samples surveyed, the average bacteria count was well below the standards set by the state. During heavy flooding, naturally occurring debris is washed into the Bay and the bacterial count in the Bay is temporarily increased. According to the Department regular testing is not done on Waimea Bay because historically

contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. None of the structures and activities which are the concern of this SMA (except for the road signs and lighting and kayaking) are within 4,000 feet of the nearest coastline which is Waimea Beach Park across Kam Highway; hence, impact to the coastal ecosystem is minimal. The Boating and Ocean Resources Division of DLNR refers to kayaking as an environmentally benign recreational activity and no permits or licenses are presently required for private or commercial use of kayaks. Cleanups of the stream are coordinated by the Park with the "Adopt a Stream" program several times a year.

5. *Economic Uses: Provide public or private facilities and improvements important to the State's economy in suitable locations.*

Waimea Falls Park has been a popular recreational and tourist destination since it first opened in the 1960's and, as such, has contributed to the state's economic welfare. The Park is listed as a private recreational facility in the new North Shore Sustainable Communities Plan. The Park is suitably located, and its operation has been designed to minimize adverse social, visual, and environmental impacts in the coastal zone management area.

6. *Coastal Hazards: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.*

During the winter and early spring, heavy rain storms can create a flooding condition in Waimea Valley an average of two to three times per year. All runoff flows directly into the streams and eventually into the estuary and Waimea Bay. Flooding has not been a problem in the area of the Park visitor facilities and other support structures. None of the structures and activities which are the concern of this EA/SMP have an impact on stream flooding in Waimea Valley. The structures and activities are currently existing and are all on previously disturbed land near other existing structures. None of them are located near known archeological sites or stream banks.

V. MITIGATIVE MEASURES

Waimea Falls Park has been a cultural and natural resource for the visitors and residents of Oahu for many years. Economic viability has always been a concern for the Park management, and over the years the Park has undergone several changes in staff administration and vision. However, the use of Waimea Valley as a recreational, cultural, and botanical park has not changed.

This EA/SMP is the first step in bringing the Park into compliance with City, County, and State regulations. During this process, Park management has had the opportunity to look at the functioning of the Park and to consider the appropriateness and success of certain activities. Community and agency input has been a part of this process.

The following mitigative measures have been implemented to ensure that the activities and structures that are a part of this EA/SMP have no detrimental impact on the natural resources of the Valley:

1. The use of All Terrain Vehicles (ATV) has been discontinued as a Park activity.
2. The Paint Gun shooting range has been eliminated as a recreational feature of the Park.
3. Cabins and campsites in twelve areas of the Valley are no longer being proposed.
4. Best management practices have been followed for all construction and maintenance.
5. The non-profit Arboretum Foundation has been established to oversee the activities of the Arboretum and protect this valuable community resource.
6. Native Hawaiians are permitted access to Waimea Valley to practice and share their cultural traditions.
7. Care has been taken to determine that the structures and activities that are included in this EA/SMP do not physically impact the known historical sites in the Valley.
8. Environmental review has been done to ensure that the activities and structures that are included in this application do not contribute a significant environmental impact.

VI. ALTERNATIVES CONSIDERED

All the structures and activities that are a part of this EA/SMP are currently in existence. To adapt to changing requirements and public interests, certain activities have been incorporated into the Park over the years. The Park management recognizes that the structures and activities that are the subject of this application should have been approved prior to installation. That did not always happen. This EA/SMP is an attempt by the management to bring the Park into conformance. Many of the structures and activities will also require a Conservation District Use permit. It was the determination of the Department of Land and Natural Resources that, because the Park property falls within the Special Management Area, all applicable development standards that pertain to the SMA must

first be met. The only alternatives are to remove the non-conforming structures and to cease the nonpermitted activities. Under the circumstances this is not felt to be a reasonable or necessary alternative.

Since the submittal of the DEA, the City and County of Honolulu City Council passed a resolution asking the mayor to condemn the property, approved a budget item of 5.2 million to purchase the Park, and approved the condemnation resolution. The City Council also approved a resolution to give consideration to OHA to purchase the Park. The Park owner has declared protective bankruptcy under Chapter 11. Before any further action can be taken, the bankruptcy court must approve the disposition of the Park by condemnation by the city. The proposed purchase will then be subject to judicial review. Public ownership of the Park is an alternative to the present situation but, regardless, the Park must conform to all state and county regulations.

VII. DETERMINATION, FINDINGS AND REASONS FOR SUPPORTING DETERMINATION

The concern of this EA/SMP is to seek approval for those existing structures and activities at Waimea Falls Park which require a Special Management Area permit. In support of the determination of a finding of no significant impact on the Special Management Area and Conservation District, the following significant criteria will be addressed in accordance with Chapter 343 EIS Rules. These concerns will be addressed in general for all structures and activities covered by this application unless other wise noted.

SIGNIFICANT CRITERIA: According to the Department of Health Rules (I 1-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long-term effects. In making the determination, the Rules establish "Significant Criteria" to be used as a basis for identifying whether significant environmental impact will occur. According to the Rules, an action shall be determined to have a significant impact on the environment if it meets any one of the following criteria:

(1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;

All of the structures which are included in this EA/SMP

application are located on previously disturbed land within the lower portion of the south valley of Waimea Falls Park. For the most part they are accessory structures which have been put in place as part of the management and use of Waimea Valley as a recreational cultural and nature park for residents and visitors. None of the subject activities or structures, which are currently in existence, contribute to the destruction of natural resources.

There will be no loss of cultural resources. An extensive Archaeological survey of the Lower Waimea Valley was commissioned by the Bishop Corporation in 1974. The survey was prepared by the Department of Anthropology of the Bishop Museum. In addition, Mr. Rudy Mitchell Park historian from 1976-1996, conducted another reconnaissance survey in 1991 identifying additional other historic sites. The relationship between the known historic sites and the structures and activities which are of concern to this EA/SMP are shown in Exhibit 10. The map shows that none of the identified sites are impacted by any of the items for which SMP approval is being requested. Should any new archaeologically significant artifacts, bones, or other indicators of previous onsite activity be uncovered their treatment will be conducted in strict compliance with the requirements of the Department of Land and Natural Resources.

The history of Waimea Valley has included several cultural traditions beginning with the ancient Hawaiians who inhabited the Valley hundreds of years before there was any recorded history of the islands. The remnants of these cultures are still present in the Valley today. While Waimea was considered, and continues to be, a spiritually significant place for the island of Oahu and the Hawaiian people, it has been privately owned since the Great *Mahele* of 1848 and there are no current cultural practices which are presently associated with the Valley and which are impacted by the Park activities.

(2) Curtails the range of beneficial uses of the environment;

Waimea Falls Park lies completely within the State Conservation District, land which the City and County of Honolulu designates as P-1, Restricted Preservation. The purpose of the Preservation Districts is to preserve and manage major open space and recreation lands and lands of scenic and natural value. The use of the valley as a recreational cultural and botanical park is in keeping with this land use designation. None of the structures and activities which are the concern of this EA/SMP will curtail the beneficial uses of the environment. Granting of the SMP will allow the Park management to continue to operate the Park as a resource for residents and visitors. As such, the Park enhances the beneficial use of the environment by making the beauty of the Park available to the public in a protected and

controlled environment.

(3) Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revision thereof and amendments thereto, court decisions, or executive orders;

The project is consistent with the Environmental Policies established in Chapter 344, HRS, and the National Environmental Policy Act.

(4) Substantially affects the economic or social welfare of the community or state;

The Park employs 93 staff members with a visitor population of approximately 600 per day. The Park currently has contracts with several other companies to provide certain Park services. These companies employ another 50+ staff members. There would be a significant decrease in employment if the Park was not able to provide the activities and maintain the structures requested in this SMP.

(5) Substantially affects public health;

Impacts to public health may be affected by air, noise, chemical, and water quality impacts; however, none of these indicators are a concern of this EA/SMP which requests approval for those existing structures and activities at Waimea Falls Park which require an SMA permit.

(6) Involves substantial secondary impacts, such as population changes or effects on public facilities;

The existing structures and activities which require an SMA permit will have no impact on population or public facilities.

(7) Involves a substantial degradation of environmental quality;

Waimea Falls Park is a recreational, botanical, and historical park, unique in Hawaii and the Pacific region which residents and visitors have enjoyed for many years. The passage of time, circumstances, and the need to respond to visitor needs and expectations have precipitated the amendment of the original Conservation District Permit on several occasions, thereby expanding the number of fixed facilities and support services. These improvements have enhanced the quality and safety of the Park and the visitor experience. Waimea Valley comprises more than 1800 acres of preservation land and the Park facilities are

located in a thirty acre section of the lower portion of the south valley on previously disturbed land. Hiking, mountain biking, and horseback riding are on existing trails and roads and do not substantially impact the Valley. The activities of the Arboretum have enhanced the environment through the care and preservation of native, imported and endangered plants. Approval of these accessory structures and activities will allow the Park to continue to serve in its capacity as a recreational, historical and botanical resource in Hawaii.

(8) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;

The existing structures and activities which are the concern of this EA/SMP are in essence accessory to the existing recreational Park activities. They were created without appropriate permits, but they do not involve a commitment for larger actions other than the viable continuance of the Park.

(9) Substantially affects a rare, threatened or endangered species or its habitat;

There has never been an extensive botanical survey of the areas of Waimea Valley that are not currently actively used for park purposes. A general review was undertaken by the Directors of the Arboretum in the preparation of the original EIS by Bishop Corporation in 1974 that described the natural flora and fauna of the Valley. They concluded that during the last century, the flora of Waimea Valley has been reduced to a "weed forest". There is one known native endangered plant which has been seen growing wild one mile above the falls (*Eugenia Koolau Ensis*), and several Hawaiian endangered plants growing in the planted gardens in the Park, specifically Hawaiian A, Hawaiian B, the native hibiscus collection, the palm collection, and in the nursery. The Arboretum also includes other endangered species that were brought to the Park for propagation and preservation from other places. None of the structures or activities which are the concern of this EA/SMP are near the gardens which have endangered plant species. The few birds which are on the endangered list and make their habitat in the Park will not be affected by granting approval for this SMP. According to the state Department of Land and Natural Resources Aquatic Resources Division there are no endangered fresh water aquatic species in Hawaii on the endangered species list.

(10) Detrimentially affects air or water quality or ambient noise levels;

Water quality or near-shore ecosystems are not impacted by

the structures or any of the activities which are the concern of this EA/SMP. Except for several storage containers which are approximately 20 feet from the dry Elehaha streambed, none of the structures are near the streams. The trail for the mountain bikes follows the Elehaha and crosses the streambed several times as it goes back into the North Valley, but as the stream is dry the majority of the time, water quality is not impacted. Kayaking has been offered as a recreational activity at the Park since 1991 and is a "clean" use of the river and estuary. In addition, the water sampling taken by the Department of Health in Waimea Bay consistently indicated no statistically relevant contamination.

The re-circulating pump at the falls operates when stream flow is low, increasing the amount of cascading water by pumping water from the pool to the top of the falls. No water is lost by increasing the flow over the falls and aeration of the water helps keep the pool from becoming stagnant at times of low stream flow especially in the hotter months. No official survey of the streams has ever been undertaken or necessary. While there has been some public concern about the effect of the pump on the resources of the stream, according to Park management, there has been no change in the aquatic species.

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

None of the structures for which an SMP is being requested are in a tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters. Exhibit #6 shows only one structure which appears to be in the flood way, a security gatehouse #17 which was included in a previous SMP. This is not a substantial structure and would not be resistive to flood waters. Kayaking includes use of the estuary, but this is a passive, benign activity which has no environmental effect.

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

As the entire Park lies mauka of Kam Highway and Waimea Bay, no scenic vistas from surrounding public viewpoints or from the nearest coastal highway are affected. There are no scenic lookouts along the coastal highway from which one can view the Park.

(13) Requires substantial energy consumption.

Except for the electric pump which was installed at the

falls in 1995, none of the structures or activities which are the concern of this EA/SMP have increased energy consumption. Construction of the new maintenance building or dining pavilion will not require substantial energy consumption relative to other similar projects.

VIII. COMMENTS TO DRAFT EA AND RESPONSES

As part of the public review phase, the following comments were received on the Draft Environmental Assessment for a Special Management Area Permit for Waimea Falls Park. Many of the comments on the DEA were helpful in clarifying particular points of information and have been incorporated into the FEA. The letters and responses are presented in the order they were received.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

MAY 1 2001

Memorandum

To: Nicholas A. Vaccaro, Land Agent
Land Division

Thru: Dean Y. Uchida, Administrator
Land Division *[Signature]*

From: Masa Alkire, Planner
Planning Section, Land Division

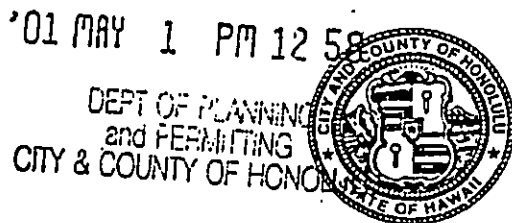
Subject: Draft Environmental Assessment for Special Area Permit Application
2000/SM-43 Expansion of an Outdoor Amusement Facility, Waimea
Falls Park

Comments: The Planning Section has reviewed the submitted Draft Environmental Assessment for a Special Management Area Permit. The planning section notes that on page four of the document the applicant identifies the need to apply for a Conservation District Use Permit for items included in this expansion of the Waimea Falls Facility. The Land Division would appreciate clarification from the applicant on the items included under this proposed expansion that are not covered by existing CDUAs. Furthermore, the Planning Section would like to inquire when the applicant intends to apply for a CDUA from the Department of Land and Natural Resources. Thank you for the opportunity to comment.

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DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, HONOLULU HI 96813

Jeremy Harris
Mayor




Timothy E. Steinberger, P.E.
Acting Director

IN REPLY, REFER TO:
EST 01-045

April 27, 2001

MEMORANDUM

TO: RANDALL K. FUJIKI, AIA, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: 
TIMOTHY E. STEINBERGER, P.E., ACTING DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: CHAPTER 343, HAWAII REVISED STATUTES DRAFT
ENVIRONMENTAL ASSESSMENT (DEA) SPECIAL MANAGEMENT AREA USE
PERMIT (SMP) 2000/SMA-43 (ask)

Thank you for the opportunity to comment on the subject document. We have reviewed the DEA focusing on this department's functions, which include: wastewater management, environmental quality, refuse collection, and recycling.

Wastewater Management and Environmental Quality:

Since the City does not provide sewer services to this site, our sewer system and facilities are not affected, and monitoring of the grease-trap for their food establishments by the City is not required.

Refuse:

Refuse Collection: Solid waste hauling is done by a private contractor.

Recycling:

Food: Volume of meals generated per day falls below the minimum requirement for mandatory food waste recycling.

Regarding the future restaurant, indicated in Exhibit 2A, Waimea Falls Park Recreational Use Master Map, please consult our Division of Refuse Collection and Disposal, Recycling Office at 527-5335, by the planning phase of construction to discuss requirements for food and glass recycling.

Glass: Since the Pikake Pavilion Restaurant has a liquor license (restaurant liquor license), they are mandated by Ordinance No. 95-64 to recycle their glass containers. They are recycling with Ohana Recycling. In the future, glass recycling should be expanded to include the new establishments should they decide to serve liquor.

We believe the proposed activity will not significantly impact our department's facilities or services, if they continue to use private contractors and facilities. If we can be of further assistance, please contact Jack Pobuk, Program Coordinator, at 527-6696.



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Timothy E. Steinberger, Acting Director
Department of Environmental Services
650 South King Street
Honolulu, Hawaii 96813

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated April 27, 2001 commenting on the subject SMP and Draft Environmental Assessment. We offer the following responses in the respective order of your comments:

Requirements for food and glass recycling for the new restaurant will be coordinated with the Department of Environmental Services.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment. Thank you for your interest and participation in the public review phase of the environmental review process.

Sincerely,

Donald Clegg, President
Agent for the Applicant



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

MAY 1 2001

Memorandum

To: Nicholas A. Vaccaro, Land Agent
Land Division

Thru: Dean Y. Uchida, Administrator
Land Division

From: Masa Alkire, Planner
Planning Section, Land Division

Subject: Draft Environmental Assessment for Special Area Permit Application
2000/SM-43 Expansion of an Outdoor Amusement Facility, Waimea
Falls Park

Comments: The Planning Section has reviewed the submitted Draft Environmental Assessment for a Special Management Area Permit. The planning section notes that on page four of the document the applicant identifies the need to apply for a Conservation District Use Permit for items included in this expansion of the Waimea Falls Facility. The Land Division would appreciate clarification from the applicant on the items included under this proposed expansion that are not covered by existing CDUAs. Furthermore, the Planning Section would like to inquire when the applicant intends to apply for a CDUA from the Department of Land and Natural Resources. Thank you for the opportunity to comment.

'01 MAY 16 PM 2 15
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU



PHONE (BUS): (808) 536-5695
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ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Nicholas A. Vacaro, Land Agent
Masa Alkire, Planner
State of Hawaii
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated May 9, 2001 commenting on the subject SMP and Draft Environmental Assessment. We offer the following responses in the respective order of your comments:

1. As per your request we faxed to your office on May 30, 2001 a copy of the Waimea Valley Falls Park Master Project List showing the existing structures which were included in previously approved CDUA's and which will be included in a future CDUA. This list was not included in the Draft Environmental Assessment as the purpose of this EA is to address only those structures and activities which need a Special Management Area Permit.

2. The applicant plans to apply for a CDUA from the Department of Land and Natural Resources once the prescribed County statutes regarding the Special Management Area have been met and the SMP Ordinance has been passed by the City Council.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment. Thank you for your interest and participation in the public review phase of the environmental review process.

Sincerely,

Donald Clegg, President
Agent for the Applicant



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPOLAN BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

'01 JUN 12 PM 12 51
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

May 3, 2001

Randall Fujiki
Department of Planning & Permitting
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

Subject: Draft Environmental Assessment for a Special Management Area
Permit Waimea Falls Park

Dear Mr. Fujiki,

Thank you for the opportunity to comment on the draft environmental assessment (EA) for the above-referenced project. OHA has the following concerns about the draft EA.

Adequate Identification and Preservation of Cultural Resources

The primary problem with the draft EA is the lack of information on cultural resources. More in-depth archeological surveys are needed before approval of the special management area permit can be granted. The draft EA relies on the Bishop Museum's 1974 survey, which covers only the lower valley and does not constitute an adequate archeological survey. In 1998, the State Historic Preservation Officer wrote that the studies of the valley done thus far are merely "initial reconnaissance studies, not adequate archeological inventory surveys." Further study is needed, particularly in the north valley where pre-contact agricultural, habitation, burial and religious sites have been identified.

Preservation plans must be developed for both currently known cultural resources and for those discovered in the course of further archeological inventory surveys. The 1974 Bishop Museum survey contains some recommendations for preservation, protection, and restoration of sites but the draft EA does not indicate that action has been taken on these recommendations. Specifically, SHPD has previously affirmed that preservation plans are needed for Hale O Lono Heiau, the Hale Iwi sites, and the thirty plus

historic sites in the north valley designated for future cabin and camp sites. Approval of the permit must be conditioned on the development and implementation of these preservation plans.

Cultural Impact Statement Required

The City Department of Planning and Permitting directed Analytical Planning Consultants to evaluate cultural impacts in the EA. A cultural impact statement is also required by Act 50, Session Laws of 2000. While the draft EA states that Native Hawaiians are permitted access given "adequate notice to the Park management," the document does not contain a cultural impact statement as required by law.

OHA requests that the EA identify and address the effects on Hawaii's culture and traditional and customary rights pursuant to Section 343-2, Hawaii Revised Statutes, as amended. The EA must identify and describe the cultural practices located within the potentially affected area; assess the impact on these practices; examine alternatives to the proposed action; and propose mitigation measures. The preparer of the cultural impact statement should consult with Native Hawaiian individuals and organizations to determine the impact of the proposed structures and activities on cultural practices.

Protection of Previously Identified Burials

The applicant must ensure compliance with HRS 6e-43 and its protections for prehistoric and burial sites. The draft EA does not acknowledge the previously identified burials in Waimea nor does it examine how the structures and activities up for approval will impact these burials. Burial treatment plans for protection of the 148 previously identified burial caves in the valley are particularly essential and must be approved by the Oahu Island Burial Council, pursuant to HRS 6e-43. OHA requests that the applicant furnish our agency with a copy of these plans as well. The applicant should not be allowed to proceed without these burial treatment plans.

Endangered Species

The draft EA mentions in passing that "there are a few birds which are on the endangered list that make their habitat in the park" (p.37) but does not specifically identify them, analyze the impacts on these birds, or reveal any protections afforded them. The City Department of Planning and Permitting directed Analytical Planning Consultants to identify endangered species and disclose potential impacts so the EA is incomplete in this respect. OHA strongly urges the applicant to include this information in the final draft of the EA.

Impacts of ATV and Paint Gun Activities

The draft EA does not adequately analyze the impacts of the ATVs on the environment and the habitat. Some possible impacts are massive erosion including damage to stream banks, streams, and fish habitat; denudes areas of vegetation; incompatibility with other users of the land; introduction of air and

water pollution; excessive noise with impacts on wildlife breeding and nesting habitats. The EA should examine if environmental quality can be maintained and if the safety and enjoyment of all users can be maintained. Mitigation, such as a monitoring program to detect damage to stream banks, fish habitat and wildlife breeding and nesting habitats or interference with other users of the park, should be included.

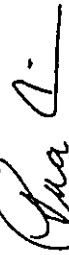
The Paint Gun activities also deserve another look, particularly as to its congruence with the purposes outlined in the original permits granted for the valley and the impacts. For instance, the draft EA states that the guns have a 60 foot range within a 30 by 15 foot shooting area and this fact may be problematic as the gun's projections extend beyond the designated shooting area.

Stream Protection

The impacts of the recirculation of Kamananui Stream and the stone blockage of Elehaha Stream for ATV access should be assessed in the EA. The impacts on the streams are particularly pertinent with regard to considerations that must be made in the Special Management Area. The EA states that the Army Corps of Engineers said that the use of the pump in Kamananui stream was an acceptable activity but the EA should include an assessment by the Corps to this effect.

If you have any questions, please contact Sharla Manley, Assistant Policy Analyst at 594-1944 or email her at sharlam@oha.org.

Sincerely,


Pua Aiu
Policy Analyst

PA: sam

cc: OHA Board of Trustees
Randall K. Ogata, Administrator



ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Pua Aiu
Policy Analyst
Office of Hawaiian Affairs
711 Kapiolani Street, Suite 500
Honolulu, Hawaii 96813

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated May 3, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of the comments submitted by OHA were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

Adequate Identification and Preservation of Cultural Resources

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. A number of the structures and activities will also require a Conservation District Use permit.

Almost all of the structures involved are "temporary" in nature such as, storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of use of land" requires a SMA permit. Thus, the EA/SMP is limited to an evaluation of only these items. It is not an evaluation of how the Park should function or whether the Park operations adequately meet OHA's concerns for preservation of cultural resources in the total 1800 acre area. It is true that the 1974 Bishop Museum archeological survey did not include the North Valley, however the area that they did cover was done thoroughly.

The accessory structures and activities that are the concern of this EA/SMP, while they do not have an SMA have been in existence for many years and are located on previously disturbed land near the existing visitor facilities in the South Valley. Presently the only activities in the North Valley are hiking and mountain biking along existing trails and roads. Although the concept of cabins in both valleys was included in the 1975 CDDA permit, and the concept of non-site specific cabin sites was originally included in the DEA, it has been deleted from this SMP application and FEA. The ATV activity has been discontinued as a Park activity and eliminated from the application request. A map which shows the location of the sites identified by Bishop Museum and Rudy Mitchell, Park historian from 1976-1996, and the items for which SMP approval is being requested, is included in the FEA. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about impacts on the historical sites in the Valley.

The Park management is committed to maintaining the historical and cultural features of Waimea Valley. Their adherence to recommendations from SHPD regarding preservation, protection, and restoration of identified sites is not germane to this SMA application. Should any new archaeological significant artifacts, bones, or other indicators of previous onsite activity be uncovered their treatment will be conducted in strict compliance with the requirements of the Department of Land and Natural Resources.

Cultural Impact Statement Required

Act 50 of Chapter 343, HRS, and the "Guidelines for Assessing Cultural Impacts" requires preparers of environmental assessments to discuss the impact of a proposed action on cultural practices and features associated with the project area. A section on "Cultural Practices" has been added to the FEA; however, none of the structures or activities which are the concern of the EA/SMP have an impact on any cultural practices. There are no existing cultural practices associated with Waimea Valley. The land has been privately owned since the 1880's. In recognition of the sacredness of Waimea Valley to the Hawaiian culture and in compliance with State statutes, native Hawaiians, with adequate notice to the Park management are permitted access to the Park grounds at any time to observe native Hawaiian cultural practices.

Protection of Previously Identified Burials

Stream Protection

The North Valley Road follows the Elehaha (dry bed) Stream, crossing it several times. The road has been used since the 1930's to service agricultural endeavors in the back acreage and housing in the North Valley (Fujita Camp). At the stream crossings, the original builders of the road placed stabilizing rocks to create fords. From time to time, for safety reasons, the rocks in some of these fords need to be replaced or stabilized. When the stream flows, four or five times a year, there is no blockage problem. (The State Commission on Water Resource Management does not consider the Elehaha to be a stream since it is totally dry during other times.) The Army Corp of Engineers' evaluation of the recirculating pump at the falls was that it was an acceptable activity and required no further assessment. The water being electrically pumped out of the pool at the base of the falls and back into the same pool does not have any effect other than aeration. The Water Commission requested that the Park apply for a permit for the recirculating system after all County and SMA permits had been obtained. This EA/SMP is the first stage in that process.

The Department of Planning and Permitting, as the approving agency, will make the final decision as to whether the structures and activities that are included in this EA/EMP require an Environmental Impact Statement. It is the conclusion of this Environmental Assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA. A Finding of No Significant Impact is being requested. For any new or additional uses, a Conservation Use District and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District and the SMA, including historical, archeological and cultural resources.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be

-4-

The structures and activities which are included in this EA/SMP application do not impact any identified burial sites. A copy of the map which will be included in the FEA and shows the relationship of the items of concern to the identified sites in Waimea Valley, has been enclosed with this response. While the preservation of important burial sites is important to the maintenance of cultural resources, treatment plans for the protection of existing burial caves in the valley is a separate issue and not germane to this application. Park management is working with the State Historic Preservation Division to produce the burial treatment plans for the identified sites.

The archeological survey by Bishop Museum in 1975 listed four burial sites containing any human remains that have been identified, recorded and given a number. When contacted by Park management regarding the statement that there are 148 previously identified burial caves, the Assistant Policy Analyst was unable to give the source of this information. SHPD was also unable to substantiate the number.

Endangered Species

The following section on "Endangered Species" has been added to the FEA:

"There has never been an extensive botanical survey of Waimea Valley itself. There is one known native endangered plant which has been seen growing wild one mile above the falls (eugenia koolau ensis), and several Hawaiian endangered plants growing in the planted gardens in the Park, specifically Hawaiian A, Hawaiian B, the native hibiscus collection, the palm collection, and in the nursery. The Arboretum also includes other endangered species that were brought to the Park for propagation and preservation from other places. None of the structures or activities which are the concern of this EA/SMP are near the gardens which have endangered plant species. Of the native birds found in Waimea Valley the Gallinule and Koloa Maoli Duck are on the endangered list. Some Gallinule and two Hawaiian Nene birds are in an enclosed area, the rest of the birds are wild. The few birds which are on the endangered list and make their habitat in the Park will not be affected by granting approval for this SMP. According to the state Department of Land and Natural Resources Aquatic Resources Division there are no endangered fresh water aquatic species in Hawaii on the endangered species list."

IMPACTS OF ATV and Paint Gun Activities

The ATV and Paint Gun activities have been discontinued as a Park activity and eliminated from the application request.

-3-

preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area . Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,



Donald Clegg, President
Agent for the Applicant



AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

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STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

May 9, 2001

LOG1333
LD-NAV

Ref.: 2001SMA43.RCM

Honorable Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

SUBJECT: I.D.: 2001/SMA-3 Special Management (SMA) Area Use
Permit for Expansion of an Outdoor Amusement
Facility, Waimea Falls Park, Island of Oahu, Hawaii

Thank you for the opportunity to review and comment on the
subject matter.

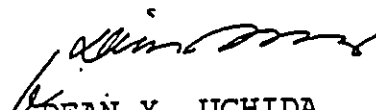
A copy of the subject SMA application was transmitted to our
appropriate divisions for their review and comment.

Attached herewith is a copy of our Land Division Planning
and Technical Services' comment.

The Department has no other comment to offer at this time.

Should you have any questions, please feel free to contact
Nicholas Vaccaro of the Land Division Support Services Branch at
808-587-0438.

Very truly yours,


DEAN Y. UCHIDA
Administrator

C: Oahu District Land Office
Planning and Technical Services



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Dean Y. Uchida, Administrator
State of Hawaii
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated May 9, 2001 stating that your office had transmitted the subject SMP and Draft Environmental Assessment to the appropriate divisions and had no further comment. Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment. Thank you for your interest and participation in the public review phase of the environmental review process.

Sincerely,

A handwritten signature in cursive script that reads 'Donald Clegg'.

Donald Clegg, President
Agent for the Applicant

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D., M.P.H.
DIRECTOR OF HEALTH

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DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

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

In reply, please refer to:
File:
01-019/epo

May 10, 2001

Mr. Randall K. Fujiki, AIA
Director of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

Subject: Draft Environmental Assessment, Waimea Falls Park
TMK: 6-1-02:2, 3, 14-17 & 19-21

Thank you for allowing use to review and comment on the subject project. We have the following comments to offer:

Wastewater Branch

As domestic wastewater treatment and disposal will be handled through the existing sewage treatment plant, we have no objections to the proposed project.

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules.

Should you have any questions, please contact the Planning/Design Section of the Wastewater Branch at telephone (808)586-4294.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Gill".

GARY GILL
Deputy Director
Environmental Health Administration



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Gary Gill, Deputy Director
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated May 10, 2001 commenting on the subject SMP and Draft Environmental Assessment. We offer the following responses in the respective order of your comments:

1. The purpose of this EA is to address only those structures and activities which need a Special Management Area Permit. None of these structures and activities affect domestic wastewater treatment and disposal which is handled through the existing sewage treatment plant. All wastewater plans will conform to applicable provisions of the Department of Health.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment. Thank you for your interest and participation in the public review phase of the environmental review process.

Sincerely,

Donald Clegg, President
Agent for the Applicant

BENJAMIN J. CAVETAWO
DEPUTY DIRECTOR



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL,
PLANNING AND PERMITTING
215 SOUTH BERTANHA STREET
SUITE 202
HONOLULU, HAWAII 96813
TELEPHONE: 808-551-1100
FAX: 808-551-1106

GEMERVE SALMONSON
DIRECTOR

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CITY & COUNTY OF HONOLULU

Mr. Fujiki
Page 2

May 14, 2001

Mr. Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

Subject: Draft Environmental Assessment for the Waimea Falls Park, Oahu

Thank you for the opportunity to review the subject document. We have the following comments.

1. The draft environmental assessment includes several conflicting statements. Please clarify the conflicting statements. For example:

On page 78, the EA states that "All the structures and activities that are a part of this EZ/SMP are currently in existence."

On page 25, the EA states that "The purpose of the application for a Special Management Area permit is to obtain approval from the department of Planning and Permitting "after the fact" for structures and activities which are currently part of the Waimea Falls Park and for the proposed new structures and activities (emphasis added)."

Again, on page 25, the EA states that "Planned expansion of the Park (not a part of this EA or SMP) will allow for greater utilization of the Park."

2. OEQC does not believe that this draft EA includes sufficient information to support any new structures or activities that have not been previously permitted.

3. In the section on alternatives, please discuss the option of the City and County of Honolulu purchasing the park.

4. Please list the structures and activities that would need a Conservation District Use Permit.
5. Please describe what mitigation measures are in place to minimize adverse impacts of any releases of hazardous waste materials stored in the Park or spills from the gas tanks.
6. Please confirm whether Koolau Refuse still provides solid waste disposal services for Waimea Falls Park.
7. Please discuss how the project meets the objectives and policies of the Coastal Zone Management listed under section 205A-2, HRS.
8. Please justify the anticipated finding of no significant impact determination based on an evaluation of section 11-200-12(e)(11) of the EIS rules. Please see the attached example.

Should you have any questions, please call Jeyan Thirugunam at 586-4185. Thank you.

Sincerely,

Gemerve Salmonson
Director

c: APC, Inc.

PHONE (808) 960-5665
FAX (808) 599-1553



ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Ms. Genevieve Salmonson, Director
State of Hawaii
Office of Environmental Quality Control
236 South Beretania Street, Ste. 702
Honolulu, Hawaii 96809

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated May 14, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of the comments submitted by the OEOC were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

1,2. As the purpose of this SMP/EA is simply to obtain "after the fact" approval for specific structures and activities which are currently in existence, any reference to future expansion of the Park has been deleted from the FEA. Any proposed new structures and activities will be subject to the required assessments and permits.

3. Since the submittal of the DEA, the City and County of Honolulu City Council passed a resolution asking the Mayor to condemn the property, approved a budget item of 5.2 million to purchase the Park, and approved the condemnation resolution. The City Council also approved a resolution to give consideration to OPA to purchase the Park. Since then, the Park owner has declared protective bankruptcy under Chapter 11. Before any further action can be taken, the bankruptcy court must approve the disposition of the park by condemnation by the city. The proposed purchase will then be subject to judicial review. As per your suggestion, this information has been included in the FEA in Section VI Alternatives Considered.

4. The structures and activities that will need a Conservation District Use Permit have been added to the Master Projects List and included in the FEA. For clarity this information was not included in the DEA because the intention was

to focus only on the structures and activities requiring a SMP.

5. Park management uses containment and absorption to mitigate and minimize adverse impacts of any releases of hazardous waste materials stored in the Park or spills from gas tanks. Specifically "absorptive pigs" are used in such cases.

6. Solid waste disposal is now handled by GMI refuse company.

7. Conformance with the objectives and policies of the Coastal Zone Management section 205A-2 HRS will be discussed in the FEA, as pertinent to this application for a Special Management Area permit.

8. A justification of a finding of no significant determination based on an evaluation of section 11-200-12(a0(11)) of the EIS rules will be included in the FEA, as pertinent to this application for a Special Management Area permit.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment. Thank you for your interest and participation in the public review phase of the environmental review process.

Sincerely,

Donald Clegg, President
Agent for the Applicant

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843

01 MAY 17 AM 8 46



DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 16, 2001

JEREMY HARRIS, Mayor

EDDIE FLORES, JR., Chairman
CHARLES A. STED, Vice-Chairman
JAN M.L.Y. AMII
HERBERT S.K. KAOPUA, SR.
BARBARA KIM STANTON

BRIAN K. MINAAL, Ex-Officio
ROSS S. SASAMURA, Ex-Officio

CLIFFORD S. JAMILE
Manager and Chief Engineer

TO: RANDALL K. FUJIKI, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: *Clifford S. Jamile*
CLIFFORD S. JAMILE, MANAGER AND CHIEF ENGINEER

SUBJECT: YOUR TRANSMITTAL OF APRIL 11, 2001 OF THE DRAFT
ENVIRONMENTAL ASSESSMENT FOR A SPECIAL MANAGEMENT
AREA PERMIT FOR WAIMEA FALLS PARK, WAIMEA, OAHU,
TMK: 5-9-05: 25, 29, 76; 6-1-02: 2, 3, 14-17, 19-21

Thank you for the opportunity to review the subject document for Waimea Falls Park.

We have the following comments to offer:

1. We understand that the Special Management Area permit application is an "after the fact" approval request for structures and activities which are currently part of Waimea Falls Park. The Final Environmental Assessment should indicate any additional "after the fact" permitting requirements for these existing structures and activities.
2. The availability of water will be determined when the Building Permit Applications are submitted for our review and approval. If water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.
3. There are two existing water services consisting of 3-inch and 5/8-inch water meters serving the site.
4. The on-site fire protection requirements should be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.
5. A Board of Water Supply approved Reduced Pressure Principle Backflow Prevention Assembly (RP) is required to be installed immediately after the 5/8-inch water meter. An existing RP is already installed after the 3-inch meter.

If you have any questions, please contact Scot Muraoka at 527-5221.



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Clifford S. Jamile, Chief Engineer
Board of Water Supply
630 S. Beretania Street
Honolulu, Hawaii 96813


SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated May 16, 2001 commenting on the subject SMP and Draft Environmental Assessment. We offer the following responses in the respective order of your comments:

1. Any "after the fact" permitting requirements for the structures and activities which are included in this SMA/EA will be included in the Final Environmental Assessment. "After the fact" building permits will be obtained as necessary.
2. Any Water System Facilities Charges will be paid.
3. Information regarding existing water services will be added to the FEA.
4. Fire protection requirements have been met in the past and will continue to be coordinated with the Fire Department. The Park is inspected a minimum of once a year to ensure compliance.
5. The management of Waimea Falls Park is in communication with the BWS regarding the need to install the RP after the 5/8-inch water main and plans to do the appropriate assembly.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment. Thank you for your interest and participation in the public review phase of the environmental review process.

Sincerely,


Donald Clegg, President
Agent for the Applicant

California State University, Chico
Chico, California 95929-0504
College of Communication and Education
Department of Communication Design
530-898-4048

Blalock Comments
DEA/SMA/Waimea
I. Projects omitted:

DATE:

May 29, 2001

TO:

Randall Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 King Street, 7th Floor
Honolulu, Hawaii 96813

FROM:

Dolores Blalock
Associate Professor

RE:

Comments on Draft Environmental Assessment for a
Special Management Area Permit
Waimea Falls Park



Executive Summary:

The request by Attractions Hawaii for a blanket permit for 46 structures, projects and activities and a finding of No Significant Impact should be denied due to inadequate and inaccurate information presented. In addition, several major projects requiring permits are omitted including the following:

Projects Omitted:

Gas line, electrical system, final documentation on bridges built in 1991, road construction, an extensive stone retaining wall, two ponds, necessity for archeological surveys, and responsibility and plans for protection of burial caves.

Inadequate or Inaccurate Information Presented:

"Non-site specific" camping and cabins, inclusion of ATVs and mountain bikes as recreation in areas without archeological surveys, waterfall recirculation pump, factual errors in Hawaiian culture and history, facts on Elehaha stream, Jungle Trek, future restaurant, paintball, and Exhibit 3 of the Draft Environmental Assessment (DEA).

1.a. Omission of two major above-ground utility systems: gas and electrical
1.a) Two utility systems, installed in the valley during 1993-94, are omitted from this SMA request. These include an electrical system about one mile long that runs from the area of the first bridge to the waterfall. The system includes several electrical boxes. One may be seen near the Lord Howe Island plant collection; another, at Lookout Point across from the Ogasawara collection; a third is on the mauka tram road above the lower meadow, near descending stone steps. The electrical system runs above ground, and along bridges. (Attachment A.2).

The extensive gas line installed through the South Valley for night torch illumination runs almost a mile from the fishing shrine to the waterfall. It includes lighting installations near the canna collection, in the ginger garden, at the Hale Iwi, at the waterfall and other locations. (Attachment A.1).

Where are the design diagrams for these two installations? Right now, the park is in the dangerous position of having these installations without approvals, permits, or design drawings of locations. The Attractions Hawaii DEA report says directly that all utilities are underground (pages 8, 16, and 23). They are not. Why were these gas and electrical installations omitted?

1.b. Need final documentation on all bridges

1.b) Note the final documentation on all bridges built after the 1990 flood, has never been submitted even though the repeated requests for this information by the Office of Conservation and Environmental Affairs are in the files. After the 1990 flood, emergency permits were issued on Jan. 7, 1991 for reconstruction of four bridges. The owners submitted architectural designs. The permit required that a report be submitted within 30 days after completion of the project. The bridges were completed and the park reopened by May 1991. On August 19, 1993, Keith Ahue, Office of Conservation and Environmental Affairs, requested the submission of a report and documentation for building permit 93-1-1368 issued for the emergency bridge construction. The report was to include as-built drawings, diagrams showing locations, and diagrams of channel alteration completed, along with photographs. These documents were never submitted or they were not placed in the DLNR files.

Bialock Comments
DEA/SMA/Waimea
Permits Needed: Road,
Walls, and Ponds

To see what the park has permits for, review the original documents in DLNR. (Attachment F). The County documents are on microfiche. See the Director's Report.

1.c. Road Construction

1.c) A pre-existing, unimproved road runs near and above the waterfall. However, a substantially wide and solid, crushed coral, graded road was constructed within the past year without permits. It appears that all references to this new road construction have been omitted in this report.

1.d. Extensive Stone Retaining Wall

1.d) An enormous, unpermitted retaining wall for a horse trail was constructed during August 2000. The retaining wall runs from the Evolution of the Plant Kingdom Garden (currently obscured by a horse stable enclosure) to the former Pu'uhala wedding stage. No stones were hauled onto the park property to build it. Exactly where did these hundreds of similar sized stones come from? Unidentified ancient Hawaiian cultural sites in the North Valley perhaps? How will we ever know? A permit should be obtained for this wall. The sources of the stones should be explained.

1.e. Two Ponds.

1.e) Note Kamanuui Stream has been diverted to create two large ponds enclosed by a figure 8 shaped black top road. No permitting documents are evident in the files of the Department of Land and Natural Resources for stream diversion, pond construction, or road construction. Through a series of pipes, the pond water empties into Kamanuui stream leading to Waimea Bay. Each pond has an island-like berm in the middle; these are landscaped and may occasionally be treated with pesticides or fertilizers. (Attachment A-6)

These ponds are not listed in this report or addressed even though they are illegal and divert and recirculate the stream water. Any pond reference is alluded to in the catchall "Pre-SMA" in Exhibit 3. On page 20 (and repeated on page 37), the statements imply the ponds were envisioned and approved. This is not the case. Two large ponds were built near the Arboretum Office; the installation of one pond destroyed a major plant collection. The need for permits for the construction of these two ponds should be acknowledged. Engineering information should be submitted.

3

Bialock Comments
DEA/SMA/Waimea

1.f. Future archeological surveys required

1.f) The 1974 archeological survey identified 28 sites in the North Valley. In addition, Rudy Mitchell identified 16 historic sites in the North Valley (An Archeological Survey of the North Valley in the Ahupua'a of Waimea, O'ahu, 1991), according to the DLNR Historic Preservation Division in a letter to Manager Ray Green dated December 22, 1998. (Doc. No. 98125C17). (Attachment E.5.b).

DLNR Historic Preservation Division says North Valley needs thorough surveys and formal preservation plans.

They noted that the sites in both the Moore and Luscomb report and the Mitchell report include "probable pre-contact agricultural, habitation, burial and religious sites, as well as some post-contact features...."

They continue saying, "The nature of historic preservation has changed considerably since 1974, with more careful survey and mitigation. We believe that more thorough survey would be needed to better document the sites in the north valley and better clarify their function and importance....Also we would recommend reviewing the proposed mitigation measures..." The report continues, "We strongly recommend developing formal preservation plans for the significant historic sites that are currently part of the Park's visitor program... Particularly Hale O Lono Heiau near the entrance and the Hale Iwi site areas should have such written plans..."

The July 24, 2000 letter from the City and County of Honolulu sent to Donald Clegg (2000/ED-8(ask) 2000/SMA-43) noted that "some of the camping and cabin areas appear to be located beyond the boundaries of the submitted archeological survey. Archeological Survey of Lower Waimea Valley. As this valley is deemed to be rich with cultural resources, the DEA must describe archeological resources and potential impacts for all of the affected areas. The DEA should include an evaluation of cultural impacts." (Attachment E.6).

City and County of Honolulu says the DEA must describe archeological resources and evaluate cultural impacts.

These directions were completely ignored by Attractions Hawaii in preparing this DEA. Absolutely no mention of archeological surveys of North Valley, preservation plans, or mitigation actions for previously identified sites--or plans for fulfilling these requirements in the future--are made in the Draft Environmental Assessment. Archeological surveys are required for the

Management completely ignores County and State directions

4

use of over 1700 acres in the future. Yet, without mentioning this, Attractions Hawaii requests permits for additional activities including ATVs and mountain biking, while noting their right to build future cabins (p.70).
Consider the following confusing and inaccurate information. The DEA makes the point that all projects, structures, and activities in their application for SMA permits for the entire 1875 acres fall within the boundaries of the 100-acre area already surveyed:

Page	Quote
10	"...the EA/SMP is for the total complex." [about 1875 acres]
12	Bishop Museum Archeological Survey Area covers the Lower Valley. [about 100 acres]. "While each structure or activity that is part of this SMP/EA is described separately and a picture of the item is included, the EA/SMP is for the total complex." Regarding the area surveyed by Moore and Luscomb for the 1974 Bishop Museum report <i>Archeological Survey of Lower Waimea Valley</i> , management says no further archeological review was done because "all of the items included in the EA/SMP are in the area surveyed." "The length of the surveyed area is approximately 1.5 miles and about .5 mile wide; the same area that is the main concern of this Special Management Area Permit."
13	Plans expand to the entire valley for new structures and activities. Now, in contrast, note the following assertions as the plans expand. Owners discuss expanded use of "the entire valley" (p.17), and the new structures, activities and projects (p.37).
17	"In considering the expanded use of the valley, the recreational potential can only be realized if the entire valley is made readily available to visitors."
25	"The purpose of the application for the Special Management Area permit is to

obtain approval from the Department of Planning and Permitting "after the fact" for structures and activities which are currently a part of the Waimea Falls Park and for the proposed new structures and activities."

37. "If during the construction of any new projects, any previously unidentified sites or remains are discovered, the State Department of Land and Natural Resources will be contacted..."

Contact DLNR and stop work if any "previously unidentified sites or remains are discovered?" Too late. Attractions Hawaii is required to identify sites in the North Valley and above the waterfall first-- not after the fact.

On Oct. 21, 1998, Ray Green was informed by DLNR Historic Preservation Division that prior studies were done by professional archeologists, and by cultural historian Rudy Mitchell. "It is important to reemphasize that studies in many areas of the valley were only initial reconnaissance studies, not adequate archeological inventory surveys. More sites are likely to be present, particularly in the upper portions of Kahanāʻiwi and Kahananui Stream Valleys which have not undergone an adequate survey. We are concerned that all sites be identified and the important historic sites be protected." (Attachment E. 5.a)

"Initial reconnaissance studies are not adequate archeological inventory surveys."
DLNR Historic Preservation

In the DEA, repeated references are made to projects and activities that lie outside of the area of the Moore and Luscomb survey and are, therefore, geographically outside the scope of this SMA Permit.

No archeological surveys? Then remove references to ATVs, bicycles, and camping in North Valley.

Consequently, references to the following projects and activities should be removed pending thorough archeological surveys, camping areas, and the use of the North Valley for ATVs and bicycles. References to cabins should note the approved sites are all located in areas that will need archeological surveys before permits are issued.

Blalock Comments
DEA/SMA/Waimea

1.g. Responsibility for safety
of burial caves

1.g. No mention was made in the DEA of the care and safety of burial caves that line the cliffs of Waimea Valley and hold ancestors of Native Hawaiians. Some caves hold remains returned from the Smithsonian Institution and other museums by Federal law.

About 148 caves have been "previously identified." This means that under Chapter 6E-43.5, Hawai'i Revised Statutes, the O'ahu Island Burial Council has proper jurisdiction to determine whether the burials may be preserved in place or relocated. Absent such a determination, any disturbance if the *iwi* (bones) would be considered a violation of section 6E-11(b), HRS, which carries hefty fines and other penalties, including equipment confiscation. This needs to be noted because park employees have been rappelling off the cliffs above the waterfall area.

According to the *North Shore News*, "a new experience called 'Over the Edge' at Waimea Falls invites thrill seekers to hang over the top edge of the waterfall while being harnessed in a safety vest...10 minute supervised activity costs \$20."

Because of the burial caves, all cliff climbing and cliff hanging need to be forbidden in Waimea Valley unless supervised by the O'ahu Island Burial Council.

DLNR Historic Preservation
Division says plans are
needed for burial caves
"to ensure their protection."

In the previously quoted letter to Ray Green, DLNR Historic Preservation Division states, "[In the longer term, it would also be desirable to put into place burial treatment plans for the known burial sites within the Park's boundaries, to ensure their protection.]" (Attachment E-5.b).

Waimea Valley management has publicly announced future plans to install a zip line, a ski-lift type tourist ride anchored to cliffs, that some believe has potential to damage the caves. The management needs to acknowledge that Waimea Valley carries responsibility for burial cave preservation that cannot be ignored.

Blalock Comments
DEA/SMA/Waimea

2. Inadequate, inaccurate or
confusing information
presented.

2.a. References to "non-site
specific" cabins and camping
are misleading.

2.a) The information presented regarding the camping and cabins is unclear. The use of the term "non-site specific" to refer to cabins and camping is grossly misleading.

As a result of the 1974 Assessment of Environmental Impact and the Request for Assessment, Special Management Area Permit (1975), cabins, and camping were approved in concept. Twelve cabin sites were designated, each limited to a maximum of 10 rustic cabins, about 800 square feet, similar to those found in Halekula and Wainapanapa state parks. Each cabin was to be surrounded by at least one acre and up to 15 acres of space. Some of the cabins and campsites were to be without electricity. The purpose was to provide privacy and a wilderness type experience. No plans were presented or permits issued for this development. Note that these cabins and campsites were approved in concept only (and in these designated areas only). On the Master Plan map, seven specific areas are indicated for camping.

(12 designated cabin sites)

(7 designated camp sites)

But no approved "non-site
specific" cabins or camping

There has never been approved "non-site specific" cabins or camping...although this term is used twice in Exhibit 3 of the current Draft Environmental Assessment application, and on pages 73 and 74. The Master Plan map designates two site locations limited to 20 cabins above the waterfall on either side of Kamanui stream, one of the few perennial streams on Oahu. In the 1970s, environmental regulations were less stringent than they are today.

In the North Valley, six sites limited to 60 cabins are located near Elehaha stream, which flows periodically. The remaining four sites (potentially 40 cabins) are along Drumm Road in Pupukea. In Exhibit 3 of this DEA report, the term "vacation cabins" is used to indicate the wilderness cabins.

Blalock Comments
DEA/SMA/Waimea

On page 73 regarding cabin and campsites, what is the meaning of the statement "Locations are not site specific"? This statement concerns the Master Plan maps of the park. Since this "non-site specific" phrasing is repeated, the meaning as used in this DEA should be explained clearly. Specific sites are used to designate the cabin and camping areas on the maps. And the valley entry is not a designated camping site.

2.b. Camping is not an approved activity in the entry of the valley.

2.b) Camping was indicated only in the seven designated areas and not randomly throughout the valley (as implied by the term "non-site specific" camping). In 1990, Waimea Falls Park was closed for six months after the 100-year flood inundated the valley, wiped out bridges, ruined over trails...and, yes, overnight flooded Palm Meadow near the entrance where this company wants to put tourists. Camping is especially inadvisable in the flood-prone entry of the valley

2.c. Original permits to operate issued for three central purposes:

2.c) This current DEA skims over the three purposes for which the park was founded. The term "recreation" is used to justify activities out of keeping with the original conditions under which the permits to operate were issued.

All previous permit applications have acknowledged the three central purposes for which the permits to operate the park were issued.

To create one of the finest tropical gardens in the world focusing on the scientific, educational and esthetic considerations.

(1.) The Botanical Garden

NOTE: The owners have cut funding for this operation and have jeopardized the very existence of this garden—one of five major tropical botanical gardens in the U.S. They gave the Director of the Botanical Garden notice that all funding support would be withdrawn January 1, 1999. Since then, I understand they pay for electricity and water...and that's about it. Any recent contributions by this company have been marginal and minimal. Volunteers stepped in to keep the garden going, plus there is some help from small government grants and private donations.

Blalock Comments
DEA/SMA/Waimea

The owners give lip service to the Botanical Garden and use it to try to meet SMA requirements. But they truly do not seem be able to distinguish the difference between condominium landscaping and the requirements for running a world class botanical garden.

I would like to see a list of activities management has initiated in the past five years to help the botanical garden retain world class status. How have they helped improve the scientific and educational mission of the garden? (Certainly not by firing the garden director as they tried to do in May 2001.) In this current DEA, they are applying for a permit for a horse stable in a location that blocks public access and viewing of the Evolution of the Plant Kingdom Garden...an exhibit of the oldest plants in existence. This gives some idea of the neglect of the botanical garden.

To provide a wildlife sanctuary for many of Hawaii's rare birds and animals.

(2.) Wildlife Preserve

NOTE: The management shut down the Wildlife Preserve relocating animals to zoos. Now plastic parrots are stuck in trees (photos available). The report says management won't hurt the gallinules and other rare birds that hang around. I guess we can be happy for this. The report mentions repeatedly that the park is no longer a wildlife preserve (pages 75 and 78). Yet, on page 34, they talk about teaching wildlife preservation to school children. On page 36, they say they contribute to the overall knowledge of wildlife preservation. How?

On page 20, they misrepresent the status of the former Wildlife Preserve saying past permit approvals were given for "protection of wildlife found in the valley." However, preservation of rare and endangered wildlife from all of Hawaii was specifically one of the three major missions of Waimea Falls Park as originally permitted. How do they justify shutting down this preserve?

(3). Hawaiian Culture and
Historical Sites

To research, refine and share the rich cultural history of
Waimea Valley.

NOTE: The management should provide documentation on the research initiated and the cultural sites restored or improved during the last five years. So far, this appears to be their agenda. Hire the historian/archeologist. Let all of the once-carefully restored and maintained thatched structures and signs deteriorate. Let a thatched canoe shed protecting a museum-quality, handcrafted koo canoe rot in the rain; and leave the canoe unprotected for years to do likewise. Stop all Makahiki activities. And run tourist rides on all-terrain vehicles through a collection of shallow-rooted, endangered trees within 10 feet of an ancient heiau. I would hardly characterize care of the historical sites and cultural preservation as mentionous.

All DEA references to archeological sites are limited to the Moore and Luscomb report, ignoring the extensive work of McAllister in *Archeology of Oahu* (1930) and Rudolph Leikaimana Mitchell in the '80s and '90s. Former Park Historian Rudy Mitchell discovered and restored Hale Iwi, a stacked rock monument thought to be a burial of two *alii* (ruling caste). His two decades of work (and Hale Iwi and Hale o Lono, in particular) must be acknowledged. In the early '90s, his work received preservation awards by the Office of the Governor, by Historic Hawai'i Foundation, and by the Department of Land and Natural Resources.

Hale o Lono heiau is eligible for inclusion on the Hawai'i and National Registers of Historic Places under multiple criteria, according to a letter issued by Don Hibbard, State Historic Preservation Division, DLNR, July 22, 1991. (Attachment H.5).

Today the interpretive signs for Hale Iwi have deteriorated. The structures on Hale o Lono heiau are a shabby embarrassment. Does this endanger the sites? No. But this is a failure to educate visitors and to represent Hawaiian culture to the world.

So, after neglecting (or removing) all the reasons for which the park was initially given permits, the owners are requesting a blanket approval for activities never authorized or envisioned under the term "recreation." The early documents discuss the term recreation and include hiking, picnics, fishing, and other pastoral activities. These types of recreation do not include tearing through the valley on all-terrain vehicles and mountain bikes.

Thrill Seeker's "Land
Surfing:" What's the Price of
ATV and Bicycle Wheels?

In the DEA, the owners say, "The ATV activities in the North Valley use pre-existing roads built by the Army in World War II." (p.37). In Waimea's North Valley, tourists (and staff members) on ATVs and mountain bikes do not stay on the road. They have already created multiple side trails going off main roads. See the photos in Attachment A.3 for the reality of stream blockages, side trails, and erosion.

Notice that the brochure written for tourists doesn't say, "You have to behave and stay on the Army road." Instead, one Waimea Valley Adventure Park brochure offers tourists the experience of "land surfing" and "the ultimate challenge...4 wheel, All Terrain Vehicle exploring...zip along mountain trails...shoot straight up the side of a 550 foot mountain." (Attachment C). It seems that one ATV can cause as much environmental destruction as 100 bikes.

Non-motorized bikes are less destructive on trails that are maintained (which is close to a full-time job in Waimea Valley where it rains often and tires can make ruts that lead to serious erosion).

After archeological surveys, if bicycles are deemed desirable, these factors need to be considered. For bicycles, where are the plans to educate tourists about respect for the land? What about trail creation and maintenance? What about monitoring to make sure people stay on the trails, and enforcement and penalties if they do not? What about repair of damage stray tourists can cause? The report says ATVs and bicycles will share the Army road. It's unlikely the bicyclists will want to share the road with ATVs; each seeks a different experience.

Bialock Comments
DEA/SMA/Waimea

ATVs

Environmentally, bicycles and all-terrain vehicles are controversial activities. The Sierra Club Policy on Off-Road Use of Vehicles says, "Vehicles should be excluded from areas of fragile, rare, relict, or vanishing vegetation; areas where erosion or other soil or resource damage will occur with their use; wildlife sanctuaries and sensitive areas; areas of fragile natural features or scientific interest; areas of archeological interest; and areas where speed would adversely affect other users of natural areas." (Attachments C.1-5).

Bicycles

Note that mountain bikes are currently banned from trails in Mt. Seymour Provincial Park in Vancouver, British Columbia, due to soil erosion and environmental damage. Bicycles are banned from three parks in New Jersey. Many areas of California, including Chico, have stringent regulations of ATVs and mountain biking because of the environmental destruction they cause. See the Sierra Club Policy on Off-Road Use of Bicycles (Attachments D.1-2).

Chronic environmental problems

To put thrill seekers in Waimea Valley, then charge them top dollar for the riding experience, and expect them to stay on the Army road (through areas that have never been archeologically surveyed) appears to be--what is the correct word? Naive...or patently dishonest? At the very least, ATVs and mountain bikes (especially both together) establish a situation conducive to chronic environmental problems.

From the inception of the park, conservation and preservation were the intent...and profits were to be reinvested in the areas of cultural, plant, and wildlife preservation. Environmentally destructive activities, especially ATVs, need to be eliminated from the park.

2.d. Does this company have the right to recirculate one of the few fresh water streams on O'ahu?
The SMA permit request says there are no endangered "aquatic species" in the valley (p.37). There may not be. But before the park management started recirculating the waterfall pool, the stream had fresh water fairy shrimp, and o'opu, an endemic fresh water fish, and others. Does the park management have written permission for this pump? I would like to see this, if so. This pump

2.d. Recirculation of Kamananui stream and waterfall pool

Bialock Comments
DEA/SMA/Waimea

recirculates one of O'ahu's few perennial streams. Kamananui--the major stream system on the coastline. Why is Atractions Hawaii allowed to do this? I request a study of the native fish and environmental impacts regarding this waterfall recirculation pump. It seems that the Commission on Water Resource Management needs to study this water use situation. (Attachments A.4-5).

2.e. Factual errors regarding culture and history of Waimea Valley

Due to space limitations, the DEA can not address the history and culture of the valley in depth. However, Waimea Valley is one of two areas of O'ahu known to be main Hawaiian spiritual centers for centuries. For this reason, Waimea's special place in the history of O'ahu and the Hawaiian islands needs to be clearly addressed. On pages 13 and 14 of the DEA, the historical information presented is summarized and riddled with errors. It should be given to respected Hawaiian scholars for corrections.

Consider the following: Pu'u o Mahuka heiau is on both the Hawaii Register of Historic Places and the National Register of Historic Places. Hale o Lono heiau [completely omitted] qualifies for both, also. Yet, these heiau, plus Kuppolelo heiau, the fishing shrine and burial caves are brushed off through understatement saying the sites "indicate the possibility of more extended prehistoric activities." (Attachments G and H.4-5).

The DEA report says [incorrectly] that when "Europeans first came to the Hawaiian Islands they stopped at Waimea Valley to stock up on water....The beauty of Waimea was noted in the journal of Captain Cook by the first known Europeans who came to the islands."

According to *Ruling Chiefs of Hawaii* by Kamakau, Europeans first anchored at Waimea, Kauai in January 18, 1778--over a year before stopping on Oahu. On November 20, 1778, Cook visited Maui; and on December 2, the Big Island. So, the facts are the Europeans visited Kauai, Maui and the Big Island before stopping in Waimea Valley on O'ahu.

Captain Cook died Feb.14,1779 at Kealahou Bay on the Big Island. Later, the remainder of Cook's crew of the ship *Discovery* anchored in Waimea Bay on O'ahu to stock up on water. Lt. James King in the February 27, 1779 journal account wrote that he saw a "remarkably

steep and romantic mountain" ...and that "the face of the country is uncommonly beautiful and picturesque."

The DEA gives an inaccurate date for the Mehele of 1848. Particularly disturbing is the misrepresentation of Hewahewa as a "warrior chief" and a "political force against the authority of the King."

Hewahewa was the *kahuna nui* for Kamehameha I. He officiated at Pu'u o Mahuka heiau, the largest on Oahu. And his name is also connected as a healer with another nearby heiau, Kupopolo. Hewahewa played an important role in ending the *kapus* of traditional Hawaiian religion. (Attachment H.4).

Hewahewa, the last high priest of ancient Hawaii!

As high priest, he gave the death chant for Kamehameha I and officiated at ceremonies for Kamehameha's two sons, Liholiho and Kamehameha, as they each, consecutively, assumed the throne to become the King of Hawaii. Hewahewa, the last high priest of Hawaii, died in 1837 and is buried in Waimea Valley, which was given to him by Kamehameha I. The valley had been given to the high priests of the ruling chiefs before Hewahewa for centuries. The omission of the valley's spiritual importance to centuries of Hawaiian history is a glaring error. So is ignoring major cultural artifacts found in the valley, some now in museums. (Attachments H.1-3).

The inaccurate and poorly researched information regarding Hawaiian history needs correction. In this DEA, the historical information provided is flawed. Yet, they make available only one copy (instead of 20) of both the 1974 Bishop Museum archeological and history reports—rather inconveniently located in the Office of Environmental Control. It is obvious that little effort has been made to distribute available information on the archeological sites, culture, and history of the valley.

2.f. Facts needed on Elehaha stream blockages

2.f) This DEA report states that Elehaha is "not an active stream" (p.10), and then says it is a "major stream" (p.27). Which is it? The park owners have created earth dams and stacked stone blockages of Elehaha stream bed for use as ATV trails. (Note that Elehaha is also named Kamanaikā). (Attachment A.3).

In the original Request for Assessment, Special Management Area Permit, the stream situation was quite different. Here's what it says on Stream and Bay water quality: "The Waimea Valley streams are among the few perennial streams on Oahu and they constitute the major stream system on the coastline. A United States Department of Interior study of Hawaiian streams rates Waimea's streams as moderate to good quality and note the stream channel is unaltered."

I request to see the report by the Army Corps of Engineers stating they would not oversee this stream as the owners assert.

An intermittent stream that runs 10 times a year for days at a time and serves feeder streams should not be blocked or damaged. Park owners do not have the right to simply wipe out the viability of this natural stream for the company's profits and the convenience of tourists. If the Army Corps of Engineers do not consider Elehaha part of their duties to oversee, as Attractions Hawaii alleges, there are other groups who would be interested to know this. I request a ruling from the Commission on Water Resource Management regarding the blatant and unpermitted use of this stream.

2.g) On Exhibit 3, the line for the ATV rental office permit has a note "in area for future restaurant." Look at this carefully. To my knowledge, this is the first time the notice of a restaurant at this location has appeared in public documents regarding this park. Please provide details regarding the future restaurant.

2.g. "Future Restaurant?"

2.h) This African-themed installation is not in accord with any of the three central purposes for which permits were issued to operate. Built without permits, is Jungle Trek safe...or sanitary...for children? For example, the cave is nicknamed the "shishi cave" due to the smell of urine and human feces. Why was Paradise Park fined heavily for the very same plastic maze that Waimea Valley owners bought cheaply and illegally installed in this site? Why the great disparity in the treatment of these two companies regarding the permit requirements for the very same playground equipment?

2.h. Jungle Trek

Blalock Comments
DEA/SMA/Waimea

- 2.i. Paintball target practice
- 2.j. Exhibit 3 should be disallowed until complete and accurate.
- 2.j. Disallow Exhibit 3. Add information to Master Project list.
- The following projects need to be added to Exhibit 3 and addressed in revised Draft Environmental Assessments for SMA permits: gas line, electrical system, blockages in Elehaha stream, road construction, retaining wall construction, two ponds and final bridge documentation. What is the reference to "future restaurant?" Why is the term "non-site specific" used here? Exhibit 3 needs to be disallowed until all information is complete and accurate.
- Clarification of the term "Pre-SMA"
- The first "Request for Assessment, Special Management Area Permit" was filed after the Environmental Impact Statement was accepted January 8, 1975. Very little besides the land existed "Pre-SMA." Is "Pre-SMA" an accurate term? It seems that the following structures and activities are labeled "Pre-SMA" when they were actually approved as part of or after the SMA process: restaurant, general store, retail, food, beverage, and liquor
- 2.k. Conservation District Land Use Permit Null and Void
- Multiple reasons to render Attractions Hawaii's existing Conservation District Land Use Permit null and void. Through their projects and activities, they knowingly jeopardized their Conservation District Land Use Permit. The DLNR clearly and repeatedly told park management that for any additional land use elements, they had to change subzones. As you can see from the list, they built dozens of projects without permits and without submitting the documentation for the subzone change. No completed subzone change documentation appears in the files; thus, the owners and operators of Waimea Falls Park are in violation of their permit conditions. The following letters verify this situation: (Attachments E.1-4).
- 2.l. A gun that projects 60 feet is used in an area 30 by 15 feet. The measurements alone imply problems. At least tourists will be shooting at targets of mongoose and pigs...instead of the endangered *pueo* (owl) they used until complaints were lodged. Paintball target practice appears to be a noisy, messy activity not in keeping with the intent of the original permits.

Blalock Comments
DEA/SMA/Waimea

Letters:
1. W. Paly

Letter 1.: After you read this and examine the facts, I request a written statement on points 5 and 6. Letter on Master Plan from William Paly, Chairperson, Board of Land and Natural Resources to Charles Peitsch, III.

Stamped May 9, 1990.
File No.: OA-8/774-591
Document No.: 8025E

Point 5 requires that "should the applicant desire additional significant land use elements within the facility, not identified in the Board approved Master Plan, as of this date, that a request for a Special Subzone within the State Conservation District be submitted for significant additional land use elements."

Point 6 says that "failures to comply with any of these conditions shall render this Conservation District Land Use Application application null and void."

2. R. Leinau

Letter 2. Letter from Roberts Leinau, General Manager, to William Paly, dated September 14, 1989 asking that "the letter requesting a reconsideration of the subzone designation be withdrawn."

3. A.L. Solomon

Letter 3. From Senator A.L. Solomon to Keith Ahue questioning the Limited Subzone designation. April 6, 1994.

4. K. Ahue

Letter 4. Reply from Keith Ahue to Mr. Solomon. Landowner did not submit necessary information. Stamped May 24, 1994.
FILE NO.: 94-597 DOC.NO.: 4485

Should Water Use Permits be revoked?

The Commission on Water Resource Management should address the revocation of Waimea Falls Park's Water Use Permits if violations are found, or if violations of the Hawaii State Water Code HRS 174C-93 are found for withdrawing, diverting, impounding, or consuming water without the appropriate permits if the commission finds that Waimea is a water management area. The areas of concern are the blockages of Elehaha (Kamanaike) stream; and the diversion of Kamanui stream to recirculate the waterfall pool, and construct two ponds.

Blalock Comments
DEA/SMA/Waimea

Bialock Comments
DEA/SMA/Waimea

"Unique EA/SMP" possibly
illegal

Given Attractions Hawaii's current legal difficulties, a
"unique EA/SMP that comprises a large number of
structures and activities" (p.9)... "for the total complex"
(p.10) should be denied.

Based on the inaccurate information presented in this
Draft Environmental Assessment for a Special
Management Area Permit, it appears there is no
justification for a blanket SMA permit for 46
structures, projects and activities, and the request for
a finding of No Significant Impact. These actions are
ill advised and, possibly, illegal.

SUMMARY:

In Waimea Valley, Attractions Hawaii has installed
electricity and gas lines without engineering design
documents; built structures for tourist's children without
permits; and provided inadequate documentation for a
road, retaining walls, and bridge construction.

Information and designs need to be submitted on all of
these elements for public safety. On the slightest
examination, it is clear Attractions Hawaii built structures
and conducted activities based on the impulse to earn a
dollar--with what appears to be total disregard for
Hawaii's statutory permitting regulations. Why should
Attractions Hawaii be given a finding of No Significant
Impact?

At a minimum, Attractions Hawaii, should cease non-
permitted activities, and provide complete and accurate
information individually on each structure, project, or
activity lacking permits. In addition, they need to provide
documentation for each planned future change. They
should adhere to the requirements typical of those for
Special Area Management Permits for single structures,
projects, and activities. They should submit all required
information for major SMA use permits.

Attractions Hawaii needs to correct past permit violations
more carefully than they compiled this Draft
Environmental Assessment for Special Management Area
Permit, Waimea Falls Park.

Bialock Comments
DEA/SMA/Waimea

Summary of Requested Information:

1. Design information and diagrams for gas and electrical systems.
2. Formal, written preservation plans for Hale o Lono and Hale Iwi. Preservation plans for significant historic sites as recommended by DLNR.
3. Preservation plan for burials within the valley, including the caves.
4. Clear definition of the meaning of "non-site specific" as applied to camping and cabins.
5. Statement addressing points 5 and 6 of Paly letter, DOC. NO.: 8025E.
6. Statement from the Commission on Water Resource Management regarding Water Use Permit revocation due to blocking Elehaha, and diverting Kamanani for the waterfall and ponds.
7. Permission to recirculate the waterfall given by the Army Corps of Engineers.
8. The Army Corps of Engineers report that rejects Elehaha as part of their duties.
9. Details regarding the future restaurant
10. Source of the stones for the retaining wall.
11. List of activities initiated by owners to help the botanical garden retain world class status and improve the scientific and educational efforts during the last five years.
12. List of activities initiated to restore, improve, and interpret ancient Hawaiian cultural sites during the past five years.
13. Justification for closing down the wildlife refuge.
14. Plans for education, trail maintenance, monitoring, enforcement and penalties for off-road bicycles.

Copies

Colin Kippen, Deputy Administrator,
Office of Hawaiian Affairs

Scott Foster, Director of Communications,
Stewards of Waimea

Van Horn Diamond, Director,
O'ahu Island Burial Council

<p>ATTACHMENTS: A and B</p>	<p>A). Photographs</p> <ol style="list-style-type: none"> 1. Gas Line System (1 page) 2. Electrical System (4 pages) 3. ATV trail erosion, and blockage of feeder streams (5 pages) 4. Pump. Detail of pipes above waterfall. (Note: a larger pump has been installed since December 1998 when the photo was taken.) (2 pages) 5. Standard Operations Procedures for Pump at Falls. (This list of directions for recirculating Kamananui stream is posted on door of nearby snack shop.) 6. Ponds. Diversion of Kamananui Stream (2 pages) 7. Jungle Trek (2 pages) <p>B). Botanical Garden in Crisis. Photo and background.</p>
<p>ATTACHMENTS: C All-Terrain Vehicles</p>	<p>C). ATVs: Waimea Valley Brochure</p> <ol style="list-style-type: none"> 1. Army Corps and Dept. of Natural Resources use aggressive enforcement to stop ATV degradation. 2. All-Terrain Vehicles are Not Toys. 3. Annual All-Terrain Vehicle Deaths and Injuries. Consumer Product Safety Commission. 4. Operation of All-Terrain Vehicles) 5. Sierra Club Policy: Off-Road Use of Vehicles

<p>ATTACHMENTS: D Off-Road Use of Bicycles</p>	<ol style="list-style-type: none"> 6. Injuries Prompt Recall of All-Terrain Vehicles 7. Safety Alert: Honda Recalls 126,000 All-Terrain Vehicles <p>D). Bicycles</p> <ol style="list-style-type: none"> 1. Trails Closed to Mountain Bikes in Mt. Seymour Provincial Park. Three New Jersey Parks Ban Off-Road Bikes: "serious environmental damage." 2. Sierra Club Policy and Guidelines for Off-Road Use of Bicycles
<p>ATTACHMENTS: E Letters on Subzone Designation, Historic Preservation, and DEA Requirements</p>	<p>E). Letters</p> <ol style="list-style-type: none"> 1. Letter on Master Plan from Wm. Paty, Chairman, Board of Land and Natural Resources. File No.: OA-8/7/74-591 Document No.: 8025E, page 2 2. From Roberts Leinau to William Paty, September 14, 1989 3. From Senator A.L. Solomon to Keith Ahue questioning Limited Subzone designation. April 6, 1994 4. Reply from Keith Ahue to Mr. Solomon. Landowner did not submit necessary information. FILE NO.: 94-597 DOC.NO.: 4485 5. From DLNR Historic Preservation Division to Ray Green. (a) Oct. 21, 1998, LOG.NO.: 22487a. DOC.NO.: 98105C08 (b) Dec. 22, 1998. LOG.NO.: 98125C17

<p>ATTACHMENT: F Key to Locations of Waimea Falls Parks Original Documents</p> <p>ATTACHMENT: G Inventory of Sites, Ahupua'a of Waimea, O'ahu, and Map</p> <p>ATTACHMENTS: H Historical Importance of Waimea Valley</p>	<p>6. From City and County of Honolulu to Donald Clegg, 2000/ED-8 (ask) 2000/SMA-43</p> <p>F.) There is a great deal of information in DLNR files on the park. The attached paper is a key that can help locate original Master Plan and permit documents in the files of the Department of Land and Natural Resources. The hand-written notations indicate the official code letters and numbers assigned to different books of information. Each contains original permits given to Waimea Falls Park.</p> <p>G.) The attached list compares sites found by McAllister, Bishop Museum, and Rudy Mitchell. The letters and numbers are keyed to the Location Map for Project Areas (included).</p> <p>H. Historical Importance</p> <ol style="list-style-type: none"> 1. Valley of the Priests for 500 Years 2. This Hidden Valley Has a Story to Tell. 3. Sculptures of Waimea 4. Sacred Valley of Hewahewa: Ancient Kawaiki's Last <i>Kahuna Nui</i> 5. National Register Eligibility of Hale o Lono Heiau 6. Waimea Valley, 1826 7. Hale o Lono Heiau Oracle Tower (Back cover)
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<p>ATTACHMENTS</p>	<p>Comments on the Draft Environmental Assessment for a Special Management Area Permit for Waimea Falls Park</p>
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<p>ATTACHMENTS: A and B</p> <p>A. Photographs</p> <p>1. Gas Line System (1 page)</p> <p>2. Electrical System (4 pages)</p> <p>3. ATV trail erosion, and blockage of feeder streams (5 pages)</p> <p>4. Pump. Detail of pipes above waterfall. (Note: a larger pump has been installed since December 1998 when the photo was taken.) (2 pages)</p> <p>5. <u>Standard Operations Procedures for Pump at Falls.</u> This list of directions for recirculating Kamananui stream is posted on the door of a nearby snack shop.</p> <p>6. Ponds. Diversion of Kamananui Stream (2 pages)</p> <p>7. Jungle Trek (2 pages)</p> <p>B. <u>Botanical Garden in Crisis.</u> Photo and background.</p>	
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December 14, 2001

Ms. Dolores Blalock, Associate Professor
California State University, Chico
Chico, CA. 95929-0504

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated May 30, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of your comments were helpful in clarifying particular points of information and have been incorporated into the FEA. Please note that the ARV and paint gun activity are no longer Park activities and the proposed cabin/camping sites have been deleted from the FEA. As such, comments regarding these items are not responded to. Also, as the EA/SMP is not an evaluation of the status of Park operations adequately meet concerns about preservation of cultural and botanical resources in the total 1800 acre area, we have addressed only those points which are relevant to this application. Most of the items included in the SMP application are already existing; as a consequence, after-the-fact permission is being sought.

We offer our responses in the respective order of your comments. Due to the length of the comments, those which are redundant, not germane to the application, included in the DEA or discussed elsewhere have not been answered.

General

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into

conformance with the SMA regulations. Thus, the EA/SMP is limited to an evaluation of the impact of only these items. A number of the structures and activities will also require a Conservation District Use permit (CDUA). The Department of Land and Natural Resources determined that before any application can be made or new Master Plan submitted, that all applicable Federal, State, and County statutes and ordinances must be met. This application is the first step in bringing the Park into conformance.

Almost all of the structures involved are "temporary" in nature such as, storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a permit. Also, any "change in the density or intensity of use of land" requires an SMA permit. Of course, cumulative impacts on Waimea Valley must also be considered.

The Department of Planning and Permitting, as the approving agency, will make the final decision as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the position of this environmental assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA or the Conservation District. A Finding of No Significant Impact is being requested of DPP. For any new or additional uses, a Conservation Use District and a corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District and the SMA, including historical, archeological and cultural resources.

Projects Omitted from Application

- 1.a. Electrical System for Night Lighting at the falls and the Kauhale living site has been added to the FEA. Also, the small propane tanks and piping for the gas torches at the entry, the falls and the Kauhale living site have been added to the FEA.
- 1.b. SMA and CDUA permits were obtained for all existing bridges prior to construction.
- 1.c. Approval for roads within the Park was included in the 1975 CDUA prior to the SMA Ordinance. From time to time it has been necessary to resurface and repair these roads and the existing coral roads which were built by the US Army and previous occupants of the Valley. The road shown in Exhibit 2B, which extends 1 mile above the falls and into the upper south valley,

is the old "Coach Road" which was constructed by the US Army more than 40 years ago. In the 1950's there were stagecoaches which traveled along the coral road above the falls. The road loosely follows the river and crosses the river several times over bridges and fords (not culverts). It is true that recently a section of the old garden trail which connects to the Coach Road, and which had been overgrown and partially hidden, was repaired and resurfaced with crushed coral rock for safety as part of Park maintenance. These roads and trails are used for safe access above the falls for hikers and horseback riders. Before beginning the project in May 1999, a soil engineer was consulted. The coral surfaced roads in the Park are not susceptible to erosion and SMP permits are not required for repair or maintenance of roads and trails in the SMA.

1.d. The referenced retaining wall is a rock alignment which was put in when the Park was securing the trails for horseback riding. The existing trail needed to be reestablished and, as the entire valley is filled with rocks, some of these were used in the alignment. Moving of any rocks associated with historical sites is not permitted by the Park management. Many of the trails and pathways have been secured in this way as a normal part of Park maintenance and usually none of the rock structures are more than 2-3 feet in height. Due to the height and length of the wall it is included in the FEA and SMP application.

1.e. Prior to 1975 a weir was constructed (item 46 on Exhibit 2B) to divert some of the stream water to create ponds downstream. The water flows from pond to pond and back to the stream. Two ponds were included on the 1989 Master Plan for Waimea Falls Park which was approved by the Department of Land and Natural Resources. After the 1991 flood two additional ponds were created in the same area. The Water Commission requested that the Park apply for a permit for the new ponds after all County and SMA permits had been obtained. SMP approval for the two additional ponds has been added to the FEA.

Archeological Concerns

The structures which pertain to this Special Management Area permit are located on previously disturbed land near existing Park visitor facilities within the south valley which has been extensively surveyed for archeological resources. The complete historical review was initiated in April 1974 with the Bishop Museum staff and is contained in the previously accepted BIS for

Waimea Falls Park. Excavation and identification of the historic sites in Waimea Valley was carefully conducted. In 1991, Mr. Rudy Mitchell, Park historian, conducted another reconnaissance survey and identified additional historic sites. The sites identified in both surveys have been included in the FEA on a map which shows the relationship between the known historic sites and the structures and activities which are of concern to this EA/SMP. The map shows that none of the identified sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about the safety of the historical sites in the valley. The only activities in the north valley are hiking and guided mountain biking on existing trails and roads which have been extremely disturbed by previous users of the property. The ATV activity has been discontinued and the proposed cabin sites are no longer being planned. Biking is done on the paved roads that run throughout the Park and the existing coral roads. Guided bike rides are available on the old cattle road in the North Valley.

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. Any reference or language in the Draft Environmental Assessment which implied the expansion of Park activities into the un surveyed area of the valley has been deleted from the FEA. The text has been clarified regarding the intent of Park management to utilize the resources contained in Waimea Valley. Park management works with the State Historic Preservation division regarding preservation of historic sites on an ongoing basis. The status of burial caves is not germane to this application. Your concern about "rappelling" from the face of the falls is unfounded. The activity, which may be included in a botanical and historical tour of the Park, consists of standing on a rock at the top of the falls with a safety harness and leaning out to get a unique view of the falls.

Camping

Camping, as a recreational activity, was included in the original 1975 Master Plan and CDOA Permit (CA-74-591) and therefore is pre-SMA. This activity is not site specific and is sporadic; periodically the Park sets up temporary tents for groups and individuals that want to camp over. The Palm Meadow, which is an area between the STP and the parking area, has been a good location for this activity because it is level land close to Waimea Bay, near other Park activities, is insulated by the stream and is easily controlled from a security standpoint. Camping will only be permitted in the Palm Meadow area on a

sporadic temporary basis.

Botanical Garden/Wildlife Preserve/Historical Sites

The Park has had an Approved Master Plan for the recreational use of the 1800 acre Park since 1975 (CDUA Permit #OA 74-591). The original CDUA Permit included recreational uses, realignment of roads and parking, hiking trails, picnic sites, an administration building, a Visitors Center with a restaurant, store, and restrooms, the Arboretum with its various support facilities, and a maintenance shed. Although the CDUA was not specific as to what recreational activities could be included in the Park, the original concept of the use of the land as a recreational, cultural and botanical Park has not changed.

It is important to note that Waimea Valley is currently privately owned. It was the Pletsch family who created the arboretum environment for the valley and the present Park management is aligned with this vision. However, in order to economically maintain and continue the Park they require community support. In this regard, the nonprofit Arboretum Foundation was created. While the continuance and maintenance of the Arboretum, the protection of rare and endangered wildlife from Hawaii, and the preservation of historical sites is of concern to everyone, they are only germane to this application for a Special Management Area permit to the extent that the "developments" and activities have a negative impact on them. The SMP is concerned only with the structures and activities as indicated on the Master Projects List. The recreational status of the Park remains unchanged as the permitted use of Waimea Valley.

ATV's and Mountain Bikes

Environmental concerns about the appropriateness of such vehicles on land designated as Conservation is an important and sensitive issue. In response to community input, the Park management has discontinued the use of the ATV's as a recreational activity. (A few ATVs will be retained as utility vehicles for use by staff.) The applicant is seeking permission to include mountain biking as a recreational activity as part of this SMP. This activity is done on the paved roads that run throughout the Park and the existing coral roads. Guided bike rides are available on the old cattle road in the North Valley. There is no erosion on the existing cattle road from the hiking or mountain biking. The bikes are non motorized pedal bikes. On an average, the Park may run six tours a day and each tour is 1 1/2 -2 hours in length. Park management is vigilant to monitor the biking activity so that "side trails" are not created. Biking is not done on the hiking trails and many people choose to just pedal the bikes around the Park grounds.

State Historic Preservation division commented in a letter that:

"The current ATV trails (used by the mountain bikes) previously created access roads and paths in the valley. A comparison of the current Park visitors' guide with the map of the approved master plan (approved by the DLMR on 10/25/89) indicates that previously existing roads and/or trails have been converted to mountain bike usage. We believe that if the landowner ensures that all users of these vehicles operate them only on approved paths, there will be 'no effect' on significant historic sites."

The Historical Sites Map, which is included in the FEA, shows the relationship between the historical sites surveyed by Bishop Museum and Rudy Mitchell and all structures and activities which are of concern to this EA/SMP application.

Re-circulation of Water at the Falls

Applications for the Stream Channel Alteration Permit, Petition for a Water Re-circulation System and Stream Diversion Permit for Ornamental Ponds were submitted to the DLMR Commission on Water Resource Management in November 1999. In a letter dated 1/27/00 DLMR determined that "HRS 205A-29(b) prohibits our issuance of stream alteration permits prior to County SMA permits." This EA for an SMA permit is the first step in that process. No official survey of the streams has ever been undertaken or necessary. According to Park management, the stream still has the aquatic species mentioned.

Historical Discrepancies

The historical information and quotes in the DEA were excerpted from the "History of Waimea Valley, Oahu" prepared by Anne Takemoto, Department of Archeology of the Bishop Museum and included in the EIS submitted by Bishop Corporation in 1974. In deference to comments about inaccuracy we have revised the section on "History" in the FEA and apologize for any historical misrepresentation. The purpose of the history section was not intended to be a description of Hawaiian culture; but rather, a synopsis of the course of events that led to the present ownership and status of the Park as it exists today. However, the text has been changed to better express the view that for the Hawaiian people the valley was considered, and continues to be, a sacred and significant place for the island of Oahu.

Elehaha Stream Blockage

The Elehaha Stream has never been blocked by Park management. There are existing rock fords over the stream which have been repaired over the years. The "stepping stones" which were put in place for visitor safety have been removed. According

Summary of Requested Information

1. The gas and electrical systems which were installed after the 1990 floods have been added to this SMP application.
- 2,3. Park management is in communication with the State Historic Preservation Division concerning preservation plans for these sites. Not an SMP issue.
4. The cabin sites have been deleted from this SMP request. Camping as a recreational activity has always been a permissible Park activity.
5. Conservation sub zones are not germane to this application. Any change in status will be the decision of DLMR.
6. See above "Re circulation of Water at the Falls"
- 7,8. Letters from the Water Commission and the Army Corps. of engineers are enclosed for your review.
9. The future restaurant has previous SMP approval and is not a part of this EA/SMP.
10. The stones for the "retaining wall" are from the naturally occurring rock deposits in the valley.
11. Waimea Falls Park works closely with the nonprofit Arboretum Foundation to maintain the botanical gardens. The status of the Arboretum activities is not germane to this SMA application.
12. Waimea Falls Park works with the State Historic Preservation Division and various community organizations as needed in the preservation and interpretation of Hawaiian cultural sites. This area of Park activity is not germane to this SMA application.
13. In the EA previously prepared for the SMP application for the sewage treatment plant, three central themes for the Park are mentioned. The concept of the wildlife preserve was to "provide a wildlife sanctuary for many of Hawaii's rare birds and animals". This involved the protection and feeding of rare birds and animals; and, whenever possible, to encourage natural regeneration in the wild. The Park continues to be a sanctuary for wild birds and to protect stream life. No official refuge has ever existed or been closed.
14. Answered above under "ATVs and Mountain Bikes"

Thank you for your interest and participation in the public review phase of the environmental review process. Many of your comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the EEA.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of

to the SMA regulations, no permits are required for "routine maintenance of existing streams". A copy of the letter from the Commission on Water Resource Management on their determination about the Eiehaha is enclosed for your review.

Future Restaurant

In 1981 the Park received an SMA permit (80/SMA-88) to expand the sewage treatment plant and the dining facility at the visitor center, renovate the tram waiting shelter to include a refreshment center and to construct a new dining pavilion to accommodate large groups of up to 750 people." This was later approved by the DLMR in 1982. The dining pavilion has not been constructed due to financial considerations but the proposed location is indicated on the Master Map. Prior to construction the plans must be reviewed by the Department of Planning and Permitting.

Jungle Trek

The Park is seeking an SMA Permit for the Jungle Trek structure as part of its recreational activities for children. The Park purchased the portable maze from Paradise Park but is unaware of any violations having to do with this structure. The fixed mazes at Paradise Park had fallen into disrepair, but are not a part of the children's Jungle Trek play area at Waimea Falls Park.

Exhibit 3

Additional information and clarification have been added to the Exhibit to make it more accurate. "Non site specific" refers to the proposed cabin and camping sites not the new dining pavilion.

"Pre-SMA"

This term is used to distinguish those items which were included in the original CDUA permit and thus a part of the Park facilities before the SMA ordinance came into effect in December 1975. The maps defining the SMA area were not approved until 1977. At this time the Park had been functioning for several years and the CDUA permit mentions the existence of extensive Park facilities including food facilities, retail, restrooms, administration area, bus depot, underground utilities, nursery area, storage shed, maintenance shed. The CDUA permit also approved additional activities and structures including realignment of the road, hiking trails, picnic sites, a restaurant, additional parking areas, shelters, expansion of the nursery facilities into what is now known as the arboretum. All of these are "pre-SMA" or "Grandfathered", terms used to describe structures in existence before the SMA Ordinance became applicable.

this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to the Director of Planning and Permitting, Mr. Randy Fujiki expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Donald Clegg

Donald Clegg, President
Agent for the Applicant

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5 June, 2001

Mr. Randall Fujiki
Director, Department of Planning And Permitting
City and County of Honolulu
650 King Street - 7th Floor
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REVISED RESPONSE

Dear Mr. Fujiki,

Re: Waimea Falls Park Draft Environmental Assessment :

I am presenting my REVISED response to the Waimea Falls Park Draft Environmental Assessment for a Special Management Area Permit. This Revised response replaces my original response dated May 8, 2001, previously submitted. The draft contains numerous factual errors and significant misrepresentations and omissions. I believe it would be impossible to find a ruling of No Significant Impact, without correction of these errors, misrepresentations, and omissions, and the complete address of cultural issues which this report has avoided. Therefore, I conclude that the request for a finding of No Significant Impact be denied, and that this request be returned to the applicant for further preparation with proper supporting documentation, and that you demand an Environmental Impact Statement application before judging the merits of this proposal.

I conclude that you need a culturally sensitive and honest Environmental Impact Statement and enforcement of your own rules, laws, and penalties. It is my opinion that this draft, because of its inaccuracies and lack of significant information, makes it premature to consider or conclude any finding of No Significant Impact, and in fact, a real risk exists that further plans and construction by this organization would have a Major Impact on the environment.

The balance of this response will consist of individual Statements from the Environmental Assessment, followed by my Response.

Statement p 3: General Information: Property Profile: The Revised Ordinances of the City and County of Honolulu 1990 Chapter 25, in defining a "wetland" describes an area possessing three essential characteristics: (1) Hydrophytic vegetation; (2) Hydric soils; and (3) Wetland hydrology. Clearly the mouth of the Waimea Stream meets this definition, and as this lies in and within 300 feet of the property in question, it is defined as a "special wetland area". Therefore, upstream activities that might affect the water quality within the wetlands must be recognized and mitigated. Where is the recognition of this wetlands? Where are there any permits or permit applications that consider the ramifications of activities upstream of a natural wetlands? Please explain...Native to the wetlands are endangered Gallinule, 'O'opu, and 'Opai 'Oeha'a. Frequent visitors to this wetland in the winter are Golden Plover. Any erosion upstream will bring silt into this wetland, and destroy the ecological community. This potential erosion damage can develop from the impact of individual activities or facilities, or accumulated impacts from multiple facilities and activities improperly planned or without mitigation.

Statement p 4: Agencies and Community Organizations Consulted :

United State(sic) Government Army Corp(sic) of Engineers
North Shore Outdoor Circle
Naana I Na Mata Hou

Waimea Advisory Planning Committee

Please reply supplying the names and dates of all consultation with individuals authorized to represent these organizations, including copies of correspondence relating to such consultation which should be appended to your report, and describe how this consultation is reflected in this Draft Environmental Assessment.

Why were the following agencies and community organizations not consulted as a part of this draft EAVSMA?

Commission on Water Resource Management
Department of Fish and Wildlife
Historic Hawaii Foundation
Sierra Club
The Nature Conservancy
Various Hawaiian Civic Clubs
The Royal Order of Kamaheleme
Hawaii's 1000 Friends

Previous Permits:

Conservation District Use Permits State of Hawaii Department of Land and Natural Resources: Three permits are listed, the most recent in 1974. Please reply as to the references to Historic sites, and describe the mitigation plan in effect throughout the property relating to recognized sites, and to newly discovered areas, especially in your recreation areas where you have little control of your clients. As the OEQC requires that

the environmental assessment must include : 1) copies of the mitigation and/or preservation plans prepared for the Department of Land and Natural Resources - State Historic Preservation Program; and 2) a copy of the approval letter for the plans from the State Historic Preservation Program, it is essential that you provide this information in full and relating to your activities throughout the property. Why have you not done so?
What might be the impact of these plans on your proposed activities?

Permits Required:

Clearly, additional permits must be obtained to solve all the problems created: please define all permit applications the Park intends to file additional permits to complete this process.

Statement p.12: An extensive Archeological survey of the Lower Waimea Valley was commissioned by the Bishop Corporation in 1974. The survey was prepared by Kenneth R. Moore and Margaret L.K. Luscomb of the Department of Anthropology of the Bishop Museum. No further archaeological review was undertaken for this EA/SMP as all of the items included in the EA/SMP are in the area surveyed, and none of the identified sites are impacted by any of the items for which and SMP approval is being requested.

Response: It is my concern that the Park Management is requesting coverage culturally of the entire property including future cabin sites, trails, roads and off-road activities based on the Bishop Corporation's survey of the lower Valley. This report ignores the work throughout the property by its own archaeologist, Rudy Mitchell, who actively worked identifying historical sites throughout the property including sites mauka of the falls in both the North and South Valleys. as the entire property is deemed to be rich with cultural Resources, this Draft Environmental Assessment must describe all known and indicated archaeological Resources and potential impacts for all of the affected areas, and requires consultation with authoritative experts. By their omission of the valley walls (burial sites) and the rest of the acreage of this ancient apuaha'a, Park Management avoids any discussion of areas or activities that could restrict their recreation or development plans. This omission must be thoroughly studied through an Environmental Impact Statement.

Statement p 12:(4) History/Background and
Statement p 14 : 'Waimea Valley is located on the North Shore of Oahu, about 35 miles from Honolulu, and approximately 3 miles northeast of Haleiwa. In ancient times, Waimea Valley was inhabited by the Hawaiian people who utilized the Valley for primarily agricultural purposes.....With the unification of the islands under Kamehameha I, Waimea was given to a warrior chief of the Big Island, Hewahewa. '

Response: These two statements are a wonderful example of obscurantism. The Park Management has faced a barrage of criticism from the Hawaiian and local communities because their activities, present and planned, were not considered "appropriate" in a

spiritual or sacred valley . As my previous response signaled, Park Management has apparently decided that the cultural, spiritual, sacred issues relating to Waimea can be avoided. Therefore they have decided to pretend they don't exist There is not a word in this document suggesting that at any time was Waimea considered a sacred place," given in perpetuity to the kahuna nui of Oahu since as early as the 11th century", "the valley of the priests". The people who lived in the valley did farm the land, (and fished the streams and ocean) as did virtually all pre-contact Hawaiians, but the spiritual valley existed, and still does.... and because of this fact, certain activities desecrate this sacred place. The description of Hewahewa as a warrior chief extends the lie, because it is an attempt to continue the mirage of the valley being just another agricultural valley of no great significance. Hewahewa was Kamehameha's high priest and chief advisor. I quote from Samuel Kamakau Ka Po'e Kahiko .1974. "Kamehameha I maintained two priesthood orders- the order of Holoa'e, which had come down from Pa'ao, and the order of Kuail'i. Holoa'e had been the kahuna nui, high priest, in the hereditary line of kahunas (mo'o kahuna) from Pa'ao, and Hewahewa became the kahuna nui of the order of Holoa'e in Kamehameha's old age. The kapua, or rituals, of these orders were very high....." Abraham Fornander in *Emmender's Ancient History of the Hawaiian People*. 1996 noted that" Pa'ao was a high priest who migrated to the Hawaiian Islands from Kahiki, and introduced many innovations into Hawaiian religion..He is thought to have come to Hawaii around 900 A.D. Hewahewa was a direct descendant of Pa'ao"

The following is a direct quote from the Waimea Park 1992 tour guide script, written and approved by the same Park Management that is pretending there is no spiritual significance to the valley, describing the 1793 arrival in Waimea Bay of the ship *Resolution*, commanded by Captain Clerke. " ... Yet, the Captain didn't know that the Hawaiians considered Waimea a sacred valley, a place of spiritual power, the valley of the priests they called kahuna." To quote Bob Leinaw, former park general manager, and today a safety manager at the park, "...our tour guides have to be factually accurate; we stress academic honesty."

(Historic Hawaii, August 1991, Waimea Valley, "Keeping the Past Alive.")

Once again it is clear that, from a cultural perspective, Park Management has decided to avoid the restrictions that a spiritual valley implies. No one can make an informed judgment about Cultural Impact without much more information, honestly and accurately presented. I note a comment made in the Draft Environmental Assessment on page 21 that "the Arboretum ...is everywhere". The spirituality of Waimea is not simply in the South Valley. It too is everywhere, and must be respected thus.

Statement pp 12-13 : "We have included as an addendum to this Environmental Assessment, the complete reports prepared in 1974 by the Department of Anthropology, Bernice P. Bishop Museum, on "*The History of Waimea Valley*" and the "*Archeological Survey of Lower Waimea Valley: Oahu*". The purpose of the report was to determine key historical and cultural sites, and to recommend which sites would be suitable as focal points of planned Park development. The area surveyed included the lower Valley from the Waimea River Bridge on Kamehameha Highway to just above Waimea Falls in both the North and the South valleys. The length of the surveyed area is approximately 1.5

miles and about .5 mile wide; the same area that is of main concern in the Special Management Area Permit.

..... The fertile soil and the river, fed from a number of mountain streams, made the area a natural place for farming. Before the coming of the Europeans, the area was known for taro, sweet potatoes, awa, and breadfruit harvested from trees found further up the valley. There were agricultural terraces on both sides of the river for 2 miles, built of stone and standing about 2 feet in height; investigation of some terraces indicating a relatively sophisticated agricultural area capable of supporting a heavy population in the valley. Many aspects of this agricultural past have been preserved and are still evident for visitors to see. The fishing *ko'u* on the shore, the burial caves on both sides of the valley, and the two heiau, *Puu-o-Mahuka* and *Kupopolo*, indicate the possibility of more extended prehistoric activities within the valley.

Response: It is my understanding that archaeological interest in lands inhabited by prior civilizations is generally productive studying in great detail the places where men and women lived and worked. The concept that the interesting sites are those to be displayed may be valid to an organization interested in setting a mood or in easily fulfilling an obligation to educate the public, but it is clear that there is one-half mile of ancient terraces with, of course, the potential of pre-contact tools or other artifacts of either the spiritual or technical lives of the population. Just as the Park Management has recognized ancient sites in the South Valley below the falls, it must also do so above the falls, especially where such physical footprints of the past clearly demand caution. Are there any mitigation plans for the sites identified by Rudy Mitchell, or others, covering preservation, interpretation, or additional testing and research? More information directed at the scope of Park Management's plans is indicated before any development plan be presented, and should be a part of this Assessment.

Statement p 19: 'Exhibit 2B Waimea Falls Park Master Map': and
Statement pp 24-25: 'The road system for access to the various areas of the park has been in existence for many years.....The Park's road infrastructure..... is not damaging to the environment, wildlife, historical and cultural sites, or the Arboretum. and
Statement p 75: (d) ...care has been taken to see that all grading work has been done according to Chapter 14 ROH.'

Response: The above referenced map contains a "road" (and presumably culverts) as it crosses the Kamananui Stream several times mauka of the falls in the South Valley. Most of this road is frictitious. As there is a provision on the map for trails, this is clearly not a trail. A recent visit to the area east of the falls could not discover as much as a footpath, but presumably Hawaiians did walk along the stream in this area. The Park Management has recently (probably while this Assessment was being written) extended and graded perhaps 150 yards of this "road" without permit, and surfaced it with crushed coral rock to a point approximately even with the top of the falls. Apparently this will be the access to planned cabin sites in the South Valley. The statement on page 78: VI. Alternatives Considered- All the structures and activities that are part of this EA/SMP are currently in existence is false, as this road is not complete, and I believe has no permit,

endangers the watershed and wetlands area with its potential for erosion, and if constructed as described, places at risk any historical terraces of the upper South Valley. The upper South Valley is, in most places a narrow and V-shaped valley. Any attempt to grade and construct this proposed road would endanger the Kamananui Stream banks and water quality to the detriment of the preservation of the wetlands, which could become clogged with debris. Much more input must be gained before this presentation can be understood and its true impact known, but the map is inaccurate, and apparently the Park Management is working purposefully to subvert your regulations. What plans and permits has the Park developed to protect these assets?

The upper road in the South Valley was originally a jeep trail or path that has been paved. When this road was paved, was there a permit to do so? What plans from engineers were used to make sure that the creation of another hard surface road above the Kamananui Stream would not add to erosion to the stream bed and potentially to the wetlands? What Mitigation of erosion has Park Management developed to protect the stream?

Statement p 16: (5) Existing Use Over the last 30 years the Park ownership has always moved with caution and has been responsible for maintaining the highest preservation standards recognizing community and cultural sensitivity.

Response: The highest preservation standards would not depict the ancient Hawaiians living in leaking hale, presumably suggesting that the ancient Hawaiians were content not to repair grass roofing that had deteriorated, and would not suggest that ancient Hawaiians slept on blocks of concrete with protruding reinforcing steel! In the enclosed report from the Cultural, Historic and Education Subcommittee of the Honolulu City and County Waimea Valley Advisory Committee, which the Park Management resisted and dissented from approving, the community consistently objected to the operating philosophy under which the Park is run, and to the denigration of this sacred valley, which the management, blind to the Hawaiian culture, denies totally. Is this recognizing community and cultural sensitivity? Please explain.

Statement pp 20-21: (4) Archaeological Characteristics: 'An extensive Archaeological Survey of Lower Waimea Valley was commissioned by the Bishop Corporation in 1974. The survey was done by Kenneth R. Moore and Margaret L.K. Luscomb of the Bishop Museum.None of the structures, projects or activities associated with this EA/SMP impinge on any of the sites identified in the survey. All of the identified sites have been preserved and/or protected and have been subject only to natural forces.'

Response: There is no plan for preserving cultural or historic sites in the upper valleys, and no one on staff is qualified to even recognize sites already identified. If one follows the road up the North Valley he sees clearly that ATVs have randomly, over an extended period of time, left the road and created tracks and damage in areas that might be of archaeological significance. The tracks are there, even though management states that ATVs are kept on the road. Why were the ATV riders not kept out of sensitive areas? If ATV riders are not controllable, why is the activity offered in an area culturally and

historically sensitive? This is not protection of possible sites, as indicated by the work of Rudy Mitchell, nor is it environmentally responsible.

Statement pp 21-22 :(5) The Arboretum: "... Some of the Arboretum staff that were formerly on the staff of the Park, are now employed under the non-profit Arboretum Foundation. The Foundation is partially funded by the Park and by private contributions and grants."

Response: The Park provides electricity and water for the Arboretum nursery and office. Although it contracted to pay some expenses, it has not done so since October, 2000, and notified the Arboretum in January that it would no longer have any responsibility regarding this contract. This is not a very truthful statement...

Statement pp 25-26 :C. ECONOMIC AND SOCIAL CHARACTERISTICS

... "The Park cannot continue to operate with a negative cash flow. Necessary maintenance is being deferred which will eventually result in a deteriorated facility. The eventual result is closure of the Park and loss of the arboretum plants."

Response : At least one new non-profit organization stands ready for the Park to finally close, a victim of its misguided policies, and this organization has the full support of the community. This organization is ready to keep the plants healthy, and the park properly oriented and economically sustainable. The threat that employment will suffer and the collection will die has allowed this uncontrolled permit fiasco to continue for years, but not longer exists due to the City's actions to support the Arboretum and its associated assets.

Statement pp31-32: III. AFFECTED ENVIRONMENT

(3) Sustainable Communities Plan:

The new North Shore Sustainable Communities Plan, as did the previous Development Plan, designates the park area as Preservation/Open Space. The text of the Sustainable Communities Plan includes a brief description of the Park under "Institutional and Private Facilities".

The Park meets the vision guidelines and policies of the Sustainable Communities Plan. For example, under "Open Space and Natural Environment" the general policies are:

- Retain the North Shore's rural character
- Protect significant natural features
- Protect ecologically sensitive lands
- Preserve cultural and historic features
- Provide recreational resources
- Protect scenic views

The park presence and operation contribute significantly to these policies.

Response : The rural character of the North Shore is threatened by the imposition in its midst of a series of thrill rides; the valley is threatened by the scars of bulldozers; the scenic view of the valley bluff threatened by the spectacle of steel towers and wires supporting various 'trams'; the historic sites threatened by the same, including construction of towers on the site of an ancient tower visible in the 1793 drawing of Waimea Bay from the ship Resolution; and the sacred valley further desecrated by all of these actions. In addition, should any of these programs proceed, there will be no funding to restore the valley at a later date to its original condition, and this historic and sacred place will be lost...

Statement pp 32-36

(4) The General Plan Natural Environment

The General Plan calls for the protection and preservation of the natural environment especially the shoreline, valleys, and the ridges from incompatible development. ...

Culture and Recreation

Objective D:
To provide a wide range of recreational facilities and services that are readily available to all residents of Oahu.

"The Park presents a very positive image of Hawaii's culture and natural resources to the visitor population and contributes to the overall knowledge of the tropical gardens, wildlife preservation and Hawaiian cultural sites."

Response : Clearly, in relation to the General Plan, the Park program suggests incompatible development and must be further understood. In addition there is no doubt that the interest of Park Management has placed the positive image of Hawaii's culture as, at best, a low priority, and probably as a waste of money. The valley suffers...

Statement p 65:(48) Jungle Trek "Constructed in mid 1998 to create an interactive experience that would please smaller children, encourage the patronage of families and extend their stay in the Park. The recreation site which is made of metal, wood, and plastic with straw roofing, also includes a vinyl maze that was purchased from Paradise Park. The site encompasses approximately 40,000 square feet surrounded by a wooden fence to make the area safe for children. Adjacent to Jungle Trek are two portable restrooms mounted on a 10 X 12 foot concrete pad."

Response: This report neglects to describe two other concrete pads - one covering approximately 350 sq. ft. (remote controlled cars) and the other approximately 450 sq. ft. under the jungle trek climbing structure. Why not?? In addition, has there been a health inspection of the Jungle Trek for safety, or for health violations? Management knows that part of the "cave" has been used as a bathroom, and is unsanitary. What has been done to correct this?

Statement p64-65 :(54) Recirculating Pump at the Falls

"The pump was installed in 1995 and is powered by a quiet, non-polluting electric motor. It is located behind the mauka main shelter/snack bar at the falls (43C picture #4), and the piping for the pump is hidden by the natural growth in the area. The purpose of the pump is to re-circulate water up the side of the cliff in order to maintain the flow of the falls and the depth of the water in the diving area. It is used when stream flow is low to increase the amount of cascading water by pumping water from the pool to the top of the falls. No water is lost by increasing the flow over the falls and aeration of the water helps keep the pool from becoming stagnant at times of low stream flow. At the time of installation, the Park management consulted with the Army Corps of Engineers. It was their opinion that this was an acceptable activity to alleviate the problem of occasional low flow at the falls."

Response: I believe that the consultation with the Army Corps of Engineers was similar to the consultation with the North Shore Outdoor Circle claimed on page 4 of this document, which turns out to have been a conversation with Diane Anderson, president of the NSOC and a clear critic of management's activities. This Army consultation was informal, and never a written study of the stream. It may have occurred in a barroom. The Park Management's suggestion that the pump maintains the depth of water in the diving area is absurd, as it sucks out the water it replaces. Clearly this requires special permits to measure impact, and as this has been an issue for some time, immediate action by appropriate agencies. Could there be a connection between the virtual disappearance of O'opu from the stream and the intake to this pump, whether it is screened or not? The pump has to exert tremendous suction... Please explain.

Statement p 78 VI. ALTERNATIVES CONSIDERED

"All the structures and activities that are a part of this EA/SMP are currently in existence. The Park management recognizes that the structures and activities that are the subject of this application should have been approved prior to installation. That did not always happen. This EA/SMP is an attempt by the management to "make things right" and bring the Park into conformance. The only alternatives are to remove the offending structures and to cease the non-permitted activities. Under the circumstances this is not felt to be a reasonable or necessary alternative."

Response: "All of the structures..... are currently in existence" is not true. As I pointed out the road on the Master Plan map on page 19 is not complete into the upper South Valley, and was being extended and surfaced while this Assessment was being written. The Park Management is lying in an attempt to avoid massive restrictions against their planned activities. They should be required to cease and desist from these activities, and submit accurate, complete, and culturally responsive documents prior to your agency making any attempt to measure impact on this land, community, and culture.

Statement p 78 : VII. CONCLUSION

"This application and environmental assessment, provides a description of the existing and proposed structures and activities at Waimea Valley, requests approval for the projects, and addresses the potential impacts to the Conservation District and the Coastal

environment as specified in the guidelines pertaining to the concerns of the Special Management Area.

A Finding of No Significant Impact is being requested as the described structures and activities have a negligible impact on the Conservation District and the Special Management Area and are not contrary to the State's environmental policies or long-term environmental goals as established by law. There will be no adverse effect to the economic, social welfare, or cultural practices of the community and State."

Response: Certainly no finding can be made until in depth, correct, and accurate statements covering all aspects structures and activities, present and planned, are finally prepared. However, the potential cumulative impact of these varied and uncontrolled actions and activities must ultimately be measured prior to a final decision.

Thank you for allowing my critique.

Respectfully Submitted,



Ralph A. Bard III

Attachments:

Aloha Ia O Waimea : The Cultural, Historic & Education Subcommittee of The Honolulu City & County Waimea Valley Advisory Committee; Monday, February 5, 2001
Waimea Falls Park Bus Tour 3-21-92 LP Speech.. First page only.
Historic Hawaii; July/August 1991; Caretakers of Cultural History
The Hawaiian News; November 1998; Valley of Hewahewa being Desecrated

CC:

State of Hawai'i Commission on Water Resource Management
State of Hawai'i Office of Environmental Quality Control
U. S. Army Corps of Engineers



ANALYTICAL PLANNING CONSULTANTS, INC.
728 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Ralph A. Bard III
59-425 Makana Road
Haleiwa, Hawaii 96712

**SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)**

Thank you for your letter dated June 5, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of your comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

General Comments:

In accordance with Act 50, Chapter 343 FRS, a section on "Cultural Resources" has been included in the FEA. The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. It is not a review of the total Park and its operation. A number of the structures and activities will also require a Conservation District Use permit. Almost all of the structures involved are "temporary" in nature such as storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of use of land" requires a SMA permit.

The Department of Planning and Permitting, as the approving agency, will make the final decision as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the position of this Environmental assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA. A Finding of No Significant Impact is being requested. In the future, a Conservation Use District and corresponding Environmental Assessment will be required which examines the

Impact of the Park on the Conservation District for any new or additional uses.

Property Profile:

According to the Tax Assessment Office, 30 acres of the 1800 acre parcel is taxed as commercial. This is a relatively small, percentage, 1.6%, of the total acreage that is being used for the visitor facilities. The remainder is Conservation with 14 acres of land designated for agriculture. The accessory structures and activities that are the concern of this EA/SMP, they don't have a SMA permit, have been in existence for several years. Park management is aware that any action in an environmentally sensitive area, such as the Waimea Valley, has an effect and that activities in Waimea Valley could have an impact downstream. Of special importance is maintaining the water quality of Waimea Bay and Waimea River and estuary. There are also open ditches and irrigation tunnels from Lake Wilson at Schofield that occasionally flow into the estuary over which the Park has no control.

The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. In contrast, the biggest impact on the streams, estuary and Bay come from heavy rains and flooding when naturally occurring debris is washed into the Bay and the bacterial contamination count is temporarily increased. According to the Department, regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. No chemicals are put into the stream waters or the falls by the Park. None of the structures or activities (except for kayaking) are near the stream, and erosion has not been an issue.

The purpose of this EA/SMP is to address the impacts of these specific structures and activities on the Special Management Area (which includes the estuary). The makai property boundary is approximately 1500 feet from the coastal shoreline area of Waimea Bay. None of the structures and activities (except for the entry signs and kayaking) are within 4,000 feet of the nearest coastline which is Waimea Beach Park across Kam Highway; and, would therefore have no significant impact on the coastal area of the SMA. It is the conclusion of this Environmental Assessment that the items in question do not have a significant nor cumulative impact on the SMA or the Conservation District.

Agencies Consulted:

As required by HRS 343, agencies, citizen groups, and individuals consulted in making the assessment were listed in the

DEA. The list included community organizations which have been in communication with the Park management in recent years over issues of concern to their organizations. The Department of Planning and Permitting, as the approving agency for a Special Management Area permit sends copies of an EA to many of the agencies and organizations you suggested. In addition, notice of all environmental assessments undergoing review is printed in the OEQC Bulletin and those organizations desiring to comment have the opportunity to do so. A list of agencies and organizations who reviewed the DEA, along with their comments, is included in the FEA. Thank you for raising concerns and suggestions and for participating in the review process.

Previous Permits:

The existing structures and activities which pertain to this Special Management Area Permit are located on previously disturbed land within the south valley which has been extensively surveyed for archeological resources. The complete historical review was initiated in April 1974 with the Bishop Museum staff and is contained in the previously accepted EIS for Waimea Falls Park. Excavation and identification of the historic sites in Waimea Valley was carefully conducted. The FEA includes a map which designates the sites identified in the archeological survey done by the Bishop Museum and Rudy Mitchell, Park historian from 1976-1991, and their relationship to the items of this EA/SMP application. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about impacts on historical sites in the valley.

As a part of the Park's function as an historical and cultural destination, a number of the sites are available to be viewed by visitors. Moving of any rocks is not permitted by the Park management. The Park works with the State Historic Preservation Division whenever needed in the excavation and study of the valley's historical and cultural resources. If, during the construction of any new projects any previously unidentified sites or remains are discovered, the State Department of Land and Natural Resources will be contacted immediately and all work in the area shall be stopped until a determination can be made.

It is important to remember, in reviewing this application, that the Park has had an Approved Master Plan for the recreational use of the 1600 acre park since 1975. (CDUA Permit #OA 74-591). Although the CDUA was not specific as to what recreational activities could be included in the Park, the original concept and use of the land as a recreational, cultural and botanical park has not changed. The status of Waimea Falls Park is not germane to this EA/SMP application.

Permits Required:

Many of the structures and activities which are the concern of this EA/SMP also require a CDUP. The Department of Land and Natural Resources determined that, because the Park property falls within the Special Management Area, all applicable development standards that pertain to the SMA must first be met. In the future, a new Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses. Subsequent to any City or State approvals, building permits will be obtained.

It is the intention of the present owners to allow more people the opportunity to enjoy the natural beauty and the recreational, cultural and educational aspects of Waimea Valley; however, there are no plans to expand the Park activities into the undeveloped parts of the Valley. Presently the only activities in the north valley are hiking and mountain biking along existing trails and roads. Although the concept of cabins in both valleys was included in the 1975 CDUA permit, and the concept of non-site specific cabin sites was originally included in the DEA, it has been deleted from this SMP application and eliminated from the application request. All of the structures and activities that are the concern of this EA/SMP are in the area of the Park visitor facilities (except for kayaking and mountain biking) and are accessory to existing structures and activities. Any future or additional uses will require a new Conservation District Use permit and compliance with Chapter 343 HRS regarding cultural and environmental impacts.

History/Background:

The history detailed in the FEA was excerpted from the 1974 review entitled the "The History of Waimea Valley" by the Department of Anthropology, Bishop Museum. Any interpretation of a culture with no written history will always be subject to varying opinions and the value of a culture to us will change over time. Along these lines, there has been an increased appreciation of the Hawaiian culture since the 1970's when the Park was first envisioned. Included in this increased sensitivity, is an awareness that for the ancient Hawaiians all of nature was sacred. The importance of Waimea Valley spiritually, culturally and historically to the people of Hawaii is not the purpose or scope of this EA/SMP. It is necessary to remember that Waimea Falls Park and Waimea Valley are privately owned. The Park welcomes suggestions on how to best promote and offer to residents and visitors an experience which will culture greater appreciation of our Hawaiian heritage as part of the use of Waimea Valley as a recreational, cultural and botanical park.

Should the City follow through with its intention to purchase Waimea Valley, the Park will undergo yet another change in its long history. Your concerns about future development in areas of Waimea Valley which have yet to be surveyed have been addressed above.

Roads in the Park:

Approval for roads within the Park was included in the 1975 CDUA. From time to time it has been necessary to resurface and repair these roads and the existing coral roads which were built by the Army and previous occupants of the Valley. The road shown in Exhibit 2B, which extends 1 mile above the falls and into the upper south valley, is the old "Coach Road" which was constructed by the US Army over 40 years ago. In the 1950's there were stagecoaches which traveled along the coral road above the falls. The road loosely follows the river which it crosses several times over bridges and fords (not culverts). It is true that recently a section of the old garden trail which connects to the Coach Road, and which had been overgrown and partially hidden, was repaired and resurfaced with crushed coral rock for safety as part of Park maintenance. The road is used for safe access above the falls for hikers and horseback riders. In the summer of 1999, the Park consulted with a soil engineer at Dames & Moore regarding the repair of the "Coach Road" and garden trail in preparation for using the road for horseback riding. According to the report approximately 300 feet of the trail was impassable due to rockfalls and needed to be cleared and secured. The road has since been cleared, re-paved with coral and a 300 foot section secured with a four foot high mortared rock wall alignment. Due to the height and length of the retaining wall, it has been added to the FEA. Over the years that the Park has been in operation, many sections of the old coral roads and trails have required similar routine maintenance. Repair of existing roads does not require a SMA permit. The existing road has always provided access to the upper south valley; however, there are no plans to extend the Park facilities beyond the current area.

Regarding the accuracy of the maps enclosed with the FEA, they were done by R.M. Towill using the 1989 DMR Approved Master Map as the base map. Due to the size of the property, the maps are schematic in nature but serve the purpose of showing the location of the item that are part of Waimea Falls Park.

Existing Use:

The importance of Waimea Valley culturally and historically to the people of Hawaii, and the status of the Park or policies of the Park management are not the purpose or scope of this EA/SMP.

Archaeological Characteristics:

ATV's are no longer used as a recreational activity at Waimea Falls Park and have been deleted from the FEA. The Park is in the process of selling most of the ATV's and the few that remain will be used on the existing roads as utility equipment by Park staff. The only activities in the North Valley are hiking and guided mountain biking on existing trails and roads. Guided bike rides are available on the paved roads that run throughout the Park, the existing coral roads, and the old cattle road in the North Valley. The bikes are non-motorized pedal bikes. Erosion on the existing cattle road from the activities is not a problem. The proposal to have cabin sites in the North Valley has also been eliminated from the FEA.

The Arboretum/Economic and Social Characteristics:

It was the Pietsch family who created the arboretum environment for the valley and the present Park management is aligned with this vision. However, in order to economically maintain and continue the Park they require community support. In this regard, the non-profit Arboretum Foundation was created. Some of the Arboretum staff that were formerly on the staff of the Park, are now employed under the Foundation which is supported by the Park and by private contributions and grants. Maintenance of the plants that make up the arboretum is done by a team of gardeners employed by the Park and using Park equipment. While the continuance and maintenance of the Arboretum is of concern to everyone, it is only germane to this application for a Special Management Area permit to the extent that the "developments" that are a part of the SMP have a negative impact on the Arboretum functions.

Economic and Social Characteristics:

The Arboretum is an asset that both the community and Park management agree must be supported and maintained. The Arboretum Foundation was created to fulfill this need and welcomes any financial or personal contributions. If the City follows through with its intention to purchase the Park, these added resources will assure the continuance of the Arboretum facilities and botanical properties.

Affected Environment:

The main purpose of Waimea Falls Park as a recreational and cultural nature park, including an arboretum, has not changed since its inception. Although privately owned, the Park welcomes suggestions on how to best promote and offer to residents and visitors an experience which will culture greater appreciation of our Hawaiian heritage as part of the use of Waimea Valley as a

recreational, historical and botanical park on the North Shore of Oahu.

City and County General Plan:

The natural environment is the major resource of the Park. Every effort is made to make the Park compatible with these surroundings while providing an educational and recreational experience. The natural beauty of the valley and its streams, the Waimea Falls, and the extensive collection of tropical plants will continue to be the major display features of the Park and will be unchanged by the proposed action.

All of the area being used for the Park is within the State Conservation District and under the jurisdiction of the State Department of Land and Natural Resources. Waimea Valley is an important natural resource for the people of Hawaii. Waimea Falls Park, through the botanical propagation and preservation activities of the Arboretum and its ongoing protection of Hawaiian cultural sites, fulfills the guidelines for the Conservation District. The Park has had an Approved Master Plan for the recreational use of the 1800 acre park since 1975.

Jungle Trek:

The Jungle Trek does include 2 additional concrete pads underneath the structure - one covering approximately 350 square feet for remote controlled cars (which are not longer a Park activity) and the other approximately 450 square feet under the climbing structure. This information has been added to the FEA. Cleanliness is maintained by the Park staff.

Recirculating Pump:

The United States Army Corp of Engineers is the administering agency for all waters of the US. We have enclosed for you a copy of a letter from their Operations Division Chief confirming a site inspection of the pump at the falls on June 29, 1995 and their conclusion:

"Based on the site visit, and other information available to us, we have determined that the scope of work for the project involved pumping of water from the pool below Waimea Falls to the top of the falls, and did not result in a discharge of dredge or fill material in a Waters of the United States. Accordingly, A Department of the Army authorization is not required for this project."

Alternatives Considered:

These concerns were covered above under "Roads in the Park".

The road/trail in question was being resurfaced not extended. The roads in the Park were included in the original CDUA permit and their maintenance is not germane to this EA/SMP.

Conclusion:

The Department of Planning and Permitting as the approving agency will make the final evaluation as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the conclusion of this Environmental Assessment that the items which are of concern do not have a significant nor cumulative impact on the SMA or the Conservation District and no mitigation methods are required. In the future, a Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting, expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Donald Clegg

Donald Clegg, President
Agent for the Applicant

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING



ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 - HONOLULU, HI 96817

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It is important to remember, in reviewing this application, that the Park has had an Approved Master Plan for the recreational use of the 1800 acre park since 1975. (CDUA Permit #OA 74-591). Although the CDUA was not specific as to what recreational activities could be included in the Park, the original concept and use of the land as a recreational, cultural and botanical park has not changed. The status of Waimea Falls Park is not germane to this EA/SMP application.

Permits Required:

Many of the structures and activities which are the concern of this EA/SMP also require a CDUP. The Department of Land and Natural Resources determined that, because the Park property falls within the Special Management Area, all applicable development standards that pertain to the SMA must first be met. In the future, a new Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses. Subsequent to any City or State approvals, building permits will be obtained.

It is the intention of the present owners to allow more people the opportunity to enjoy the natural beauty and the recreational, cultural and educational aspects of Waimea Valley; however, there are no plans to expand the Park activities into the undeveloped parts of the Valley. Presently the only activities in the north valley are hiking and mountain biking along existing trails and roads. Although the concept of cabins in both valleys was included in the 1975 CDUA permit, and the concept of non-site specific cabin sites was originally included in the DEA, it has been deleted from this SMP application and eliminated from the application request. All of the structures and activities that are the concern of this EA/SMP are in the area of the Park visitor facilities (except for kayaking and mountain biking) and are accessory to existing structures and activities. Any future or additional uses will require a new Conservation District Use permit and compliance with Chapter 343 HRS regarding cultural and environmental impacts.

History/Background:

The history detailed in the FEA was excerpted from the 1974 review entitled the "The History of Waimea Valley" by the Department of Anthropology, Bishop Museum. Any interpretation of a culture with no written history will always be subject to varying opinions and the value of a culture to us will change over time. Along these lines, there has been an increased appreciation of the Hawaiian culture since the 1970's when the Park was first envisioned. Included in this increased sensitivity, is an awareness that for the ancient Hawaiians all of nature was sacred. The importance of Waimea Valley spiritually, culturally and historically to the people of Hawaii is not the purpose or scope of this EA/SMP. It is necessary to remember that Waimea Falls Park and Waimea Valley are privately owned. The Park welcomes suggestions on how to best promote and offer to residents and visitors an experience which will culture greater appreciation of our Hawaiian heritage as part of the use of Waimea Valley as a recreational, cultural and botanical park.

Should the City follow through with its intention to purchase Waimea Valley, the Park will undergo yet another change in its long history. Your concerns about future development in areas of Waimea Valley which have yet to be surveyed have been addressed above.

Roads in the Park:

Approval for roads within the Park was included in the 1975 CDUA. From time to time it has been necessary to resurface and repair these roads and the existing coral roads which were built by the Army and previous occupants of the Valley. The road shown in Exhibit 2B, which extends 1 mile above the falls and into the upper south valley, is the old "Coach Road" which was constructed by the US Army over 40 years ago. In the 1950's there were stagecoaches which traveled along the coral road above the falls. The road loosely follows the river which it crosses several times over bridges and fords (not culverts). It is true that recently a section of the old garden trail which connects to the Coach Road, and which had been overgrown and partially hidden, was repaired and resurfaced with crushed coral rock for safety as part of Park maintenance. The road is used for safe access above the falls for hikers and horseback riders. In the summer of 1999, the Park consulted with a soil engineer at Dames & Moore regarding the repair of the "Coach Road" and garden trail in preparation for using the road for horseback riding. According to the report approximately 300 feet of the trail was impassable due to rockfalls and needed to be cleared and secured. The road has since been cleared, re-paved with coral and a 300 foot section secured with a four foot high mortared rock wall alignment. Due to the height and length of the retaining wall, it has been added to the FEA. Over the years that the Park has been in operation, many sections of the old coral roads and trails have required similar routine maintenance. Repair of existing roads does not require a SMA permit. The existing road has always provided access to the upper south valley; however, there are no plans to extend the Park facilities beyond the current area.

Regarding the accuracy of the maps enclosed with the FEA, they were done by R.M. Towill using the 1989 DNR Approved Master Map as the base map. Due to the size of the property, the maps are schematic in nature but serve the purpose of showing the location of the item that are part of Waimea Falls Park.

Existing Use:

The importance of Waimea Valley culturally and historically to the people of Hawaii, and the status of the Park or policies of the Park management are not the purpose or scope of this EA/SMP.

Archaeological Characteristics:

ATV's are no longer used as a recreational activity at Waimea Falls Park and have been deleted from the FEA. The Park is in the process of selling most of the ATV's and the few that remain will be used on the existing roads as utility equipment by Park staff. The only activities in the North Valley are hiking and guided mountain biking on existing trails and roads. Guided bike rides are available on the paved roads that run throughout the Park, the existing coral roads, and the old cattle road in the North Valley. The bikes are non-motorized pedal bikes. Erosion on the existing cattle road from the activities is not a problem. The proposal to have cabin sites in the North Valley has also been eliminated from the FEA.

The Arboretum/Economic and Social Characteristics:

It was the Pietsch family who created the arboretum environment for the valley and the present Park management is aligned with this vision. However, in order to economically maintain and continue the Park they require community support. In this regard, the non-profit Arboretum Foundation was created. Some of the Arboretum staff that were formerly on the staff of the Park, are now employed under the Foundation which is supported by the Park and by private contributions and grants. Maintenance of the plants that make up the arboretum is done by a team of gardeners employed by the Park and using Park equipment. While the continuance and maintenance of the Arboretum is of concern to everyone, it is only germane to this application for a Special Management Area permit to the extent that the "developments" that are a part of the SMP have a negative impact on the Arboretum functions.

Economic and Social Characteristics:

The Arboretum is an asset that both the community and Park management agree must be supported and maintained. The Arboretum Foundation was created to fulfill this need and welcomes any financial or personal contributions. If the City follows through with its intention to purchase the Park, these added resources will assure the continuance of the Arboretum facilities and botanical properties.

Affected Environment:

The main purpose of Waimea Falls Park as a recreational and cultural nature park, including an arboretum, has not changed since its inception. Although privately owned, the Park welcomes suggestions on how to best promote and offer to residents and visitors an experience which will culture greater appreciation of our Hawaiian heritage as part of the use of Waimea Valley as a

recreational, historical and botanical park on the North Shore of Oahu.

City and County General Plan:

The natural environment is the major resource of the Park. Every effort is made to make the Park compatible with these surroundings while providing an educational and recreational experience. The natural beauty of the valley and its streams, the Waimea Falls, and the extensive collection of tropical plants will continue to be the major display features of the Park and will be unchanged by the proposed action.

All of the area being used for the Park is within the State Conservation District and under the jurisdiction of the State Department of Land and Natural Resources. Waimea Valley is an important natural resource for the people of Hawaii. Waimea Falls Park, through the botanical propagation and preservation of activities of the Arboretum and its ongoing protection of Hawaiian cultural sites, fulfills the guidelines for the Conservation District. The Park has had an Approved Master Plan for the recreational use of the 1800 acre park since 1975.

Jungle Trek:

The Jungle Trek does include 2 additional concrete pads underneath the structure - one covering approximately 350 square feet for remote controlled cars (which are not longer a Park activity) and the other approximately 450 square feet under the climbing structure. This information has been added to the FEA. Cleanliness is maintained by the Park staff.

Regulating Pump:

The United States Army Corp of Engineers is the administering agency for all waters of the US. We have enclosed for you a copy of a letter from their Operations Division Chief confirming a site inspection of the pump at the falls on June 29, 1995 and their conclusion:

"Based on the site visit, and other information available to us, we have determined that the scope of work for the project involved pumping of water from the pool below Waimea Falls to the top of the falls, and did not result in a discharge of dredge or fill material in a Waters of the United States. Accordingly, a Department of the Army authorization is not required for this project."

Alternatives Considered:

These concerns were covered above under "Roads in the Park".

The road/trail in question was being resurfaced not extended. The roads in the Park were included in the original CDUA permit and their maintenance is not germane to this EA/SMP.

Conclusion:

The Department of Planning and Permitting as the approving agency will make the final evaluation as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the conclusion of this Environmental Assessment that the items which are of concern do not have a significant nor cumulative impact on the SMA or the Conservation District and no mitigation methods are required. In the future, a Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting, expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Donald Clegg, President
Agent for the Applicant

2001/CLOG-2538

Mr. Randall Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 King Street, 7th Floor
Honolulu, Hawaii 96813

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DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

June 3, 2001

RE: Comments on Draft Environmental Assessment for a Special Management Area Permit, Waimea Falls Park

Dear Mr. Fujiki:

With regard to the request by Attractions Hawaii for a blanket permit for various structures, projects, and activities at Waimea Falls Park - and their request for a finding of "No Significant Impact", I propose that your office deny this request. I believe that the information in this request to be inaccurate in some cases and/or incomplete in others. To ignore the environmental impact on the valley and the wetlands at the entrance to the park is cause for alarm.

An Environmental Impact Statement needs to be done to insure that further harm or neglect will not be done to the valley in the years to come. It is a unique and precious resource that needs protection from negative development in an attempt at financial gain.

Please deny the request for "No Significant Impact".

Mahalo,



Priscilla Lang

59-120 Paumotu Place
Haleiwa, HI 96712



ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Ms. Priscilla Lang
59-120 Paumalu Place
Haleiwa, Hawaii 96712

**SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)**

Thank you for your letter dated June 3, 2001 commenting on the subject SMP and Draft Environmental Assessment. We offer the following responses in the respective order of your comments:

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. A number of the structures and activities will also require a Conservation District Use permit. Almost all of the structures involved are "temporary" in nature, such as storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of use of land" requires a SMA permit. Thus, the EA/SMP is limited to an evaluation of only these items. It is not a review of the total Park and its operation.

This EA/SMP is to address the impacts of these specific structures and activities on the Special Management Area (which includes the estuary). The makai property boundary is approximately 1500 feet from the coastal shoreline area of Waimea Bay. None of the structures and activities (except for the entry signs and kayaking) are within 4,000 feet of the nearest coastline and which is Waimea Beach Park across Kam Highway; and, would therefore have no significant impact on the coastal area of the SMA. The Boating and Ocean Resources Division of DIMR refers to kayaking as an environmentally benign recreational activity

and no permits or licensing are presently required for private or commercial use of kayaks.

The Department of Planning and Permitting, as the approving agency, will make the final decision as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the conclusion of this Environmental Assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA. A Finding of No Significant Impact is being requested. In the future, a Conservation Use District and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Donald Clegg,
President
Agent for the Applicant



Ke aloha o ka kākou 'āina, 'Oia ka mana kū pa'a. Pānoanoa ka 'āina, Mānoanoa ka po'e.
The Love of our land, is the power for us to stand fast. Rare is the land, many is the people.
 June 5, 2001

Ray Green
 Attractions Hawai'i
 1600 Kapiolani Boulevard, Ste 1630
 Honolulu, Hawai'i 96814

Ardis Shaw-Kim
 City and County of Honolulu
 Department of Planning and Permitting
 650 South King Street, 7th Floor
 Honolulu, Hawai'i 96813

Analytical Planning Consultants
 928 Nu'uuanu Avenue, Suite 502
 Honolulu, Hawai'i 96813

RE: Draft Environmental Assessment for a Special Management Area Permit -
 Waimea Falls Park

After thorough review of the DEA we concluded that it is incomplete, vague, full of innuendos, does not show that existing activities and development do not have substantial individual or cumulative adverse effects on the environment and ecology, does not identify adverse environmental effects which can not be avoided or provide mitigation measures.

The following analysis outlines why the DEA should not be accepted, the SMP denied and an Environmental Impact Statement required.

- Since the enactment of the Coastal Zone Management Act in 1977 it has been the law that "No development shall be allowed in any county within the special management area without obtaining a permit in accordance with this part."
- At the Nov 8, 1979 Public hearing on CDUA - OA 591 (Waimea Falls Master Plan) - It was decided that SMA requirements must be met before amending the permit.
- A 1982 amendment to CDUA OA-591 was approved with the condition that the applicant comply with all applicable Federal, State, County statutes, ordinances.
- HRS 205A-22 (C)(7) Special management area use permit means an action which may have a substantial adverse environmental or ecological effect taking into account potential cumulative effects.

- City and County Land Use Ordinance Chapter 25 Special management area use permit means an action which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects.
- Exhibit 3 identifies 46 times that the above laws have been ignored. The number of violations could actually be higher but without knowing when items identified as "pre SMA" were initiated, constructed, or changed it is impossible to ascertain if they truly were begun before enactment of the Coastal Zone Management law in 1977.
- the applicant acknowledges that prior approval was not always sought before an action was taken. The remedy now, many years later, is to "make things right" through this DEA/SMP and bring the Park into conformance. This wholesale abuse of the after-the-fact provision is unacceptable. Not obtaining permits before a project is begun closes all opportunities to discuss adverse impacts to the environment.
- there are at least 40 structures, some permanent some portable, miles of roads and trails for hiking, mountain biking, horseback riding and ATVs, a wastewater treatment plant, various entertainment stages and seating areas, and miscellaneous activities yet the DEA does not discuss or identify any singular or potential adverse cumulative effects on the environment.
- while an SMP was granted for the expanded/new kitchen in 1981 the existing kitchen is not identified as having obtained an SMP. Was an SMP granted for the original kitchen? If so, give the date and identify the project.
- is the "new dining pavilion" identified in Exhibit 3 the existing pavilion or is another one being proposed? When was the existing pavilion built? What does concept only mean?
- while maintenance of Elehaha stream is identified as pre SMA there is no mention of on going maintenance. What maintenance activities have taken place over the past 20 years on/near or in Elehaha Stream? Were SMPs given for the 9 fords/culverts on the stream? If so, when were they granted?
- what years were the original bridges, culverts and ford systems developed? Were SMPs obtained for each project? If so, when?
- since utility improvements, roads realignment/light poles, bridal trails, picnic areas(not site specific) are listed as pre SMA does that mean that road, trail or all improvements have taken place? Identify all improvements that have occurred since 1977, the location and if SMPs were obtained for each project.
- which of the 3 existing parking areas referred to in Exhibit 3 are pre SMA? Provide the year each was constructed and year when each was paved, if they are.

NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement is needed because the DEA does not meet Chapter 343 requirements, is vague, full of assertions with little or no facts, provides no evidence that the environment has not been adversely affected from the multitude of structures and development, many of which are unpermitted, thus impacts to archeological, cultural and natural resources are unknown and were never considered.

the BLNR approved the Master Plan in 1975 with conditions (CDUA OA-591). Two conditions are: BLNR approval of each and every major project and "each major project proposed in the application shall be accompanied by an DEA." To our knowledge this has not always occurred.

other than showing that SMPs are required or obtained the DEA does not provide a list of necessary approvals or status of those approvals for existing and proposed projects.

the DEA does not show probable impact of existing or proposed actions on the environment. This is evident by the blatant disregard of the SMP requirement, and the lack of dialogue throughout the DEA on impacts from individual structures, developments and uses. A glaring example of this is the discussion on kayaking in Waimea River and the estuary. The only mention of environmental concerns is that the Park coordinates stream cleanups through the Adopt A Stream Program. No mention of any adverse affects this activity may have on the ecology of the river and estuary.

the DEA does not discuss what short-term uses are or their impact on the environment. There is no discussion on the operations long-term ability to enhance the environment.

the DEA fails to discuss irreversible or Irretrievable commitment of natural resources such as changing the topography for roads, trails, building sites and creating impermeable surfaces for structures and activities.

the DEA does not identify any adverse environmental effects which cannot be avoided but the magnitude of the structures and uses in the valley makes adverse impacts on the environment unavoidable.

the DEA response to mitigation measures is to not suggest any since "there will be no potential negative impacts on the Conservation District, the Special Management Area or surrounding area as a result of the structures and activities at Waimea Falls park that are a part of this DEA/SMP."

the DEA does not discuss unresolved issues such as: after-the-fact SMPs, determining exactly when the "pre SMA" projects were approved and/or constructed, location of approved and proposed cabin and camp sites, whether SMPs are required for portable structures and long term impact of thousands of visitors, numerous structures and uses on cultural and natural resources.

the only comprehensive EIS was done for the Master Plan in 1974. Since that time conditions and uses have changed drastically. The original EIS did not consider the use of mountain bikes, ATVs, kayaking down Waimea River or in the estuary.

In 1981 a supplement EIS to the 1974 EIS was done for the sewage treatment plant, restaurant/ dining expansions, tram depot, refreshment center, and new dining pavilion. These are only a handful of the structures, activities and uses in the valley.

to understand the changes that have taken place over 30 years and comprehensively evaluate individual and cumulative impacts of all uses and structures a EIS must be done before any new or after-the-fact SMPs and other permits are granted.

other than the four bridges replaced after the 1992 flood there is no mention of any other structures. How many fords, bridges and culverts there are and when they were put in?

where stream diversion permits required for construction of the fords, bridges and culverts? Were permits granted? If so, when?

it is our understanding that the use of some rain shelters has changed to include retail space? Is this correct? If so, when were changes made and does the new use require permits? If so, identify what type?

the DEA does not identify what method of wastewater treatment is proposed for future development such as 120 cabins and future restaurant. Will the existing plant need to be upgraded and expanded to handle the additional capacity?

Waimea Valley is narrow and surrounded by high rocky cliffs yet the DEA does not identify any geological hazards. Have there been rock slides in the past 30 years? If so, what type of damage did they cause and when did they occur?

there is no mention of stockpiling permits yet gravel was stockpiled next to Waimea River. Were permits obtained? If so, when, what were they for, and have they expired?

was a have stream alteration permit and SMP obtained to replace the sewer line that was destroyed after the 1994 flood and put under the stream?

6/30/1999 memo from Sakoda, acting Deputy Director of the Water Commission, to Ray Greene

"unless you can provide appropriate documentation indicating these modifications - to Kamanui Stream - were constructed before adoption of State Water code or adoption of requirement to amend interim stream flow standard, Waimea Valley park will have to submit the

following after-the-fact permit applications & petitions within 30 calendar days from date you receive this letter. Violations of Water code are subject to fines of up to \$1000 a day:

1. Water recirculation system
2. Modification of diversion pipes for ornamental ponds
3. Boulders for pedestrian bridge

was "appropriate documentation" provided to the Water Commission within 30 days? When were the modifications done? Were after-the-fact permit applications and petitions submitted within the allotted 30 days? Did Waimea Park pay fines for violations? If so, how much and what for?

EXHIBIT 3 Master Project List

other than the dates given for four recreational activities no dates are given on any of the projects so it is impossible to ascertain if they were really begun before 1977. Dates for all projects and major repair and maintenance must be given in order to comprehensively understand when projects were built and ensure that all permits were obtained.

what type of antenna is referred to that does not require a permit? Why are portable toilets considered "accessory use" to the tram bus turnaround? Does the 4/81 SMP include the portable toilets?

the list shows that a SMP is needed for a mountain bike trailer yet the only path mentioned being used for mountain bikes is the existing road along Kamaniki stream. Was a SMP given to use this road for mountain bikes? Are there other mountain bike trails? Where are they, when were they developed and was a SMP given for this use?

the list shows that a SMP is needed for a ATV rental office yet the only path mentioned as being used for ATVs is the existing road along Kamaniki stream. Use of this road adjacent to a stream for ATVs. Was a SMP given to use this road for ATVs? Are there other ATVs trails? Where are they, when were they developed and was a SMP obtain for this use?

Is there a SMP and instream use permit for kayaking in Waimea River and the estuary?

Exhibit 2A & 2B Recreational Use Master Map

current ATV office is labeled future restaurant site but is not listed in Exhibit 3 Master Project List. Why isn't this proposed use listed? When is it to be built? Why isn't it discussed in this DEA/SMP?

#27 is labeled maintenance building to be built. Why isn't it listed in Exhibit 3? When is it slated to be built? Why isn't it discussed in this DEA/SMP?

were all four ponds approved by the State Water Commission? If so, when? If not, which pond(s) were approved?

a sign 1A is identified on the Haleiwa side of Waimea River but Exhibit 3 only identifies signs at the park entrance & inside park. Does this sign have a SMP?

what is the road located on the Haleiwa side of Waimea River used for? When was it built? Is it paved? If so, when was it paved? Does it have a SMP? Do ATVs, hikers, horseback riders and mountain bikes use this road?

according to these exhibits Ekehaha stream has 9 fords/culverts and 1 bridge, Kaiwioele stream has 1 ford/culvert and 1 bridge, Kamanianui stream 2 fords/culverts & 3 bridges for a total of 12 fords/culverts and 5 bridges.

Exhibit 3 refers to stream fords/bridges and a single "culvert" as pre SMA. Does this mean that all 11 fords/culverts and 5 bridges were built before 1977? If so, provide the dates of construction, major changes and repairs.

the DEA refers to the 1989 BLNR approved nine cabin and three camp sites in North Valley and three proposed cabin sites and four camp sites in Kamanianui stream area. Do the proposed cabin and camp sites have a CDUP? Do all sites have SMPs? The map does not show which cabin and camp sites are approved and which are proposed. Identify the sites as approved or proposed.

the cabin and camp sites are isolated with no existing roads or trails. How will people get to these sites? Will new roads and walking trails be built? Show the proposed road/trail routes for each cabin and camp site.

only two trails are shown. Are these the only trails used for hiking, ATVs horseback riding and mountain bikes? If not, show the trails used for each activity.

II. DESCRIPTION OF THE PROPOSED ACTION

(3) Application for a Social Management Area Permit for Waimea Falls Park

the statement that there is "no cumulative significant environmental impact of all the items in the environmental assessment" is not backed by any factual evidence.

the 12 fords/culverts and 5 bridge and extensive multiple use of trails by hundreds of people seven days a week are just two examples of potential cumulatively effects on the environment.

Page 10 last paragraph.

This section states that it is easier to present information with a "pictorial review." While perhaps easier this approach does not give building dimensions, measurements of trails/ roads etc. making it impossible to evaluate substantial adverse or potential cumulative effects on cultural and natural resources.

What is meant by the following are "implied or otherwise" formation of Waimea Arboretum Botanical Garden, unique plant collection display, preservation and interpretation of historical sites, protection of valley wildlife, preservation of appropriate cultural elements, attendant visitor support systems, educational services, transportation systems, utilities infrastructure and other services or safety related systems?

Identify and list what historical sites have been identified for "preservation and interpretation."

What cultural elements have been identified as "appropriate" for preservation" and under what circumstances and authority were they identified?

It is not acceptable to simply state that it was the "impression" of park management that portable, temporary or mobile structures were allowed under existing permits. A review of permit requirements would easily clear up any misconception.

Does the Department of Health inspect the portable restrooms? If so, provide inspection dates and data. What is the DOE inspection requirement for portable restrooms?

✓ (5) The Arboretum
Page 22

What structures/activities/uses approved under the original 1975 CDUA and pre-SMA where constructed after 1977? This information is important because it helps understand what structures/activities were actually built and occurring pre-SMA and which were not.

(6) Utility Requirements

exhibit 3 lists HECO as pre SMA. There is no explanation of what HECO actions were, where they are located, the purposes or what actions occurred after 1977. It is impossible to believe that all electrical work was conducted before 1977 and that no activity - new lines, poles, structures needed for electrical power occurred after 1977.

- the entry road under which the electrical lines are placed parallels the stream. What electrical work was done after 1977, was a SMP given for the work and how was the stream impacted from construction activity?

- When were lines/structures put in for the visitor center, restaurants, dining pavilion, gift shop, arboretum facilities, park lighting, vending machines etc.. This information is important because it identifies which activities require an after-the-fact SMP.

(b) What year was the four inch water pipe put in? Was it ever enlarged or extended beyond the Arboretum and visitor facilities? If so, what year and for what purpose?

We assume that water is needed for the plants. Where are the lines, when were they put in and how many lines are there?

Page 10 second paragraph.
While it may be more beneficial to the applicant to generalize and include some minor structures into a larger project without knowing exactly what is on the ground, how it is used, how often it is used etc. It is impossible to ascertain the individual and cumulative environmental effects.

Page 13 first paragraph.
What is meant by "which sites would be suitable as focal points of planned park development?" Are sites identified as suitable for incorporation into Park activities? If so, in what capacity? Will they be open to the Hawaiian community at no charge? Are these sites slated for preservation or carbon dated then destroyed?

Page 15 third paragraph.
There is no evidence in this DEA that substantiates the statement that "preservation of what cultural resources remained was accomplished after the area became the Waimea Valley Park in 1972." In fact, once all activities, uses, structures, grading, grubbing, changing of topography, hardening of surfaces are known and evaluated the opposite may very well be the truth.

Page 15 fourth paragraph
While commercial activities requiring structures may be concentrated in a small area the cumulative impacts from hiking, horseback riding, kayaking, ATVs, mountain bikes, and approve and proposed cabin and camping sites are not considered.

Page 17 first paragraph
While the DEA says that "it is the intention in this environmental assessment to discuss the potential impacts of the park as it exists today and its proposed uses, on the Special Management Area" it falls way short of that goal.

One example, is the vagueness of the Cabins Sites & Camp Sites. The exact number of cabins or camp sites is not given, neither is the number of persons expected to use these facilities per day/week. There is no mention of infrastructure - roads, sewer, water, electricity. The DEA is silent on the dimensions of each cabin and individual camp, how many cabins and camp sites will be at each location, how many cabins and camp sites there will be at total build out, and how much grading and grubbing will be necessary to prepare each site. While some cabins and camp sites will be in the "kamanani stream area" there is no discussion of potential adverse effects on the stream.

Page 20 (3) Construction Characteristics
This section refers the reader to Exhibit 3 to see a list of "number of permits" from both State and County. The Master Project list only identifies SMP's needed and received. There is no mention of BLNR permits, Water Commission permits, Army Corp. permits or City and County permits.

What are the "specific fixed improvements and attendant activities" that were "addressed and approved"? Who addressed them and in what form and what agency approved them? These "fixed" and "attendant activities" must be identified and explained in an EIS.

Are the same lines used to take water to the snack bar and vending machines? If not, identify where domestic water lines are, when they were put in and how many lines there are. List what permits including SMPs were given for this work and when.

Why wasn't an SMP obtained for use of the wells when permission was sought from the Water Commission for the two wells? When was permission given for the wells, when were they constructed and why haven't they been used?

- (c) What year was the 31,000 gallon water tank built? What is it used for?
- (d) What year was the above ground gas tank near the restaurant originally put in and has it been upgraded or replaced? If so, when?
- Why aren't the 2,000 gallon propane tank to support food and beverages operation, the three small propane tanks for the torches, the one by the waterfall and two by the entry gate listed in Exhibit 3? What year(s) were these tanks put in?
- (e) Four "back-up generators" are mentioned but only two are identified. What year(s) were they installed? What are the other two used for, where are they located, what year were they installed and was an SMP obtained for their installation?
- (f) This section is silent on utility needs and services for the approved and proposed 120 vacation cabins, camp sites and support facilities. What utilities will be provided to these areas?
- (7) Liquid Waste Disposal
Are the two seepage pits lined? Are they monitored, how often and by whom? What precautions are being taken to prevent seepage into nearby Waimea River?
- (9) Access/Roads/Parking
What year was the two-way paved public access road put in? What year was it paved? Is the current configuration and length the original route and length? If not, when was it changed? Is the needed SMP listed in Exhibit 3 just for new light poles or for existing poles, replacements or new poles in new locations?
What year was the 1600 foot access road past the entry gate put in? What year was it paved? What year was the utility road put in? Is it paved, is so what year was it paved? What permits were required/obtained/denied in building these roads?
While most of the existing roads may have been in existence for many years were they originally constructed to handle the daily car, bus, truck, ATVs, horseback riding and mountain bike uses? Have they been improved? If so, describe how they were improved and when.

Identify what roads/trails existed before 1975 and 1977. Identify the exact location, length, width, material covering the road/trail, any changes to route and major repairs.

What roads/trails were constructed after 1977? Are they paved, when were they paved, what is the length, width, location and use? What type of repairs were done and when?

Since the DEA is silent on location, width, length, and uses of roads/trails an EIS is needed to comprehensively evaluate substantial adverse and cumulative effects from the road and trail system that honeycombs the valley on the environment. The EIS should also identify major repairs to roads and trails including when they occurred and the purpose.

The DEA contains no factual evidence to support the assertion that The Park's road infrastructure is designed and utilized so that it is not damaging to the environment, wildlife, historical and cultural sites, or the Arboretum areas.

To the contrary we understand that extensive grading, grubbing, construction and improvements for the roads and trails has caused erosion into streams.

What year were the two approved parking lots paved? What year(s) were the paved areas adjacent to the entry road constructed and paved? What permits were obtained for these parking lots?

C. ECONOMIC AND SOCIAL CHARACTERISTICS (1) Development Costs/Time Frame

After-the-fact permits are not intended to be a catch all for 30 years of regulation abuse. The Department of Planning and Permitting and City Council can not reward this blatant disregard for regulations of 46 after-the-fact Special Management Area permit requests with acceptance and approval.

The state Coastal Zone Management law and county Special Management Area Use Permit requirement are in place to protect, preserve and avoid permanent losses of valuable natural resources. Actions done without regard of these laws renders these policies meaningless.

(2) Employment/Tourism

It is incorrect to say that "planned expansion of the Park" or increases in number of tourists, from present 600 per day, to adequate numbers to generate revenue of \$1.1 million per year will not have a significant impact on the SMA. The increased numbers of people, activities, facilities and services needed to accommodate them will drastically add to the impacts on the natural environment of the valley. The cumulative impact from increased visitor numbers is never discussed.

At the current price structure what is the daily visitor count needed to make the existing Park financially viable? How many buses and cars does that equate to per day/per year?

D. ENVIRONMENTAL CHARACTERISTICS

(1) SOILS

The statement that the planting program has resulted in more planted areas is only half true. Replacing existing plants with other plants does not necessarily equate to a larger planted area. Before the park became a commercial recreational haven it was heavily vegetated. The development of roads, buildings, structures, hardened surfaces, step cuts for roads and alteration of topography have all increased the potential for erosion.

Explain where and how the terrain was altered for the construction of roads, trails, the wastewater facility, stables, recreational sites, and visitor center facilities.

Y (3) Flood Zone...Surface Runoff/Drainage/Erosion
what bridges/fords and culverts does the SMP in Exhibit 3 cover?

- what year were the structures referred to in this section demolished? Where demolition and SMP permits granted?
- are all developments in compliance with requirements of the Federal Flood Insurance program?

Y (4) Shoreline Impacts

The objective of §205A-2(b)(A) is to "Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems."

- This meager one paragraph does not show how the CZM and SMA requirements are met.
- It is insufficient to say that the "only impact on the shoreline from the Park is the water from the streams that flows through the Park to the ocean" since changes to topography, hardening of surfaces, construction and intensive use of roads and trails, kayaking in Waimea river and estuary and stream diversions cumulatively increase erosion, sedimentation and turbidity of the streams that flow into the ocean.

III. AFFECTED ENVIRONMENT

Y (2) State Land Use

§ 13-5-12 Limited Subzone. Objective: "the objective of this subzone is to limit uses where natural conditions suggest constraints on human activities" such as lands susceptible to floods and soil erosion.

§ 13-4-14 General Subzone. Objective: "designate open space where specific conservation uses may not be defined..." and lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable ... or urban, rural, or agricultural use

The DEA identifies the state land designation as agriculture, Conservation - Limited and General but does not identify the boundaries of the various designations. So it is

impossible to identify what uses/structures are permitted and which require permits, site plans or impacts on the environment. This is unsatisfactory.

An ES needs to be done so that an accurate assessment of permitted and non-permitted uses in each subzone is shown.

Y (4) The General Plan
Natural Environment

Objective A: To protect and preserve the natural environment.

Policy 1 Protect Oahu's natural environment, especially the shoreline, valleys, and ridges, from incompatible development. (emphasis added)

- continued development of Waimea Valley, hardening of the ground and encouragement of environmental insensitive and degrading activities such as ATV and mountain bike riding, paint gun and jungle trek activities do not meet this objective.

Policy 8 Protect plants, birds, and other animals that are unique to the State of Hawaii and the Island of Oahu.

- this objective is not being met because all construction, hardening of natural areas, altering of terrain and topography encourages and increases siltation into the streams and wetland at bottom of the valley thus threatening wildlife and their habitat.

- the wetland is known habitat for the gallinule and pumps in the stream are impacting the migration pattern of the native prawn and o'opu.

Objective B To preserve and enhance the natural monuments and scenic views of Oahu for the benefit of both residents and visitors.

Policy 1 Protect the island's well-known resources: its mountains and craters; forests and watershed areas; marshes, rivers, and streams; shoreline, fishponds, and bays; and reefs and offshore islands.

- kayaking in Waimea river has occurred since 1991 without a SMP and without analysis of the impacts on the river, the estuary, plants, wildlife and their habitat.

- ATVs, mountain bike riding and paint gun activities have all taken place since 1991 without a SMP or analysis of impacts on mountains, the watershed and streams.

Culture and Recreation

Objective B To protect Oahu's cultural, historic, architectural, and archaeological resources.

- the impact of the activities taking place over the 30 years of clearing of land, changing topography to create hiking, horseback riding, ATVs, mountain bike trails, paintball activities and a multitude of miscellaneous structures on cultural, historical and archeological sites is unknown because the only archeological survey conducted was in 1974 and that was only for the lower valley.

B. Relationship to Public Beaches, Recreation Areas and Natural Resources

- where is the lagoon where kayaking takes place? Is it the estuary at the bottom of the valley?
- it is inaccurate to state that there are no known endangered "aquatic species." The o'opu in the streams is a candidate for listing as endangered or threatened.
- the estuary at the mouth of Waimea Valley is known habitat for the listed Hawaiian Moorhen.
- the DEA does not identify any endangered, listed or eligible for listing species. An EIS is needed to provide a comprehensive wildlife survey.
- are there any bats or bat habitat in the valley?

C. Relationship to Historic, Cultural and Archaeological Resources

- when was the "excavation and renovation of historic sites" done?
- what is the latest date that Waimea Falls Park worked with the Bishop Museum and State Historic Preservation Division?
- the DEA did not provide any evidence to substantiate the claim that "ATVs activities in the north valley use pre-existing coral roads..."
- what year were the roads built and what year were they paved in coral?
- were the areas created for the hiking and horseback riding trails and mountain bikes surveyed in 1974 or any other time?

E. Water Quality

- does the State Department of Health conduct water quality tests on Waimea River? If so, when were they done and what are the results? If no, why aren't these tests not conducted?

IV. PROJECT IMPACTS

(12) Kayak Kiosk

- according to Exhibit 3 kayaking in Waimea River has been an unpermitted use since 1991. Why wasn't a SMP sought before 2001? Is kayaking in the estuary a permitted activity.
- what is the impact on aquatic species and other wildlife?
- will the Kayak Kiosk be a permanent structure or will it be portable?

(14) Parking Lot Security Booth

- how is the parking lot security booth different from the security gatehouses?

(16) Retail Kiosk

- it is our understanding that some rain shelter kiosks were transformed into retail kiosks, is this correct?
- exhibit 3 speaks of 2 retail kiosks yet this section only identifies one retail

- kiosk. Is there 1 or 2 retail kiosks, where are they located and will they be permanent structures or portable?
- when was the retail kiosk put in this location?

(48) Junola Trek

- why wasn't a SMP sought in 1998 when this activity began?

(53) Paint Gun Targets

- it is incorrect to say that this is a new activity since it has been in place since 1991. Why wasn't a SMP sought in 1991?

(54) Recirculating Pump at the Falls

- this section does not discuss any potential adverse affect on the environment.

Cabins, Sites & Camp Sites

- are the 1975 approved nine cabin and three camp sites in addition to the 120 camping sites or are they included in the 120?
- it is impossible to evaluate singular and cumulative impacts on the streams and natural and cultural resources without knowing the exact locations and number of cabins and camps at each site.
- an EIS is needed to identify the exact location of the approved nine cabin and three camp sites and the proposed three cabin and four camp sites in order to understand and evaluate the cumulative effect on the environment.
- these cabin and camp sites are isolated so information is needed on the building of roads and other infrastructure.
- this section mentions nine approved and four proposed cabin sites. Exhibit 4 shows 12 sites. Which is correct 12 or 13 sites? Identify which sites have been approved and which are proposed? Have the proposed sites received any approvals?
- this section mentions three approved and four proposed camp sites. Exhibit 4 shows 10 camping sites. Which is correct 7 or 10? Which sites have been approved and which are proposed? Have the proposed sites received any approvals? We identified 10 camping sites, three more than represented in this section. Which number of camp sites is correct?

B. Recreational Activities

(12) Kayaking

- how many kayaks are rented per hour, per day? Are they rented 7 days a week?
- What are the rental hours? How many people per day use the kayaking facilities?
- a continuous stream of people and kayaks through the estuary seems very disruptive to the wildlife in the estuary. What is the impact on the listed Hawaiian Moorhen? Has this activity driven away any wildlife from the estuary?
- do migrating fish use the stream? If so, what is the impact on them?
- the DEA did not discuss or evaluate the cumulative impact from the continuous kayaking in Waimea River and the estuary on the wildlife and their habitat.
- were the trails identified in the 1974 CDUA approved for ATV, mountain bike and horseback riding.

(25) Mountain Biking

it is incorrect to say that this is a new activity since it has been active since 1991. Why weren't the locations of the roads and trails used for mountain biking identified? Without knowing the exact locations, understanding the proximity to streams and how many people use the trails everyday it is impossible to evaluate the singular or cumulative impacts to the environment and streams. This activity is not in keeping with the objectives of Conservation designated lands.

(26) All Terrain Vehicles

it is incorrect to say that this is a new activity since it has been active since 1991. Why weren't the locations of the roads and trails used for ATVs identified? Without knowing the exact locations, understanding the proximity to streams and how many people use the trails everyday it is impossible to evaluate the singular or cumulative impacts to the environment and streams. This activity is not in keeping with the objectives of Conservation designated lands.

(27) Paint Gun Target Activity

this is not a new activity since it has been in practice since 1991. the DEA does not discuss impacts from paint on the environment. this activity is not in keeping with the objectives of Conservation designated lands.

Camping

how many camp sites and tents were approved in the original 1975 Master Plan and CDUA permit?
the cumulative impacts from a sprawled cabin and camping configuration, shown in Exhibit 4 on cultural and natural resources would be devastating yet other than saying that the sites are "not site specific" there is no discussion on impacts to cultural and natural resources.
the exact locations of each cabin and camp site, types of material used in building over night facilities, dimensions of each camp site, types of utilities and utility new routes, new roads and trails as well as proximity of each site to a water body must be provided to assess potential cumulative effects on streams and cultural and natural resources.

Horseback Riding

does the "provision for bridal trails" in the 1975 Master Plan and CDUA Permit put conditions on horseback riding? Does it limit the number of horses that can use a trail a day and identify which trail(s) can be used?
the location of horseback riding trails and their proximity to streams must be known in order to assess cumulative impacts on streams and natural resources from continuous use and horse manure?
have the number and length of trails used for horseback riding increased since first approved in 1975?
an ES is needed to identify old and new trails, the width, length and whether they are natural dirt or covered in some sort of gravel. An EIS must calculate how

many horses per day can use a trail without adversely affecting the environment and what trails are new and require an SMP.

Miscellaneous questions:

- how many of the trailers, containers, booths, rain shelters and kiosks are located near streams? It is impossible to ascertain this information from Exhibit 2A.
- why do pictures 3 & 4 identify the building as a rain shelter and picture 5 identifies it as a rain shelter and snack bar? Has the use changed to include food service? Were permits given to serve food from this location?
- what year were rain shelters 43A and C built? Why weren't SMPs obtained at the time of development or when a SMP was sought for 43B?
- what year was the "falls seating" put in? How many people does this area accommodate?
- extensive changes, increased seating for 300-400, a stage of unidentified black sand-like material were all added to Hawaiian Game & Hula Show Area without obtaining an SMP.

**C. CHAPTER 2.5 ROH
SEC. 2.5-3.2 Review guidelines.**

(a) All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that

- (4) Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of earthquake.

Nothing in this DEA provides evidence that alterations to the land from multiple construction activities - grubbing, grading and hardening of surfaces for the development of structures, paving of surfaces and alterations to the topography for parking, roads and area near the falls, construction of new horseback riding, ATV and mountain bike trails, hula show stages and seating, horse paddock, jungle trek, paint gun area, numerous trailers, shelters and containers - do not cause erosion and siltation that adversely affect the streams, the estuary at the mouth of the valley and the ocean.

To the contrary. All the above activities are bound to have cumulative adverse effects on receiving waters and cause short and long term erosion and siltation.

(b) No development shall be approved unless the council has first found that:

- (1) The development will not have any substantial, adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken

in itself might not have a substantial adverse effect and the elimination of planning options;

Nothing in this DEA provides evidence showing that the construction of multiple projects over the past 30 years, many without the required permits, has not had singular and cumulative adverse effects on the streams and natural environment.

While individual container, shelter and kiosk may not significantly adversely impact the environment a 30 year history of grubbing, grading and hardening of surfaces, altering the terrain of for hula show stages, construction of structures, paving of natural surfaces for parking, roads, walking, seating and performances near the falls, construction of horseback riding, ATV and mountain bike trails, horse paddock, jungle trek, and paint gun area will potentially have singular and cumulatively affects the cultural and natural environment.

(2) *The development is consistent with the objectives and policies set forth in section 25-3.1 and are guidelines contained in HRS Sec. 205A-26.*

§205A-2 Coastal zone management program objectives and policies.

(b) Objectives;

(2)

(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

30 years of largely unchecked and unpermitted construction and development could have destroyed natural and manmade historic and prehistoric resources but we will never know because the last historical and archaeological surveys were done in 1974 and then for only the lower part of the valley.

(4) Coastal ecosystems;

(A) Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

using the estuary for recreational kayaking is disruptive and destructive of habitat for the listed Hawaiian Moorhen and other aquatic life.

(c) The council shall seek to minimize, where reasonable:

(5) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats.....

The cumulative impacts from almost 30 years of largely unchecked and unpermitted grading, grubbing, construction, carving out hillsides for trails, placing gravel on trails, and accumulation of nutrients from hundreds of tons of horse manure could adversely effect water quality in the streams and wildlife habitat in the estuary.

The DEA does not address water quality.

Conclusion

This DEA for an SMP is an abuse of the after-the-fact process. It is totally inadequate and offers no evidence that 30 years of largely unchecked and unpermitted construction and development for multiple projects has not singularly or cumulatively adversely effected the cultural and natural resources of Waimea Valley.

We have provided ample evidence showing why an EIS is needed and that a Finding of No Significant Impact can not be issued or a SMP granted.

CC:

CEQC

Army Corps of Engineers

Commission on Water Resources



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December 14, 2001

Hawaii's Thousand Friends
305 Mahani Street, PMB 282
Kailua, Hawaii 96734

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated June 5, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of the comments submitted by Hawaii's Thousand Friends were helpful in clarifying particular points of information and have been incorporated into the FEA. Please note that the ATV and paint gun activities and the cabin/camping sites have been deleted from the FEA so comments regarding these items are not responded to. Also, as the EA/SMP is not an evaluation of the status of previous permits or how the Park should function and whether the Park operations adequately meet concerns about preservation of cultural and botanical resources in the total 1800 acre area, we have addressed only those points which are relevant to this application. Most of the items included in the SMP application are already existing, and as a consequence after-the-fact permission is being sought. SMP approval was not obtained for the items due to the negligence of the owners.

We offer our responses in the respective order of your comments. Due to the length of the comments, those which are redundant, not germane to the application, included in the DEA or discussed elsewhere have not been answered.

Page 1

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. Thus, the EA/SMP is limited to an evaluation of the impact of only these items. A number of the structures and activities will also require a Conservation District Use permit. You are correct in asserting

that it was the determination of the state Department of Land and Natural Resources that all applicable Federal, State, and County statutes and ordinances are met before any further plans or projects are implemented. This application is the first step in bringing the Park into conformance.

Almost all of the structures involved are "temporary" in nature such as, storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a permit. Also, any "change in the density or intensity of use of land" requires an SMA permit.

The Department of Planning and Permitting, as the approving agency, will make the final decision as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the conclusion of this Environmental assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA. A Finding of No Significant Impact is being requested by DPP. In the future, a Conservation Use District Permit and corresponding Environmental Assessment will be required which examines the impact of the Park in the Conservation District for any new or additional uses.

Pages 2-3,4

Waimea Falls Park has been in existence since the early 1970's before the SMA ordinance came into affect. It is important to remember, in reviewing this application, that the Park has had an Approved Master Plan for the recreational use of the 1800 acre Park since 1975. (CDUA Permit #OA 74-591). The original CDUA Permit included recreational uses, roads and parking, hiking trails, an administration building, a Visitors Center with a restaurant, store, and restrooms, the Arboretum with its various support facilities, and a maintenance shed. Your statement that since the EIS was done for the Master Plan in 1974 "conditions and uses have changed drastically" is simply not true. Although the CDUA was not specific as to what recreational activities could be included in the Park, the original concept and use of the land as a recreational, cultural and botanical park has not changed. The original 1974 CDUA included existing structures and permission to build additional structures eg. the Arboretum lecture/display building and quarantine house, a restaurant and store. The roads were already in existence. Maintenance and repair of existing structures and amenities do not require SMA permits. The accessory structures and activities that are the

concern of this EA/SMP, while they do not have an SMA permit have been in existence for many years and were constructed on previously disturbed land near the existing Park facilities.

Most of Waimea Valley has been left in its natural state with visitor activities concentrated in a small area approximately one-half mile into the valley. According to the Tax Assessment Office, 30 acres of the 1800 acre parcel is taxed as commercial. This is a relatively small, percentage, 1.6%, of the total acreage that is being used for the visitor facilities. The remainder is Conservation with 14 acres of land designated for agriculture. There are no plans to expand the Park activities into the undeveloped parts of the Valley. Presently the only activities in the north valley are hiking and guided mountain biking along existing trails and roads. Although the concept of cabins in both valleys was included in the 1975 CDUA permit, and the concept of non site specific cabin sites was originally included in the DEA, it has been deleted from this SMP application and FEA. The ATV activity has also been eliminated from this request.

Regarding the impact of kayaking on the river and estuary, Park management is aware that any action in an environmentally sensitive area, such as the Waimea Valley, has an effect and that activities in Waimea Valley could have an impact downstream. Of special importance is maintaining the water quality of Waimea Bay and Waimea River and estuary. It should also be noted that there are open ditches and irrigation tunnels from Lake Wilson at Schofield that occasionally flow into the estuary over which the Park has no control. The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. In contrast, the biggest impact on the streams, estuary and Bay comes from heavy rains and flooding when naturally occurring debris is washed into the Bay and the bacterial contamination count is temporarily increased. According to the Department, regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. The Boating and Ocean Resources Division of DLR refers to kayaking as an environmentally benign recreational activity and no permits or licenses are presently required for private or commercial use of kayaks.

As discussed in the DEA, there are five "rain shelters" at the falls which are included in this SMP application. They are sometimes used to serve refreshments and one contains a changing room for the divers. The concessions/shelters at the bus turnaround were approved in permit 80/SMA-88.

The total treatment capacity of the wastewater treatment facility is 25,000 gallons per day which was planned to accommodate 2,600 people per day. The current visitor population is approximately 600 per day. The existing plant is adequate to handle the present needs of the Park and any foreseeable increase in visitor population. The proposed cabins have been eliminated from this application.

The gravel/coral near the Park entrance was left by the contractors hired by the State to reconstruct the road after last year's landslide. In exchange for services, it was given to the Park and is being used as needed. No government agency has indicated the need for any permits for the temporary storage of the material.

Prior to 1975 a weir was constructed (item 46 on Exhibit 2B) to divert some of the stream water to be used to create ponds downstream. The water flows from pond to pond and back to the stream. The two ponds were included on the 1989 Master Plan for Waimea Falls Park which was approved by the Department of Land and Natural Resources. After the 1991 flood two additional ponds were created in the same area. The Water Commission requested that the Park apply for a permit for the new ponds after all County and SMA permits had been obtained. SMP approval for the two additional ponds has been added to the FEA.

The remainder of your comments for these pages is not germane to this application as the status of previous permits is not in question.

Exhibit 3 Master Project List

As mentioned in the DEA, the antenna is used for in-house communication. The 12 foot high stand-alone antenna structure is placed on the ridge that divides the two valleys. Portable toilets are considered an accessory use to the tram bus turnaround which includes a refreshment stand (80/SMA-88). Guided mountain biking on the existing roads in the Park and the coral roads in the North Valley along Kamaniki stream is an activity which is included in this SMP. The ATV activity has been eliminated. The ATV's are being sold; however, the Park will retain three for maintenance purposes. Approval of kayaking as a recreational activity under the SMA Ordinance is included in this SMP request.

Exhibit 2A & 2B Recreational Use Map

The "ATV" rental office trailer(#28) is located on the site of the future restaurant/dining pavilion and is currently being

used for storage of office materials for the Park since the ATV activity has been discontinued. The future restaurant, listed in Exhibit 3 as "new dining pavilion" (#28), will be built when finances become available and is not included in this EA/SMP as SMP approval has already been given (80/SMA-88).

The new maintenance building (#27), listed in Exhibit 3 under 1975 Master Plan "maintenance building replace", is included in this SMP and discussed. Lack of financial resources continues to delay construction of the new building.

There are two metal signs on either side of the bridge along Kam Highway which are included in this SMP. Sign 1A was incorrectly labeled on Exhibit 2A as not requiring SMP approval. This has been corrected in the FEA.

The road on the Haleiwa side of Waimea River is used for Park maintenance and as an emergency exit road from the Park should the main road become blocked. It can also be used by mountain bikers and horseback riders. The road existed prior to Park facilities and joins the roads in the Park. Parts of it are paved and sections of it are dirt or coral. All the roads in the Park were included in the original CDUA and thus pre-SMA. No permits are required for maintenance and repair of the roads and no new roads have been built.

There are numerous trails throughout Waimea Valley. The map shows only the main hiking trail which goes from the ponds to the falls. As mentioned above, guided mountain biking and horseback riding are done on the roads.

II Description of the Proposed Action

It is the position of this Environmental Assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA or the Conservation District. A Finding of No Significant Impact is being requested of the Department of Planning and Permitting, as the approving agency. DPP will make the final decision as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. The status of the recreational use of the Park is not germane to this application as this has already been previously approved by the DMR.

In the section which discussed impacts, building dimensions were given where applicable. As mentioned above, most of the structures are "temporary" in nature and in essence accessory to previously existing and approved Park facilities and activities constructed on previous disturbed land. As per your suggestion,

more detailed explanation of Park activities i.e. what people do at the Park, frequency, times, etc has been included in the FEA.

The quote, "which sites are sufficiently important to become focal points of planned Park development" was taken from the abstract of the original archaeological survey conducted by Bishop Museum and was intended to indicate which sites were significant and should be included in the Park curriculum. (Two sites were indicated and are noted in the Park guidebook for viewing by visitors). Three sites (Hale O Lono, Kauhale, and Haleiwa) have been identified for preservation and interpretation. Preservation of historical sites is conducted with the guidance of the State Historic Preservation Division. It has always been the focus of Waimea Falls Park to be a historical and cultural Park as well as a recreational nature Park.

To the best of our knowledge, prior to the purchase of Waimea Valley by Bishop Corporation in 1969 and the creation of Waimea Falls Park in 1972, there was no preservation of historic sites. An additional exhibit map will be included in the FEA which displays all known historic sites and their relationship to the structures and activities which are of concern to this EA/SMP application. The identified sites will include those surveyed by Bishop Museum in 1974 and those located by Rudy Mitchell, resident historian at Waimea Falls Park, in 1991. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about impacts on the historical sites in the valley.

Regarding the use of land within the Special Management Area, the EA includes a discussion of the items of concern listed in Chapter 25 of the ROH and the Coastal Zone Management policies and objectives which apply to this application.

As requested by the DMR, the FEA will include a list of CDUA approvals as an appendix. Because of the number of structures involved, it was felt that for clarity the application should focus only on the SMP status of each structure.

Permission for the recreational use of Waimea Valley was given by the DMR in 1974 (OA 74-591). Although the CDUP was not specific as to what recreational activities could be included in the Park, the original concept and use of the land as a recreational, cultural and botanical Park has not changed. To fulfill this, the "specific fixed improvements and attendant activities" referred to are explained in the subject paragraph as well as extensively listed in the Master Project List.

The Arboretum

The 1975 CDUP approved the nursery facilities (which included the seedling house and potting shed, (BP#51337/73, 51338-9/75, 51341/75), and quarantine house. The approved new office/lecture/display building was never built; however, the original office trailer is being used for these purposes and is included in this SMP because it has been expanded. The quarantine house, which is included in this SMP was built in 1986 (BP#51341). We have clarified this information in the FEA.

Utility Requirements

Installation, repair and maintenance of underground utility lines and aboveground fixtures less than four feet in height do not constitute development in the Special Management Area. Building permits were obtained for the transformer for the STP in 1989 and the underground conduits for the electrical lines which were installed after the 1991 flood and repair of the bridges. The 31,000 gallon water tank, which is used for the fire sprinkler system for the Visitor Center, was installed in the late 1980's when the restaurant was expanded (80/SMA-88). All of the propane gas tanks have been added to the Master List and are included in the FEA. Well #1, near the Visitor Center, is pre-SMA and in the 1990's, the state Water Commission approved the drilling of the second well in the North Valley. Besides financial considerations, there are several steps which must be taken and various regulations to follow before the wells can be used. Permission to develop the two wells is included in this SMP.

Access Roads/Parking

Expansion of the existing paved parking lot to accommodate 1,000 visitors per day and road realignment (consisting of crushed coral or asphalt paving) was included in the original CDUP before the SMA guidelines were in effect. Repair and maintenance of the roads in the Park does not require a SMP and is done as needed.

Employment/Tourism

Peak attendance at the Park was in the early 1990's and was estimated at 600,000 visitors per year (approximately 1600 per day - 2400 in the summer). Today attendance is approximately 250,000 per year or 600-700 per day. The inclusion of the requested structures and activities will not substantially affect the amount of visitors to the Park and any consequential impact to the environment; but, will allow the Park to continue to operate as a recreational, cultural and botanical park.

Increased revenue for the Park allows the management to better protect and preserve the resources of the Park.

Flood Zone

These questions were answered in the text of the DEA pgs. 28 & 31.

Shoreline Impacts

The FEA includes a more in-depth discussion of the items of concern listed in Chapter 25 of the ROH and the Coastal Zone Management policies and objectives which apply to this application.

State Land Use

Conservation District sub-zones will be added to one of the maps in the FEA. It is important to remember that the Park facilities and recreational activities have been under review by DMR since 1972. Except for the addition of mountain biking and kayaking, the structures and activities included in this current EA/SMP application do not change the area of land being utilized by the Park. Horseback riding has been an activity at the Park (on and off) since the Park opened.

The General Plan

Recreational use is a permitted use of state Conservation land. The largest cause of siltation into the streams comes from periodic flooding of the Valley due to heavy rainfall. The statement that the recirculating pump is impacting the migration pattern of the native prawn and o'opu is unfounded.

The existing structures and activities which pertain to this Special Management Area Permit are located near existing Park visitor facilities on previously disturbed land within the South Valley which has been extensively surveyed for archeological resources. All of the points mentioned in this section which are pertinent to this application have been previously addressed. Additional information and clarification has been added to the FEA concerning the estuary, historical sites and water quality testing.

Project Impacts

Kayaking was understood to be a recreational use for which, according to the DMR, no government permit is needed. It is included in this SMP for completion because it is a "new"

recreational activity. The Kayak Kiosk is a portable structure which over the years has been used for several functions at the Park.

The parking lot security booth issues parking permits to visitors and the security gatehouse is the main ticketing booth for entrance to the Park.

The Retail Kiosk has been removed and is no longer included in this application.

The Jungle Trek is included in this SMP application.

Information on the recirculating pump has been expanded in the FEA to include a discussion of environmental effects.

For the sake of completeness, recreational activities were described as "new" in the EA if they had not been specifically included in a previous SMP request. On an average day, 10 people may rent kayaks and sign up for different tours - 1/2 hour down the river to the estuary, a 1 hour guided tour, 1 1/2 hour guided to the ocean, etc. The Boating and Ocean Resources Division of DMR refers to kayaking as an environmentally benign recreational activity and no permits or licensing are presently required for private or commercial use of kayaks. The 1974 CDUA gave approval for the "recreational use of the Park" but was not explicit as to what activities were to be included. The approved trails (to be maintained by the Park) were to be used for hiking and horseback riding. Supervised horseback riding is done on specific Park roads and the existing coral road/trails starting from the paddock, continuing up to the falls; and then, on trails which go further back into the valley above the falls. The Park would like to offer horseback riding in the North Valley along existing roads and trails.

Miscellaneous Questions

Except for four storage containers near the location for the new maintenance shed none of the structures that are included in this EA/SMP application are near the streams that run through Waimea Valley. The containers are approximately 20 feet from the dry stream Elehaha. Some of the electrical night lights have been placed near the pool at the falls; this is discussed in the FEA.

There have been five rain shelters at the falls since the Park has been in existence. One of them was destroyed in the 1990 flood and rebuilt. The shelters are sometimes used as concessions for refreshments and retail and one contains a changing room for the divers. These structures are being included in this SMP to include the new function. The 5 shelters at the falls are labeled as a group (43C).

After-the-fact permission for construction of the 300-400

capacity redwood seating and stage at the Hawaiian game and hula show area is included in this EA/SMP.

Chapter 25 ROH

Concerns regarding the cumulative environmental effect of a development is an area of importance in the evaluation of any project within the Special Management Area. Almost all of the structures involved are "temporary" i.e. storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities. None of the structures and activities (except for the entry signs and kayaking) are within 4,000 feet of the nearest coastline which is Waimea Beach Park across Kam Highway; and, would therefore have no significant impact on the coastal area of the SMA. None of the structures or activities are within 20 feet of the streams and erosion has not been a problem. For clarification, no NGV trails or roads have been constructed to facilitate any activities in the Park.

The status of the Park as a recreational entity for the past 30 years, is not germane to this application. It is the evaluation of this EA/SMP that the items which are included in this application as "development" will not have any substantial, adverse environmental or ecological effect on the shoreline or the ecological integrity of Waimea Valley.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use Permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to the Director of Planning and Permitting, Mr. Randy Fujiki expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process. Many of your comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying

particular points of information and have been incorporated into the FEA.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Donald Clegg
Donald Clegg, President
Agent for the Applicant



LIFE OF THE LAND

Ma Mau Ke Ea O Ka Aina I Ke Pono
Hawaii's own local Community Action Group
Protecting our Fragile Natural & Cultural Resources
through Research, Education, Advocacy & Litigation

June 6, 2001

City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Analytical Planning Consultants, Inc.
928 Nu'uana Avenue, Suite 502
Honolulu, Hawaii 96817

Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Comments on Draft Environmental Assessment for a Special Management Area Permit
Waimea Falls Park

Aloha Kakaou:

Mahalo for this opportunity to review and comment on this document. Waimea Valley is a sacred place and Life of the Land is deeply concerned with the future of this cultural and environmental treasure.

General Comments:

We have reviewed the above-referenced document and find it appalling that so much has been done in this sacred valley - a true cultural treasure - without obtaining permits. We find this document to be generally self-serving and dismissive of the impacts of the actions taken outside of the county's and the state's oversight. The document even points out that Special Management Area Permits are "typically prepared for a single or a few projects or activities. ... and the accompanying environmental assessment for the Waimea Falls Park does not follow along these traditional lines." That is a gross understatement since 29 of the 44 "Miscellaneous Structures" -- 70% of the existing structures -- need a Special Management Area Permit. Now the applicant is saying "they're already there and have no negative impacts." This is a very arrogant attitude to adopt by an applicant who has grossly circumvented the law.

Life of the Land Comments on Draft Environmental Assessment
for a Special Management Area Permit - Waimea Falls Park
June 6, 2001
Page Two...

II DESCRIPTION OF THE PROPOSED ACTION

A. GENERAL DESCRIPTION

(4) History/Background:

Page 15 of the document states: "The Pietsch family created the arboretum environment for the valley. In doing so they created a community treasure, and what some feel is an obligation to foster and preserve what they created under rules prescribed by the local community." We agree, but are puzzled that throughout this document the treasure of native and (topical) plants is referred to, when in fact, the applicant has done very little to nurture this treasure. If it weren't for David Orr and his dedicated staff, there would be no plant collection left at all.

What provisions are being made to insure that the plant collection and propagation continues with the proper staffing?

(5) Existing Uses:

When did the name change to "The Parks at Waimea"?

Page 16 of the document states: "The passage of time, circumstances, and the need to respond to visitor needs and expectations have precipitated the amendment of the original approvals on several occasions, there by expanding the number of fixed facilities and support services." This statement proves that the applicant has no conception of the cultural treasure that Waimea Valley is. It also wrongly justifies all the illegal structures that were built or placed within this fragile environmental and cultural jewel.

"The main purpose of The Parks at Waimea", as a recreational and cultural nature park, including an arboretum, has not changed since its inception. To adapt to changing requirements and public interests, certain activities have been incorporated into the park over the years." Aren't these two sentences conflicting? The main purpose has not changed, but to adapt to changing requirements activities have been incorporated. What types of activities are appropriate within a cultural nature park? Please disclose the applicant's plans such as the "cottages" and other ideas that have been the topic of debate in the recent past. Please include the timeline and the scope of the projects the applicant anticipates for these "future plans."

Page 17 states: "In considering the expanded use of the valley, the recreational potential of the Park can only be realized if the entire valley is made readily available to visitors." We find this statement especially troublesome. To our knowledge, only the lower valley was archeologically surveyed and that report is from 1974 - 26 years ago. Before ANYTHING can be developed further in the valley, a full archeological survey and cultural impact assessment MUST be done.

When are you planning to do a full archeological survey of the entire valley and a cultural impact assessment as mandated under Chapter 343 HRS? Please send us copies of these reports when they are completed.

B. TECHNICAL CHARACTERISTICS

* 76 North King Street • Suite 203 • Honolulu, Hawaii 96817 • phone: 533-3454 • fax: 533-0993 •
• email: <lifeoftheland@hotmail.com>

(1) Use Characteristics:

This section states: "...because the Park land is in the Conservation District, the State controls the structures and activities that are permitted. The Park property also falls within the Special Management Area and all applicable development standards that pertain to the SMA must also be met." Why is the City Department of Planning and Permitting the accepting agency for projects within the Conservation District?

(3) Construction Characteristics:

Page 20 states: "It was the impression of the Park management that portable, temporary or mobile structures such as trailers, storage containers, portable booths and toilets were allowed under the existing permits." We find it impossible to believe this statement. One call to the proper agency or a consultant would make it clear that any development of a fragile environment needs permits. We find this to be another justification for illegal development. If the community had not stepped forward to question the increasing activities within Waimea Valley, the applicant would never have addressed this situation.

C. ECONOMIC AND SOCIAL CHARACTERISTICS

(1) Development Costs/Tourism:

Life of the Land impresses upon the applicant the need to comply with Chapter 343 HRS and hereby requests a copy of the Cultural Impact Statement for the proposed projects.

(2) Employment/Tourism:

Page 25 states: "Planned expansion of the Park (not a part of the EA or SMP) will allow for greater utilization of the Park." Please send us the documents explaining the proposed expansion of Waimea Valley along with the appropriate botanical, archeological, and cultural surveys for our review and comments. Segmenting projects is a clear violation of Chapter 343 and we suggest that the applicant reveal current and future plans for Waimea Valley before proceeding any further.

III AFFECTED ENVIRONMENT

(5) Zoning Requirements:

Page 36 states: "...Within the P-1 restricted preservation district, all uses, structure, and development standards shall be governed by the appropriate state agencies." The zoning designation, which we can only assume the applicant was aware of, is clear that permits were needed BEFORE construction or relocation began. Why isn't the Department of Land and Natural Resources the accepting agency?

B. Relationship to Public Beaches, Recreation Areas and Natural Resources

Life of the Land again requests a copy of The Waimea Arboretum and Botanical Garden Living Plant Inventory referred to on page 37.

C. Relationship to Historic, Cultural and Archeological Resources

Life of the Land reminds the applicant that native Hawaiians are constitutionally protected to exercise their traditional and customary rights.

IV. PROJECT IMPACTS

A. Structures in Waimea Valley

This section does NOT discuss the individual or the cumulative impacts of any of these structures on the natural and cultural environment of Waimea Valley. This section merely lists them as if they were naturally occurring. The photographs do not illustrate the environment before the structures were there and the text does not describe the site before construction and the impacts after construction. This dismissal or oversight invalidates this document. This Draft Environmental Assessment does not comply with §11-200-10 (6), and (7) Contents of an environmental assessment.

§11-200-10 Contents of an environmental assessment. The proposing agency or approving agency shall prepare any draft or final environmental assessment of each proposed action and determine whether the anticipated effects constitute a significant effect in the context of chapter 343, HRS, and section 11-200-12. The environmental assessment shall contain, but not be limited to, the following information:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies, citizen groups, and individuals consulted in making the assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate regional, location and site maps such as Flood Insurance Rate Maps, Floodway Boundary Maps, or United States Geological Survey topographic maps;
- (6) Identification and summary of impacts and alternatives considered;
- (7) Proposed mitigation measures;
- (8) Agency determination or, for draft environmental assessments only, an anticipated determination;
- (9) Findings and reasons supporting the agency determination or anticipated determination;
- (10) Agencies to be consulted in the preparation of the EIS, if an EIS is to be prepared;
- (11) List of all permits and approvals (State, federal, county) required; and
- (12) Written comments and responses to the comments under the early consultation provisions of sections 11-200-9(a)(1), 11-200-9(b)(1), or 11-200-15, and statutory prescribed public review periods. [EJ 12/6/85; am and comp AUG 31 1996] (Auth: HRS §343-5, 343-6) (Imp: HRS §343-5(c), 343-6)

B. Recreational Activities

(25) Mountain Biking

What are the impacts of this new activity. We know that on hiking trails bicycles have worn ruts into the trails which has caused erosion and run-off problems. How will this environmental damage be mitigated? How will the bicycle trails be maintained? Will the bike trails include the never-surveyed North Valley? Let us clearly state that there should be **NO ACTIVITIES IN THE PARTS OF THE VALLEY WHICH HAVE NOT BE SURVEYED ARCHAEOLOGICALLY, ENVIRONMENTALLY, OR FOR CULTURAL IMPACTS.**

(26) All Terrain Vehicles

This is an especially egregious activity and one that the community was quite clear in their desire to eliminate from Waimea Valley. How will this environmental, archaeological, and cultural damage be mitigated? Again, Life of the Land submits that there should be **NO ACTIVITIES IN THE PARTS OF THE VALLEY WHICH HAVE NOT BE SURVEYED ARCHAEOLOGICALLY, ENVIRONMENTALLY, OR FOR CULTURAL IMPACTS.**

(53) Paint Gun Target Activity

This new recreational use is insulting in such a sacred place.

C. CHAPTER 25 ROH

(d) Alternations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum damage of floods, landslides, erosion, siltation or failure in the event of an earthquake.

The applicant states: "None of the improvements or activities or recreational amenities that are part of this EA create any danger to the area associated with flooding." This is NOT true as stated in the bike trails section above. Routed trails ARE a problem. NONE of the impacts of any of the construction were disclosed. This document does not provide the reviewer with enough information to determine compliance with Chapter 25 ROH since it dismisses any damage caused by these illegal structures and uses.

V. MITIGATIVE MEASURES

This section totally dismisses the construction done with no Special Management Area Permits. It doesn't disclose if Best Management Practices were followed. It does not address mitigation at all. Life of the Land sees this as a violation of Hawaii State law.

VI. ALTERNATIVES CONSIDERED

Life of the Land again posits that this document is wholly inadequate in that the discussion of alternatives is conspicuously absent. We believe that all non-permitted activities should cease immediately. The Alternatives section should fully discuss options, not conclude "the structures/activities already exist and there is no problem." This does not comply with the spirit and intent of the law.

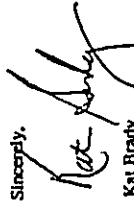
VII. CONCLUSION

This inadequate document merely provides a description of the existing structures and activities, merely mentions the proposed structures, requests AFTER-THE-FACT approval for construction already done and activities already underway, and DOES NOT discuss the impacts these structures or activities have on this fragile and sacred valley.

A Finding of No Significant Impact is absurd since the applicant failed to fully discuss the impacts and any mitigation for those un-disclosed impacts. It would be insulting to grant a FONSI for such a poorly constructed document.

The applicant should be requested to comply with the law and produce a real document, not a self-serving dismissal of the environmental, cultural, social, and historical impacts of their non-compliance.

Sincerely,



Kat Brady
Assistant Executive Director



ANALYTICAL PLANNING CONSULTANTS, INC.
923 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Ms. Kat Brady
Assistant Executive Director
Life of the Land
76 North King Street, Suite 203
Honolulu, Hawaii 96817

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated June 6, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of the comments submitted by Life of the Land were helpful in clarifying particular points of information and have been incorporated into the FEAS. We offer the following responses in the respective order of your comments:

General Comments:

Many of your comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the FEAS. The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. It is not a review of the total Park and its operations. Thus, the EA/SMP is limited to an evaluation of the impact of only these items. A number of the structures and activities will also require a Conservation District Use permit. Almost all of the structures involved are in nature "temporary", such as storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of use of land" requires a SMA permit. A finding of No Significant Impact is being requested as the described structures and activities have a negligible impact on the

Conservation District and the Special Management Area.

History/Background:

It is important to note that Waimea Falls Park and Waimea Valley are privately owned. It was the Pietsch family who created the arboretum environment for the valley and the present Park management is aligned with this vision.

However, in order to economically maintain and continue the Park they require community support. In this regard, the non-profit Arboretum Foundation was created. Some of the Arboretum staff that were formerly on the staff of the Park, are now employed under the Foundation which is supported by the Park and by private contributions and grants. Maintenance of the plants that make up the arboretum is done by a team of gardeners employed by the Park and using Park equipment. While the continuance and maintenance of the Arboretum is of concern to everyone, it is only germane to this application for the Special Management Area permit to the extent that the "developments" that are a part of the SMP have a negative impact on the Arboretum functions.

Existing Uses:

The Park has had an Approved Master Plan for the recreational use of the 1800 acre park since 1975. (CDUA Permit #OA 74-591). The original CDUA Permit included recreational uses, roads and parking, hiking trails, an administration building, a Visitors Center with a restaurant, store, and restrooms, the Arboretum with its various support facilities, and a maintenance shed. Most of Waimea Valley has been left in its natural state with visitor activities concentrated in a small area approximately one-half mile into the valley. Although the 1975 CDUA was not specific as to what recreational activities could be included in the Park, the original concept and use of the land as a recreational, cultural and botanical park has not changed.

The purpose of this EA/SMP is to bring the Park into conformance with the regulations of the Special Management Area not a justification for the placement of these accessory structures and the inclusion of activities without obtaining the required permits. The Department of Land and Natural Resources determined that, because the Park property falls within the Special Management Area, all applicable development standards that pertain to the SMA must first be met before further Conservation District Use Permits could be applied for.

It is the intention of the present owners to give more

people the opportunity to enjoy the natural beauty and the recreational, cultural and educational aspects of Waimea Valley; however, there are no plans to expand the Park activities into the undeveloped parts of the Valley. Presently the only activities in the North Valley are hiking and guided mountain biking along existing trails and roads. Although the concept of cabins in both valleys was included in the 1975 CDUA permit, and the concept of non-site specific cabin sites was originally included in the DEA, it has been deleted from this SMP application and FEA. In the future, a Conservation Use District and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District, including historical and cultural resources, for any new or additional uses. These requirements are not germane to this application for the Special Management Area permit. (Waimea Falls Park is the name of the Park. This has been corrected in the FEA.)

Technical Characteristics:

The Department of Planning and Permitting is the accepting agency for this EA/SMP because it was the determination of the Department of Land and Natural Resources that, because the Park property falls within the Special Management Area, all applicable development standards that pertain to the SMA must first be met before a new Conservation District Use Permit could be applied for. The Special Management Area is a Federal regulation which is administered by the counties.

The purpose of this EA/SMP is to seek after-the-fact approval for all the structures and activities which are defined as "development" by the guidelines for the Special Management Area and require a permit. Although it was the impression of the Park management that accessory, portable, temporary or mobile structures such as trailers, storage containers, portable booths and toilets were allowed under the existing permits, this is not the case. Any "change in the density or intensity of use of land" requires a SMA permit. The Park management recognizes that the number of structures, although accessory in nature and individually limiting, may have a cumulative impact. The purpose of this EA/SMP is to determine that impact. The Park management has always been responsive to community input and will continue to work with organizations who have an interest in the continuance of the Park.

Economic and Social Characteristics:

In accordance with Chapter 343 HRS, a section on "Cultural Resources" has been included in the FEA.

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. All of the items are on previously disturbed land as accessory uses to existing Park facilities. There are no plans for the expansion of the Park. In the future, a Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses.

Affected Environment:

Life of the Land is in receipt of those pages of the Waimea Arboretum and Botanical Garden Plant Inventory which were requested.

In recognition of the sacredness of Waimea Valley to the Hawaiian culture and in compliance with State statutes, native Hawaiians, with adequate notice to the Park management and at their own risk, are permitted access to the Park grounds at any time to observe native Hawaiian cultural practices.

Project Impacts:

The Environmental Assessment for Waimea Falls Park complies with the requirements of HRS 343 regarding "Contents of an Environmental Assessment". The following statement has been added to the FEA for clarification as a preface to the section on "Impacts":

"It is important to note that all the structures and activities that are the concern of this EA/SMP are located on previously disturbed land near existing Park visitor facilities. None of them are located near known archeological sites or river banks. Almost all of the structures involved in nature "temporary", such as storage containers and sheds, trailers for offices, stages, and are used as small booths and kiosks, rain shelters, stages, and are used as accessory to existing structures. However, they constitute "development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of land use of land" requires a SMA permit. No cumulative significant environmental impact is projected."

The only activities in the North Valley are hiking and guided mountain biking on existing trails and roads. Biking is done on the paved roads that run throughout the Park and the existing coral roads. Guided bike rides are available on the old coral road in the North Valley. The bikes are non-motorized

pedal bikes. Erosion on the existing cattle road from the activities is not a problem. ATV's are no longer used as a recreational activity at Waimea Falls Park and the activity has been deleted from the FEA. (The ATV's are occasionally used as utility equipment by Park staff on existing roads.) The Paint Gun activity has also been eliminated as a recreational activity from the Park and is no longer included in the FEA.

Chapter 25, ROH:

All the structures and activities that are the concern of this EA/SMP are have been located on previously disturbed land near existing Park visitor facilities. They are of a "temporary" nature, i.e. storage containers, shed, kiosks, trailers, poles, benches, small stages etc. None of them are located near known archeological sites or river banks. It is the assessment of this application that the improvements or activities or recreational amenities that are part of this EA/SMP do not create any danger to the area associated with flooding.

Mitigative Measures:

To the best of our knowledge, Best Management Practices were followed. It is the assessment of this application that there will be no potential negative impacts on the Conservation District, the Special Management Area, or surrounding area as a result of the structures and activities at Waimea Falls Park that are a part of this EA/SMP. The section on mitigative measures has been expanded in the FEA.

Alternatives:

The EA lists the alternative of removing the non-conforming structures and to cease the non-permitted activities. Under the circumstances this is not felt to be a reasonable or necessary alternative. The following has been added to the FER:

"Since the submittal of the DEA, the City and County of Honolulu City Council passed a resolution asking the mayor to condemn the property, approved a budget item of 5.2 million to purchase the Park, and approved the condemnation resolution. The City Council also approved a resolution to give consideration to OHA to purchase the Park. The Park owner has declared protective bankruptcy under Chapter 11. Before any further action can be taken the bankruptcy court must approve the disposition of the park by condemnation by the city. The proposed purchase will then be subject to judicial review. Public ownership of the Park is an alternative to the present situation; but, regardless, the

Park must conform to all state and county regulations."


The Department of Planning and Permitting as the approving agency will make the final evaluation as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the conclusion of this Environmental Assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA. In the future, a Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,


Donald Clegg, President
Agent for the Applicant

SCOTT FOSTER
WRITER

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Waialua, Hawaii 96791

Voice 808-637-8822 x Fax 808-637-1236

fofost001@hawaii.com

Wednesday, June 6, 2001

Mr. Randall Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 King Street, 7th Floor
Honolulu, Hawaii 96813

'01 JUN 12 PM 1 30
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

RE: Comments on Draft Environmental Assessment for a Special Management Area Permit, Waimea Falls Park

Dear Mr. Fujiki:

I have been closely following the travails of Waimea Valley, and have carefully read the current request by the owner, Attractions Hawaii, for a blanket permit for various structures, projects, and activities. I understand they are asking for your agency to grant a finding of "No Significant Impact." Based upon what I personally know of their non-stop cultural and conservation vandalism in Waimea since their acquisition of the property nearly five years ago, I strongly urge your office to deny this request. I find their report to be grossly incomplete and containing many embarrassing inaccuracies.

For example, several major construction projects which I have personally examined were constructed without permits and they are completely omitted - such as major grading for roads and ponds, and the construction of significant slope retaining walls. Many of the unpermitted but already constructed and implemented projects have the potential for creating great negative impact to the fragile ecosystems in the Valley - particularly to the wetlands and marsh areas located towards the Valley's entrance.

One of the most obvious and glaring omissions involves the crushed coral debris used to construct the temporary road across Waimea Bay after last year's rockslide. After the new road was completed, I understand that this material was given at no charge to Attractions Hawaii by the State. It was stockpiled directly next to the river just above the Valley's lower wetlands without a permit. Much of this once two-story pile of fouled material - plastic, oil, and silt - was hauled up above the falls to construct roads. Part of this stockpile remains in place to this day. I personally witnessed these unpermitted actions. To my knowledge, no one has cited Attractions Hawaii for this stockpiling violation - or for the unpermitted road construction; this

Page 1 of 2

Scott Foster RE: Comments on Draft Environmental Assessment for a Special Management Area Permit, Waimea Falls Park

despite the obvious impact on the water, wetland, or the marshes and their wildlife. How can this be? I have numerous photos of this particular project should you require them.

The ignoring of the Valley's many cultural and historic sites in this report is also of great concern to me. Why does this report not require an appropriate archeological survey or specific plans for the protection of the many identified burial caves that are contained within the valley? Why are people now being allowed - for a fee - to rappel off the face of the waterfall next to some of these burial caves?

For these and for far too numerous other reasons to detail here, please deny Attractions Hawaii's request for a finding of "No Significant Impact" and insist that a full and complete Environmental Impact Statement be performed before these or any other permits are granted.

Sincerely,



Scott Foster

Page 2 of 2

Scott Foster RE: Comments on Draft Environmental Assessment for a Special Management Area Permit, Waimea Falls Park



ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Scott Foster
68-055 Akule Street, Suite 310
Waiāluā, Hawaii 96791

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated June 6, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of your comments were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. It is not a review of the total Park and its operations. A number of the structures and activities will also require a Conservation District Use permit. Almost all of the structures involved are "temporary" in nature, such as storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a permit. Also any change in the density or intensity of use of land requires a SMA permit. Thus, the EA/SMP is limited to an evaluation of only these items.

This EA/SMP is to address the impacts of these specific structures and activities on the Special Management Area (which includes the estuary). The maka'i property boundary is approximately 1500 feet from the coastal shoreline area of Waimea Bay. None of the structures and activities (except for the entry signs and kayaking) are within 4,000 feet of the nearest coastline and which is Waimea Beach Park across Kam Highway. It is the conclusion of this Environmental Assessment that the items in question do not have a significant nor cumulative impact on the SMA or the Conservation District and no mitigation methods are required.

The accessory structures and activities that are the concern of this EA/SMP, while they do not have an SMP permit, have been in existence for many years. Park management is aware that any action in an environmentally sensitive area, such as the Waimea Valley, has an effect on the environment and that special importance is maintaining the water quality of Waimea Bay and Waimea River and estuary. It should be recognized, however, that there are open ditches and irrigation tunnels from Lake Wilson at Schofield that occasionally flow into the estuary over which the Park has no control. The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. In contrast, the biggest impact on the streams, estuary and Bay come from heavy rains and flooding when naturally occurring debris is washed into the Bay and the bacterial contamination count is temporarily increased.

According to the Department, regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. No chemicals are put into the stream waters or the falls by the Park. None of the structures or activities (except for kayaking) are near the river and erosion has not been a concern.

Approval for roads within the Park was included in the 1975 CDUA. From time to time it has been necessary to resurface and repair these roads and the existing coral roads which were built by the US Army and previous occupants of the Valley. No SMA permit is required for the repair and maintenance of existing roads. Sometimes the Park management has used rocks for landscaping and curbing on a road for aesthetics or safety. None of these considerations would require a Special Management Area Permit. The referenced retaining wall is a rock alignment which was put in when the Park was securing the trails to be used for horseback riding. The existing old garden trail needed to be re-established and many of the trails and pathways have been secured in this way as a normal part of Park maintenance. Due to the height and length of the wall it is included in the FEA and SMP application. Prior to 1975 a weir was constructed (item 46 on Exhibit 2B) to divert some of the stream water to be used to create ponds downstream. The water flows from pond to pond and back to the stream. Two ponds were included on the 1989 Master Plan for Waimea Falls Park which was approved by the Department of Land and Natural Resources. After the 1991 flood two additional ponds were created in the same area. The Water Commission requested that the Park apply for a permit for the new ponds after all County and SMA permits had been obtained. SMP

approval for the two additional ponds has been added to the FEA.

Regarding your concern about the crushed coral debris used by the Park to resurface roads in the Park. The Park traded services to the contractors in order to acquire some of the coral that was left over. Much of it was recycled and reused at other City and County parks. It is true that some of the coral had bits of plastic in it and it has been removed as it comes to the surface. It is also true that the area where the coral was deposited was near the stream; however, care was and continues to be exercised to keep the coral contained on the elevated flat land out of the flood plain. There is no permit required to use crusher for the repair and maintenance of existing roads. No new roads have been constructed.

The existing structures and activities which pertain to this Special Management Area Permit are located on previously disturbed land within the south valley which has been extensively surveyed for archeological resources. The complete historical review was initiated in April 1974 with the Bishop Museum staff and is contained in the previously accepted EIS for Waimea Falls Park. Excavation and identification of the historic sites in Waimea Valley was carefully conducted. A map which shows the location of the identified sites and the items for which SMP approval is being requested is included in the FEA. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about impacts on the historical sites in the valley.

The archeological survey which was done by the Bishop Museum in 1975 did not indicate any burial caves at the falls. Your concern about "rappelling" from the face of the falls is unfounded. The activity, which may be included in a botanical and historical tour of the Park, consists of standing on a rock at the top of the falls with a safety harness and leaning out to get a unique view of the falls.

The Department of Planning and Permitting, as the approving agency, will make the final decision as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. It is the position of this Environmental Assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA. A Finding of No Significant Impact is being requested. In the future, a Conservation Use District and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process. Many of your comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the FEA.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,



Donald Clegg, President
Agent for the Applicant



THE OUTDOOR CIRCLE

1314 South King St., Suite 306 • Honolulu, HI 96814
Phone: 808-593-0000 Fax: 808-593-0725

Established 1912
A Non-profit Organization

BRANCHES

OAHU

Kaunaloa
Lani-Kaiha
North Shore
Waialae Kaihala

HAWAII

Hilo
Kihei
Kona
Waikoloa Village
Waipahoehoe

KAUAI

GARDEN CIRCLE
Lani-Kaiha

June 6, 2001

City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813
Attn: Ardis Shaw-Kim

RE: Draft Environmental Assessment for a Special Management Area Permit
Waimea Falls Park

Dear Ms. Shaw-Kim:

Thank you for the opportunity to comment on the above referenced Draft Environmental Assessment (DEA). We have reviewed the document and conclude that the applicant's request for a Finding of No Significant Impact (FONSI) should be denied. A review of the 46 items or activities for which a Special Management Area Permit (SMP) is being requested shows that most, standing alone, may not pose a huge risk to Waimea Falls Park. However, the cumulative impact resulting from all 46 is significant and requires further disclosure. The Outdoor Circle believes strongly that a Draft Environmental Impact Statement (DEIS) must be prepared before a decision on the SMP's can be made.

Special Management Area:

Regarding Special Management Areas, Chapter 25-1.3(3) of the Revised Ordinances of Honolulu states, "Whenever the authority finds that any use, activity or operation excluded in paragraph (2) is or may become part of a larger project, the cumulative impact of which may have a significant environmental or ecological effect on the special management area, that use, activity or operation shall be defined as "development" for the purpose of this chapter." Chapter 25 continues, "Special management area use permit means an action by the authority authorizing development, the valuation of which exceeds \$125,000 or which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects."

The DEA/SMP claims that this request is not "typical" since it covers 1800 acres of land and 46 structures and/or activities many of which are already in the Park. The statement that this is not "typical" is true but not because it covers so many acres. It is not typical because over the last 20 years, as these structures were added, no additional SMPs were ever requested. The document continues by

Waimea Falls Park
Draft Environmental Assessment/Special Management Area Permit
June 6, 2001
Page 2

stating that virtually all of the items under consideration are a considerable distance from the shoreline and hence have little or no impact in terms of the evaluation criteria for an SMP as specified in Chapter 25 (as stated above). It is hard to believe that the applicant does not understand that what happens upstream ends up in our oceans. The SMA boundaries were developed with a lot of thought and consideration. How can this assertion be made when no studies have been done to substantiate the claim? Please provide the studies to show that there is no impact to the shoreline, discuss non-point source pollution, and detail mitigation methods that will be employed to prevent further degradation.

Consulted parties:

Please explain why the following organizations were not consulted parties to this DEA. Although not considered a complete list, The Outdoor Circle believes these are some of the organizations who should have been consulted in the process. It is essential prior to issuing a SMP that these groups be heard:

- Fire Department
- Board of Water Supply
- Department of Agriculture, Soil Conservation
- North Shore Neighborhood Board
- Civil Defense
- UH Environmental Center
- Office of Hawaiian Affairs
- Federal and State Departments of Coastal Zone Management
- Fish and Wildlife Service
- State Water Commission
- Elected Officials

Archaeological Survey:

The DEA/SMP refers to an "extensive Archaeological survey of the Lower Waimea Valley" done in 1974. We would like to see a list of stakeholders who commented on the survey and the nature of those comments.

The document does not differentiate between an archeological and a cultural survey. Addendums 1 and 2 are about the land. However, Act 50 requires that the impacts to traditional cultural practices be disclosed. The DEA/SMP does not discuss these impacts at all. Please provide an assessment on existing cultural practices as well as information as to how the remaining cultural resources will be protected.

The Arboretum:

Chapter 343 regarding Environmental Impact Statements require, "mitigation measures proposed to minimize impacts." With this in mind, please provide details on what the park is doing to protect the rare, endangered and threatened species planted on the grounds. Provide a botanical survey and information as to how the 46 projects which are requested in the SMP will effect these plants. A detailed mitigation plan must be included. Give information as to the financial

support received by the Arboretum from the applicant over the last 5 years. Show how this support is sufficient to meet the claims in the DEA/SMP that the applicant is committed to maintaining the arboretum. The botanical inventory dates back to 1994. Provide details as to the changes since 1994. What plants still exist, what has been added, and what has since become extinct?

Utilities:

The document is silent on use projections for the park. This DEA/SMP assures us that there is enough capacity with existing utilities and solid waste disposal to cover the park's needs but offers no details. This makes it impossible for decision makers to judge whether the information provided is adequate. Please provide projected utility needs over the next 5, 10 and 20 years. Does the Fire Department feel that the 31,000 gallon water tank is sufficient for fire emergencies? Since they were not a consulted party they cannot respond to this question. Ask them to do so. With cabin camping a projected use in the park, will the campers increase the amount of waste water handled by the current disposal system?

Fauna:

Provide details regarding the native birds. Are there any threatened or endangered species nesting on the grounds? How will the approval of these permits affect them? In addition, provide details regarding the fish in the streams and estuary. Are any threatened or endangered?

Provide details of the Park's predator control program which is being used to reduce the population of feral cats, dogs and mongoose. If chemicals are used, how are they being controlled and kept away from the endangered and threatened plants? How are they being kept out of the streams (and eventually the ocean)? Provide information on their chemical components. If the applicant is using traps, how can they assure us that endangered birds are not being caught inside the traps?

Shoreline impacts:

The document does not discuss the cumulative impacts the stream flow has on the wetland and the ocean. The FEA must address this at length. Although the Park is located across from Kamehameha Highway, it is not true to state, "The structures and activities at the Park do not impact the beach or the estuary." In fact, most activities upstream of the estuary do effect the estuary. This discussion refers back to our page 1 regarding the Special Management Area.

Alternatives:

Chapter 343 requires that the document offer alternatives to the proposal. The discussion in the DEA/SMP on alternatives is not adequate. We believe that more must be done to explore the effects of removing the offending structures and non-permitted activities altogether. The claim that it is not reasonable to do so is not in and of itself an alternative.

General:

Please explain why the Park should be treated differently than other businesses in the area when it comes to signage.

Please tell us what flags will be on the flagpole. Experience has shown that in addition to flags, often advertising is attached to the poles. Please confirm that there will not be any advertisements on the poles.

What do the banners hanging from the entry road light poles convey? Again, no advertising should be permitted on the poles and we would like assurances that none will be used.

Where are the kayak's stored? The kiosk described is not large enough to house the kayaks themselves.

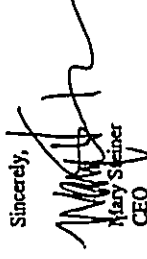
The office trailer (structure 22) and education trailer (structure 34) sound as if they are for the same use. Please better define why two are needed. The DEA/SMP says that the office trailer is for educational use, please clarify.

More information is needed regarding the new paint ball operation. Please provide information on the paint's chemical components and their effect on the environment, exactly what flora exists in that area now and what plants will be removed to make room for the paint ball operation.

The Hula Stage (structure 59) has a tent hanging from the tree above. Please provide details as to how this tent is strung on the tree limb. We are concerned for the long term health of the tree. It will not take too long before a tree limb will girdle around the cord and kill the tree.

The Outdoor Circle is convinced that Waimea Falls Park has not met the criteria set forth by the State's Coastal Zone Management law, nor by the Revised Ordinances of Honolulu, Chapter 25 on Special Management Areas, nor have they met the basic requirements of Chapter 343 regarding Environmental Impact Statements. Consequently, there is not enough information provided in the Draft Environmental Assessment to make an informed decision on granting the SMP for the Park. We sincerely hope that rather than accept this document, the City and County of Honolulu will require the applicant to do a full and thorough Environmental Impact Statement which will carefully analyze the cumulative impacts of this proposal. Once again, we ask you to deny this request for a Finding of No Significant Impact.

Sincerely,



Mary Steiner
CEO

cc: Attractions Hawai'i, Attn: Ray Green
Analytical Planning Consultants, Attn: Donald Clegg
Office of Environmental Quality Control, Attn: Genevieve Salmonson



ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 501 • HONOLULU, HI 96817

December 14, 2001

Ms. Mary Steiner, CEO
The Outdoor Circle
1314 South King Street, Suite 306
Honolulu, Hawaii 96814

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated June 6, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of the comments submitted by the Outdoor Circle were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

Special Management Area:

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. It is not a review of the total Park and its operations. A number of the structures and activities will also require a Conservation Use Permit. Almost all of the structures involved are "temporary" in nature such as, storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of use of land" requires a SMA permit. A Finding of No Significant Impact is being requested as the described structures and activities have a negligible impact on the Conservation District or the Special Management Area.

Peak attendance at the Park was in the early 1990's and was estimated at 600,000 visitors per year. Today attendance is approximately 250,000 per year. The inclusion of the requested

structures and activities will not affect the amount of visitors to the Park and any consequential impact to the environment; but will allow the Park to continue to operate as a recreational, cultural and botanical park.

According to the Tax Assessment Office, 30 acres of the 1800 acre parcel is taxed as commercial. This is a relatively small, percentage, 1.6%, of the total acreage that is being used for the visitor facilities. The remainder is Conservation with 14 acres of land designated for agriculture. The accessory structures and activities that are the concern of this EA/SMP, while they do not have an SMA permit, have been in existence for several years. Park management is aware that any action in an environmentally sensitive area, such as the Waimea Valley, has an effect and that activities in Waimea Valley could have an impact downstream. Of special importance is maintaining the water quality of Waimea Bay and Waimea River and estuary. There are also open ditches and irrigation tunnels from Lake Wilson at Schofield that occasionally flow into the estuary.

The most current statistics for Waimea Bay, from the Clean Water Branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. In contrast, the biggest impact on the streams, estuary and Bay come from heavy rains and flooding when naturally occurring debris is washed into the Bay and the bacterial contamination count is temporarily increased. According to the Department, regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. No chemicals are put into the stream waters or the falls by the Park.

It is the conclusion of this Environmental Assessment that the items which are of concern do not have a significant nor cumulative impact on the SMA or the Conservation District and no mitigation methods are required. In the future, a Conservation Use District and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District for any new or additional uses.

Consulted Parties:

The list of consulted parties referred to in the DEA included community organizations which have been in communication with the Park management in recent years over issues of concern to their organizations. The Department of Planning and Permitting, as the approving agency for a Special Management Area permit sends copies of an EA to many of the agencies and

organizations you suggested. A list of agencies who reviewed the DEA along with their comments are included in the FEA. Many of the questions and comments were helpful in clarifying particular points of information and this information has been incorporated into the FEA. Notice of all environmental assessments undergoing review is printed in the OEOC Bulletin and those organizations desiring to comment have the opportunity to do so. We thank the Outdoor Circle for their concerns and suggestions and for their participation in the review process.

Archeological Survey:

The purpose of the 1974 Archeological Survey of Waimea Valley, which was done by the Bishop Museum, was to determine key historical and cultural sites, the potential effect of the Park on such sites, and to recommend which sites would be suitable as focal points of planned Park development. The area surveyed included the lower valley from the Waimea River Bridge on Kamehameha Highway to just above Waimea Falls in both the North and South valleys. The length of the surveyed area is approximately 1.5 miles and about .5 mile wide; the same area that is of main concern in this Special Management Area Permit.

No further archeological review was undertaken for this EA/SMP as all of the items are on previously disturbed land in the area surveyed. The FEA includes a map which designates the sites identified in the archeological survey done by the Bishop Museum and Rudy Mitchell, Park historian from 1976-1991, and their relationship to the items of this EA/SMP application. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about impacts on the historical sites in the valley.

Act 50 of Chapter 343, HRS, and the "Guidelines for Assessing Cultural Impacts" requires preparers of environmental assessments to discuss the impact of a proposed action on cultural practices and features associated with the project area. There are no existing cultural practices associated with Waimea Valley. The land has been privately owned since the 1880's. In recognition of the sacredness of Waimea Valley to the Hawaiian culture and in compliance with State statutes, native Hawaiians, with adequate notice to the Park management, are permitted access to the Park grounds at any time to observe native Hawaiian cultural practices. A section on "Cultural Practices" has been added to the FEA; however, none of the structures or activities which are the concern of the EA/SMP have an impact on any cultural practices. Waimea Falls Park as an educational, cultural and recreational park has contributed to the

preservation and display of Hawaiian culture. The Park welcomes suggestions on how to best promote and offer to residents and visitors an experience which will culture greater appreciation of our Hawaiian heritages.

The Arboretum:

The Arboretum project has been one of conservation, the reintroduction of native flora, the preservation of endangered species which have been introduced into the Park for propagation and preservation, and the establishment of a living gene pool of sub-tropical and tropical plants. As a result, over 6,000 labeled plants have been propagated through the Arboretum.

The items and activities which are the concern of this EA/SMP are on previously disturbed land and not in the area of the Park in which endangered plants are located. The Waimea Arboretum and Botanical Garden Living Plant Inventory, submitted as an addendum to the DEA, lists the location and genera of all the plants at Waimea as of 1994, including their endangered status. A new inventory is presently being compiled. It is important to remember that Waimea Falls Park and Waimea Valley are privately owned. It was the Pietsch family who created the arboretum environment for the valley. In doing so they created a community treasure, and what some feel is an obligation to foster and preserve. The present Park management is aligned with this vision; however, in order to economically maintain and continue the Park they require community support. In this regard, the non-profit Arboretum Foundation was created. Some of the Arboretum staff that were formerly on the staff of the Park, are now employed under the Foundation which is supported by the Park and by private contributions and grants. Maintenance of the plants that make up the arboretum is done by a team of gardeners employed by the Park using Park equipment. While the continuance and maintenance of the Arboretum is of concern to everyone, it is only germane to this application for the Special Management Area permit to the extent that the "developments" that are a part of the SMP have a negative impact on the Arboretum functions.

Utilities:

Any new or projected use of the Park will require a Conservation Use District and Environmental Assessment which examines the impact of the Park on the Conservation District. As stated in the DEA, the structures and activities which are the concern of this SMA application will not require additional infrastructure or utilities. At the time of the last major construction of Park facilities in 1989, the 31,000 gallon water tank conformed with Fire Department regulations. The Fire

Department has been consulted regarding the proposed maintenance shed and any other new major constructions would need to conform to present day regulations.

Cabin camping (non site specific) was included as a recreational use in the original CDUP issued to the Park in 1975. It has been taken out of this SMA application which includes only existing structures and activities. Should the Park decide to incorporate cabin camping in the future, a new SMP will be applied for.

Fauna:

At present the species of native birds found in Waimea Valley includes the following: Gallinule, Owl, Auku'u, Plover, Tropic Bird, and Koioa Maoli Duck. The Gallinule and Koioa Maoli Duck are on the endangered list. Some Gallinule and two Hawaiian Nene birds are in an enclosed area, the rest of the birds are wild. The few birds which are on the endangered list and make their habitat in the Park will not be affected by granting approval for this SMP. There has been no official survey of the stream or estuary for varieties of aquatic species; however, three varieties of Opu are known to live in the streams, none of which are endangered.

The Park uses "Have a Heart" traps to reduce the population of feral cats, dogs and mongoose. The Humane Society removes any unwanted animals and any birds which may be accidentally caught are turned loose. No chemicals are used in its predator control program.

Shoreline Impacts:

Responded to above on the Special Management Area section.

Alternatives:

The following has been added to the section on alternatives in the FEA:

"Since the submittal of the DEA, the City and County of Honolulu City Council passed a resolution asking the mayor to condemn the property, approved a budget item of 5.2 million to purchase the Park, and approved the condemnation resolution. The City Council also approved a resolution to give consideration to OHA to purchase the Park. The Park owner has declared protective bankruptcy under Chapter 11. Before any further action can be taken the bankruptcy court must approve the disposition of the

park by condemnation by the city. The proposed purchase will then be subject to judicial review. Public ownership of the Park is an alternative to the present situation; but, regardless, the Park must conform to all state and county regulations."

The structures which are included in this SMP application are accessory to existing structures in the Park. The only effect of removing the non-conforming structures would be to inhibit the Park's operations which is not seen as reasonable or necessary. The ATV and paint gun activities have been discontinued and deleted from the FEA. Should the Park decide to incorporate cabin camping in the future, a new SMP will be applied for.

General:

The Park has Board approval from the DNR to have signage for Waimea Falls Park along Kam Highway to indicate the turnoff for the Park and Valley. They are now seeking SMP approval for the signs and support figures as structures in the SMA. Signage on land in the Conservation District is not under the jurisdiction of the City IVO regulations.

The flagpole at the beginning of the entry road to the park is for flying the Hawaii and US flags. Presently there are no flags on the pole. There will not be any advertisements on the flagpole. Permission for light poles from Kam Highway into the Park was included in the original CDUA issued by DNR (#74-591). The present 12 foot high light poles were put into place in 1994 and are being included as part of this SMP application. Yellow and red cloth banners are hung from 10 of the poles. The IVO sign ordinance does not apply in the Conservation District.

The kayaks are stored in a container near the kiosk. The container was moved from a location near the STP (23H).

The information about the Office Trailer (#22) has been corrected in the FEA. The trailer is used as an office and for storage by the food and beverage department. It is a replacement for a trailer that was in existence when the Park was purchased in 1969 and was no longer usable.

The paint ball operation has been discontinued and deleted from the FEA.

The Hula Stage (#59) and canopy have been removed and the grass in the area replanted.

The Department of Planning and Permitting as the approving agency will make the final evaluation as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement. The importance of Waimea Valley culturally and historically to the people of Hawaii and the environmental impact of Waimea Falls Park was not the

purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,



Donald Clegg, President
Agent for the Applicant

June 6, 2001

Mr. Randall Fujiki, Director
Department of Planning & Permitting
City & County of Honolulu
650 King Street, 7th Floor
Honolulu, Hawaii 96813

Re: Comments on the Draft Environmental Assessment
Special Management Area Use Permit
Waimea Falls Park

Dear Mr. Fujiki,

Thank you for this opportunity to comment on the application by Attractions Hawaii's for a Special Management Area Use Permit for Waimea Falls Park.

As the past president of the North Shore Outdoor Circle, I was surprised to discover that our organization was listed as a consulted party to this DEA. Our organization was never consulted nor even sent a copy of this document (DEA) until I requested one from Mr. Donald Clegg. I was told by Mr. Clegg to call your department (DPP) to ask for a copy of this DEA. However, eventually after complaining about how costly it was to reproduce the document, Mr. Donald Clegg did send us a copy of the DEA. Unfortunately, the copy did not include the three addendum's listed as a part of the DEA. Again I had to go through another request, which was met with the same complaints from Mr. Clegg about expensive reproduction costs. Eventually, Mr. Clegg did send the addendum's to our organization. All this was very time consuming, resulting in less time to evaluate the DEA and showed a complete lack of integrity to communicate with the community. For such an important and high profile property the community and many other organizations should have been consulted as well.

The DEA is so completely lacking in so many areas that it is a disgrace to the people of Hawaii.

A complete Environmental Impact Statement should be required for this property. It will provide the opportunity for more public participation and require the organizations which should have been consulted in the first place to comment.

The importance of Waimea Valley to the people of Hawaii will be best served by requiring a full and comprehensive Environmental Impact Statement. I sincerely hope you agree.

Mahalo Nui Loa,

Diane M. Anderson

Diane M. Anderson

61-671 Kamehameha Hwy.

Haleiwa, HI 96712



ANALYTICAL PLANNING CONSULTANTS, INC.
929 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Ms. Diane M. Anderson, President
North Shore Outdoor Circle
61-671 Kamehameha Highway
Haleiwa, Hawaii 96712

**SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)**

Thank you for your letter dated June 6, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of your comments were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

The North Shore Outdoor Circle was included in the list of consulted community organizations which have been in communication with the Park management in recent years over issues of concern to their organizations. The Park management has always been sensitive to maintaining a good relationship with the community and has worked with many organizations, including the North Shore Outdoor Circle, to address specific issues. The Department of Planning and Permitting, as the approving agency for a Special Management Area Permit, has a list of those agencies and organizations to which it sends copies of a DEA. If, in the future, your organization wishes to be included in that list, you can contact them directly. As indicated in the DEA, a copy of the addendums was available to the public through OEQC. It was our feeling that the addendums provided supplemental information for those with a special interest in the history and botanical resources of Waimea; but, were not vital to the review of the EA/SMP which concerns existing structures and activities which are accessory to the existing recreational use of the Park.

The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. It is not a review of the total Park and its operations. A number of the structures and activities will also require a Conservation District Use permit. The Department of Land and Natural Resources determined that, because the Park property falls within the Special Management

Area, all applicable development standards that pertain to the SMA must first be met. For any new or additional uses, a Conservation Use District and corresponding Environmental Assessment will be required which examines the impact of the Park on the Conservation District and the SMA, including historical, archeological and cultural resources. The Department of Planning and Permitting as the approving agency will make the final evaluation as to whether the structures and activities that are included in this EA/SMP require an Environmental Impact Statement.

The importance of Waimea Valley culturally and historically to the people of Hawaii and the environmental impact of Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Donald Clegg, President
Agent for the Applicant



University of Hawaii'i at Mānoa

Environmental Center
A Unit of Water Resources Research Center
Knuss Annex 19 • 2500 Dole Street • Honolulu, Hawaii 96822
Telephone: (808) 956-7361 • Facsimile: (808) 956-3980

Mr. Ray Green
Attractions Hawaii
1600 Kapiolani Boulevard, Ste. 1630
Honolulu, HI 96814

EA: 0261
June 7, 2001

Dear Mr. Green:

Draft Environmental Assessment
Waimea Falls Park
Waialua, Oahu

The applicant, Attractions Hawaii is seeking after the fact permits for existing structures as well as proposing to begin new recreational structures for activities. The proposed activities include camping, all terrain vehicles, mountain biking, kayaking, horseback riding, and paint gun target shooting. The possibility for future cabin camping, and a restaurant is in the plans for future development. The property consists of approximately 1,800 acres and extends inland from Kamehameha Highway approximately 3.5 miles.

This review was conducted with the assistance of Ko'uiipo Cummings, Hawaiian Studies; and Renee Thompson, Environmental Center.

General Comments

There are several deficiencies in this document that make it difficult to judge the impacts of the project. Although there is an extensive listing of the facilities, there is no coherent presentation of the program. What do visitors do at the Waimea park on a typical day? What will be changed by the improvements that are being proposed? Have all the changes outlined in this document already occurred? What will the owners do to attract an additional \$1.1 million in revenue in order to make the park a viable business? These issues are not discussed at all in the document.

There is no discussion in any part of the Draft Environmental Assessment (DEA) of how the park relates to the surrounding community. The DEA fails to mention if there is any

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Mr. Ray Green
June 8, 2001
Page 2

community concern over the use of motorized vehicle for recreation and potential damage to rare plants that this might cause. The DEA doesn't mention any of the community concern over the deterioration of the plants in the arboretum. There are no references to the potential sale of the park. We feel these issues must be addressed in the DEA in order to assess the social impacts of this project.

The dual goal of preserving the arboretum and promoting motorized recreation using all terrain vehicles (ATV) and simulated warfare seem at odds. Raising or moving around the park in ATV's can damage existing plants and strip the vegetation cover off the ground making it more susceptible to erosion. What mitigate measures will be taken to insure that paintballers or ATV riders won't damage the plant life in the arboretum?

We find the alternative section to be incomplete. Although most of what is being assessed in the DEA is after-the-fact construction or use, there are still alternatives to what is being done a the park now. These alternatives might not be as lucrative but they should be explored in the section on alternatives.

In addition to these general comments, we have some specific observation.

Compliance with HAR's

The document as submitted is not in accordance with the Hawaii Administrative Rules Title 11 Chapter 200 Environmental Impact Statement Rules. §11-200-10 Contents of an Environmental Assessment states that an Environmental Assessment must contain certain information. This document does not include the written comments and responses to the comments of the early consultation as stated in §11-200-11 (12).

As stated on page 15 of The Environmental Guidebook: A Guidebook for the Hawaii State Environmental Review Process: "For mitigation of Historic Sites the DEA must include 1) copies of the mitigation and/or preservation plans prepared for the Department of Land and Natural Resources' State Historic Preservation Program; and 2) a copy of the approval letter for the plans from the State Historic Preservation Program."

Mountain Biking

Mountain biking in Hawaii and on the continent has become a controversial issue. When trails are used excessively, a tendency of rutting occurs. This is the process by which single tire tracks create ruts in the trail and rain washes the dirt away, over a period of time the area can become prone to erosion. It is difficult to assess the impacts of this activity by the information given in the DEA. The final EA should include a map of trails used by mountain bikers, a description of the area, the anticipated volume of users to the bike trails, and the mitigation measures that will be taken to avoid chronic erosion. Some suggestions are to close trails during and after times of heavy rainfall, and conduct regular trail maintenance.

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Mr. Ray Green
June 4, 2001
Page 3

General Description

It is unclear what the purpose is of Section 3 on page nine, the discussion of the application for a Special Management Area Permit (SMAP). Many projects that are proposed for the SMA has more than one component and are regularly treated as one project. Many projects come in for after-the-fact permits. We can find nothing unique about this project.

Liquid Waste Disposal

This section discusses on page 24 the particulars of the waste treatment plant at Waimea Park. How much sewage does the plant currently handle and how much will it handle in the foreseeable future? Where does the water go after it enters the seepage pits?

Employment/Tourism


The statement on page 25 that "an increase in revenue of \$1.1 million per year" is not expected to have a significant impact on the SMA is debatable. It depends what the owners do to increase the revenue. They may choose to sell the rare plants to raise revenue. That would have a significant impact.

Conclusion

As stated throughout the DEA, this site is a precious environmental resource, with a great deal of botanical diversity. In addition, it is acknowledged in the DEA that the Waimea Valley area has a great deal of cultural artifacts and historical significance related to the Native indigenous Hawaiian people. We therefore would like to strongly recommend that this area is not exploited as an "adventure park" and is instead restored to its original condition, with all non-permitted structures removed, with the exception of structures that would promote non-invasive site seeing and education of native plants and cultural practices. This area should be used as a refuge for botanical and cultural research.

Thank you for the opportunity to comment on this Draft Environmental Assessment.

Sincerely,


Peter Rappa
Environmental Review Coordinator

cc: James Moncur, WRRC
OEOC
Ardis Shaw-Kim, DPP
Donald Clegg, Analytical Planning Consultants
Ke'uiipo Cummings
Rebec Thompson

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ANALYTICAL PLANNING CONSULTANTS, INC.

918 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Peter Reppa
Environmental Review Coordinator
University of Hawaii Environmental Center
2500 Dole Street, Krauss Annex 19
Honolulu, Hawaii 96822

**SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)**

Thank you for your letter dated June 7, 2001 commenting on the subject SMA and Draft Environmental Assessment. We offer the following responses in the respective order of your comments:

General Comments:

Many of your comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the EEA. The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. A number of the structures and activities will also require a Conservation District Use permit. Almost all of the structures involved are "temporary" in nature such as, storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages, etc.; and, while they do not have an SMA permit, have been in existence for many years. These structures and activities are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "Development" according to the SMA guidelines and require a SMA permit. Also any "change in the density or intensity of use of land" requires a permit. Thus, the EA/SMP is limited to an evaluation of only these items. It is not an evaluation of how the Park should function or whether the Park operations adequately meet concerns about preservation of cultural or botanical resources in the total 1800 acre area. The Department of Land and Natural Resources determined that before any extended use of the Park could be reviewed all City requirements must be met. This SMA/EA application is the first in a series of permitting requirements.

-1-

As the items which are of concern to this EA/SMP are accessory, and approval is being sought "after-the-fact", Park operations will not be changed by the granting of the SMP. The Park will continue to function as a cultural and botanical Park for residents and visitors. The construction of the new Maintenance Building and new Dining Pavilion, which have previous approval from both City and State agencies, will be built in the future pending financing. Since the submittal of the DEA, the City and County of Honolulu City Council passed a resolution asking the mayor to purchase the property, approved a budget item of 5.2 million to purchase the Park, and approved the condemnation resolution. The City Council also approved a resolution to give consideration to OHA to purchase the Park. Public ownership of the Park is an alternative to the present situation; but, regardless, the Park must conform to all state and county regulations. Public ownership would also add to the resources of Park management and plans are being discussed regarding upkeep and additional programs for the botanical and cultural assets for which finances have not been available. To attract the additional funds necessary to keep the Park operating, management will also focus on advertising.

As required by HRS 343, agencies, citizen groups, and individuals consulted in making the assessment were listed in the DEA. The list included community organizations which have been in communication with the Park management in recent years over issues of concern to their organizations. The Park management has always been responsive to community input and will continue to work with organizations who have an interest in the continuance of the Park. The use of motorized vehicles, specifically ATVs, as a recreational activity has been discontinued at the Park and eliminated from the FEA as well as the "Paint Gun" activity.

Regarding the concern about the upkeep of the plants in the Arboretum, it is important to note that Waimea Falls Park and Waimea Valley are privately owned. It was the Pietsch family who created the arboretum environment for the Valley. In doing so they created a community treasure, and what some feel is an obligation to foster and preserve. The present Park management is aligned with this vision; however, in order to economically maintain and continue the Park they require community support. In this regard, the non-profit Arboretum Foundation was created. Some of the Arboretum staff that were formerly on the staff of the Park, are now employed under the Foundation which is supported by the Park and by private contributions and grants. Maintenance of the plants that make up the Arboretum is done by a team of gardeners employed by the Park using Park equipment. While the continuance and maintenance of the Arboretum is of concern to everyone, it is only germane to this application for a

-2-

approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,



Donald Clegg, President
Agent for the Applicant

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

630 SOUTH KING STREET • HONOLULU, HAWAII 96813
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JEREMY HARRIS
DIRECTOR

SHANOUK K. FUJIKI, MA
DIRECTOR
LORETTA S.C. CHOI
SUPPORT DIRECTOR

June 7, 2001

Mr. Donald A. Clegg
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817

Dear Mr. Clegg:

Draft Environmental Assessment for
Waimea Falls Park
Tax Map Keys 6-1-002:002, 3, 14-17 and 19-21 and
5-9-S: 025, 29, 76

We are forwarding copies of all comments we have thus far received related to the Draft Environmental Assessment (EA) for the above-referenced project.

In accordance with the provisions of Chapter 343, Hawaii Revised Statutes (HRS), you must respond in writing to these and any other comments which were received during the 30-day comment period which began with publication of a notice of availability of the Draft EA in The Environmental Notice on May 8, 2000. The Final EA must include these comments and responses, as well as revised text, where needed.

We have reviewed the above document and offer the following comments:

Project Description

- 1) It's difficult to relate the structures mentioned in the text to representations shown on the Master Plan. The discussions of the structures and activities in the Final EA should include references to the corresponding "map number" shown on Exhibit 3 and labeled on the Master Plan so that the reader can correctly identify the discussed item.
- 2) Page 22 states that the nursery facilities were all part of the original CDUA. The Final EA states that these structures are yet to be built.

Mr. Donald A. Clegg
Page 2
June 7, 2001

- 3) The Final EA should describe on-site activities, approximate number of participants, frequency, and location.
- 4) The November 28, 2000 minutes of the North Shore Neighborhood Board No. 27 report that the General Manger of the Waimea Falls Park presented information on a cable operated tram ride that is being proposed at the park. If this is currently being planned, it should be described in the Final EA, along with expected environmental impacts and proposed mitigation measures associated with this amenity.
- 5) The Final EA should identify the location of the meadow area that is mentioned in several sections as a camping site.
- 6) The DEA should clarify the proposed uses.
The transmittal letter states that "the proposed cabin activity is being removed from the EA and camping activity is being limited to the meadow area. While noting that these cabins are slated for the "future", Exhibit #3 lists "vacation cabins (120) and support facilities". Exhibit 4 shows 12 cabin sites thru the 1800 acre property. About 11 different camping sites are shown.
Exhibit 2A shows a "Future Restaurant" near structure 28. Yet there is no mention of this restaurant in the text.
If the applicant does not intend to develop the cabins, multiple campsites or the restaurant under the permits being sought, these items should not be shown on the master plan exhibits or listed in the use tables. If the applicant wishes to present these as future possible activities, consider using a separate list and exhibit.
- 7) The Final EA should include an Exhibit showing the State Land Use District Boundaries.

Archaeological Resources

As was indicated in our letter of July 24, 2000, some of the proposed development and activities are located beyond the boundaries of the 1974 archeological survey for lower Waimea Valley in areas not yet surveyed. As the valley is deemed by some to be rich with cultural resources, the Final EA should describe archeological resources and potential impacts for all of the affected

Mr. Donald A. Clegg
Page 3
June 7, 2001

areas. We recommend that the State Historic Preservation Office be contacted regarding the scope of information that would be needed to allow an adequate evaluation of potential impacts.

Page 1 of the lower valley survey identifies the study area shown in Figure 1 to be 1.5 miles long and .5 miles wide. Exhibit 4 (Waimea Falls Park Recreational Use Master Map) of the Draft EA shows cabin and camping sites well beyond this study area. Page 9 of the DEA goes on to state that "it is a unique EA/SMP in that it comprises a large number of structures and activities located in a Special Management Area that covers an area of 1800 acres and extends inland for approximately 3.5 miles, again indicating activities beyond the surveyed area.

Page 17 of the Draft EA states that it is possible to travel up to the north valley by hiking along existing roads and trails or by using mountain bikes or all terrain vehicles (ATVs). This suggests that there are activities, aside from the cabins and camping beyond the surveyed area. The Final EA should identify the areas used for hiking, horse back riding and biking and assess the potential impacts of these and other planned activities on archaeological resources which may be in the area.

Based on the above, it appears that there are activities which occur beyond the survey area, contrary to statements made in the transmittal letter and the text of the Draft EA. The historic resources of the entire project area must be discussed in the Final EA.

Cultural Practices

In response to our suggestion that the Guidelines for Assessing Cultural Impacts be used to address this issue, your transmittal letter states these guidelines simply "encourage" the analysis of impact on cultural practices, implying that such an analysis is not needed. While we agree that the Guidelines for Assessing Cultural Impacts "encourage" preparers of environmental assessments to analyze the impacts of proposed actions by providing methodology and protocols, such an analysis is now required by law. Act 50, Session Laws of Hawaii (SLH) 2000 amended Chapter 343, HRS to now require that the cultural practices of the community and State be considered in evaluating a "significant effect".

Mr. Donald A. Clegg
Page 4
June 7, 2001

Endangered Species

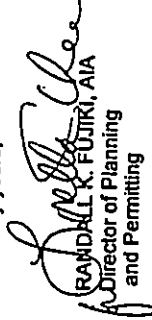
- 1) The Final EA should identify the endangered species on the property, the location of these species relative to proposed activities and the potential impacts that could result.
- 2) Page 37 states that there are no endangered aquatic species in the Park. The Final EA should provide a basis for that statement.

Water Resources

- 1) The Final EA should describe the quality of the water resources that are found in the park.
- 2) Page 23 of the Draft EA indicates that the existing wells will be developed as a source for pumped water. The document should describe how this pumping might impact the hydrology of the valley and the instream water flows.

Should you have any questions, please contact Ardis Shaw-Kim of our Land Use Approvals Branch at 527-5349.

Sincerely yours,


RANDALL K. FUJIKI, AIA
Director of Planning
and Permitting

RKF:cs
Enclosures

cc: Office of Environmental Quality Control

-PM11



ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 - HONOLULU, HI 96817

December 14, 2001

Mr. Randall K. Fujiki, AIA, Director
Planning & Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

SUBJECT: Haima Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter dated June 7, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of the comments submitted by DPP were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

Project Description

- 1) The numbers used for the description of the structures and activities and the photos match the numbers used on the Master Project List and Master Maps. In the FEA the Master Projects List and maps will be inserted near the section on "Impacts" to make it easier to identify the status of each site.
- 2) The concept of an expanded nursery facility which would include a quarantine house and an office/display building was included in the original CDUA. Two structures, that are a part of the Arboretum complex, are included in this EA/SMP - the plant quarantine house (#38) and the expanded arboretum office trailer with added facade (#40B). They are already in place.

Permission was given by DLMR in the original CDUA to construct a new office, lecture and display building but these structures have not been built. In the future, should funding become available for this building, a SMP would be required.

- 3) Information about on-site activities, number of participants, frequency, and location has been added to the FEA under "Existing Use".

- 4) No cable operated tram ride is being proposed at the Park.
- 5) The "Palm Meadow" area is identified on the Recreational Use Master Map and lies between the WTP and the parking area. Clarification of the location of the upper meadow area has been included in the FEA.

- 6) The future cabin site locations and camping sites have always been conceptual and non-site specific. They were included on the 1989 DLMR Master Plan Map (which was used as the template for the maps in the EA/SMP). As per your suggestion, they will be deleted from the Master Maps in the FEA. Reference to any future structures or activities that have not been approved will also be deleted from the FEA. To give a complete overview of the Park operation, the Master Project Maps include every existing and permitted structure with those items included in the EA/SMP indicated with a yellow box. That format has been maintained.

Future Restaurant

In 1981 the Park received a SMA permit (80/SMA-88) to expand the sewage treatment plant and the dining facility at the Visitor Center, renovate the tram waiting shelter to include a refreshment center and to construct a new dining pavilion to accommodate large groups of up to 750 people." This was later approved by the DLMR in 1982. The dining pavilion has not been constructed due to financial considerations but the proposed location is indicated on the Master Map. Prior to construction the plans must be reviewed by the Department of Planning and Permitting.

- 7) A exhibit showing State Land Use District boundaries will be included in the FEA.

Archaeological Resources

The existing structures and activities which pertain to this Special Management Area Permit are located near existing Park Visitor facilities on previously disturbed land within the South Valley which has been extensively surveyed for archeological resources. None of the identified historical sites are impacted by any of the items for which SMP approval is being requested. Presently the only activities in the north valley are hiking and guided mountain biking along existing trails and roads. The guided mountain biking (and horseback riding) use pre-existing

coral roads which were built by the US Army during World War II. Although the concept of cabins in both valleys was included in the 1975 CDDA permit, and the concept of non-site specific cabin sites was originally included in the DEA, it has been deleted from this SMP application and FEA. The ANV activity has also been deleted from this request. These changes should alleviate the concerns of DPP and other community groups as to the impact on archaeological resources.

An additional Exhibit map will be included in the FEA which displays all known historic sites and their relationship to the structures and activities which are of concern to this EA/SMP application. The identified sites will include those surveyed by Bishop Museum in 1974 and those located by Rudy Mitchell, resident historian at Waimea Falls Park, in 1991. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should provide some assurance for those who have been concerned about the preservation of the historical sites in the valley.

The following has been added to the FEA Section, "Relationship to Historic, Cultural and Archaeological Resources":

"There are no plans to expand the Park activities into the undeveloped parts of the Valley. For any new or additional uses, a Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District and the SMA, including historical, archeological and cultural resources. An archeological survey, coordinated with the State Historic Preservation, would be undertaken for any new or proposed projects. And, if during the construction of any new projects, any previously unidentified sites or remains are discovered, the State Department of Land and Natural Resources will be contacted immediately and all work in the area shall be stopped until a determination can be made. The Park management is in receipt of letters from the Historic Preservation recommending that the unsurveyed portions of the North and South Valleys should undergo archeological inventory in order to identify significant sites, and such surveys will be done as needed."

Cultural Practices

A section on "Cultural Resources has been added to the FEA which includes the following evaluation:

"In 2000 the Hawaii State Legislature passed Act 50 which amended Chapter 343 HRS to include an evaluation of the impact on cultural practices of any proposed action for which an

environmental assessment is required. The history of Waimea Valley has included several cultural traditions beginning with the ancient Hawaiians who inhabited the Valley hundreds of years before there was any recorded history of the islands. The remnants of these cultures are still present today. Waimea Valley has been privately owned since the Great Mahele of 1850 and there are no cultural practices which are presently associated with the Valley and which are impacted by the Park activities. In recognition of the importance and sacredness of Waimea Valley to the Hawaiian culture and in compliance with State statutes, native Hawaiians, with adequate notice to the Park management, are permitted access to the Park grounds at any time to observe native Hawaiian cultural practices."

Endangered Species

- 1) A section on Endangered Species has been added to the FEA.
- 2) According to the state Department of Land and Natural Resources Aquatic Resources Division there are no endangered fresh water aquatic species in Hawaii on the endangered species list.

Water Resources

- 1) Periodic testing is done on the stream waters in Waimea Valley. The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. In contrast, the highest impact on the streams, estuary and Bay come from heavy rains and flooding when naturally occurring debris is washed into the Bay and the bacterial contamination count is temporarily increased. According to the Department, regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. No chemicals are put into the stream waters or the falls by the Park. None of the structures or activities (except for kayaking) are near the river and erosion has not been a concern.

- 2) The Park has permission from the state Water Commission to develop the two wells on the property to be used as reserves of non-potable water. The water would only be required for reserves and as such would not have an impact on the hydrology of the valley and the instream water flows.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this

EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area.

Many of the comments submitted by the Department of Planning and Permitting on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the EEA. Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,



Donald Clegg, President
Agent for the Applicant

2001/CLOG-2539



'01 JUN 7 PM 4 01
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. Randall Fujiki
Director, Department of Planning and Permitting
City and County of Honolulu
650 King Street, 7th Floor
Honolulu, Hawaii 96813

Re: Comments on Draft Environmental Assessment for a Special Management Area
Permit, Waimea Falls Park

Dear Mr. Fujiki,

I am writing in regards to the request by Waimea Valley's current owners, Attractions Hawaii, for a blanket permit for various structures and activities and their request for a *Finding of No Significant Impact* on Waimea Valley and the surrounding environment. I feel that this request should be denied and that a full Environmental Impact Statement be done in Waimea Valley before any further permitting is considered.

I feel there were a great number of agencies and community organizations that should have been consulted such as:

- Department of the Interior
- Fish and Wildlife Service
- Geological Survey
- Department of Education
- Office of Hawaiian Affairs
- Department of Wastewater Management
- Oahu Civil Defense Agency
- University of Hawaii
- Environmental Center
- Historic Hawaii Foundation
- The Nature Conservancy



Sierra Club
Conservation Council for Hawaii
Hawaii's Thousand Friends
Scenic Hawaii, Inc.
Life of the Land
The Outdoor Circle
Haleiwa Main Street
North Shore Neighbor Board
Sunset Beach Community Association

Would you please supply the names and dates of the consultation with individuals authorized to represent the following organizations:
North Shore Outdoor Circle
Naaua I Na Hou
Waimea Advisory Planning Committee

There are several major projects requiring permits that are completely omitted from the Draft Environmental Assessment, such as major grading for roads and ponds, and the construction of significant stone retaining walls. Many of the projects that do not have permits yet, have already been constructed and implemented. These projects have the potential for creating cumulative effects to the fragile ecosystems in the Valley-- particularly to the wetlands and estuary area located at the Valley's entrance.

The ignoring of the Valley's many cultural and historic sites in the Draft Environmental Assessment is of great concern. Your office must require appropriate archeological survey, and specific action plans for the protection of the many historical sites throughout the valley. For these reasons and many others, please deny Attractions Hawaii's request for a finding of No Significant Impact and insist that a full and complete Environmental Impact Statement be performed before these or any other permits are granted.

Sincerely,

Linda S. Bard
Linda S. Bard
President, North Shore Outdoor Circle

P.O. BOX 1011 HALEIWA, HAWAII 96712
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ANALYTICAL PLANNING CONSULTANTS, INC.

725 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Ms. Linda S. Bard, President
North Shore Outdoor Circle
P.O. Box 1011
Haleiwa, Hawaii 96712

SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)

Thank you for your letter received June 7, 2001 commenting on the subject SMP and Draft Environmental Assessment. Many of your comments were helpful in clarifying particular points of information and have been incorporated into the FEA. We offer the following responses in the respective order of your comments:

The purpose of this ER/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. A number of the structures and activities will also require a Conservation District Use permit. Almost all of the structures involved are "temporary" in nature such as, storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of use of land" requires a SMA permit. Thus, the ER/SMP is limited to an evaluation of only these items. It is not a review of the total Park and its operations.

The Department of Planning and Permitting, as the approving agency, will make the final decision as to whether the structures and activities that are included in this ER/SMP require an Environmental Impact Statement. It is the conclusion of this environmental assessment that the items which are of concern do not have a significant individual or cumulative impact on the SMA. A Finding of No Significant Impact is being requested. For any new or additional uses, a Conservation Use District and

Environmental Assessment will be required which examines the impact of the Park on the Conservation District and the SMA, including historical, archeological and cultural resources.

As required by HRS 343, agencies, citizen groups, and individuals consulted in making the assessment were listed in the DEA. The list included community organizations which have been in communication with the Park management in recent years over issues of concern to their organizations. The Park management has always been responsive to community input and will continue to work with organizations who have an interest in the continuance of the Park. The Department of Planning and Permitting, as the approving agency for a Special Management Area permit sent copies of the DEA to many of the agencies and organizations you suggested, including Life of the Land, the Outdoor Circle, Office of Hawaiian Affairs, and the University of Hawaii Environmental Center. Many of the comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the FEA. In addition, notice of all environmental assessments undergoing review is printed in the OEQC Bulletin and those organizations desiring to comment have the opportunity to do so. A list of agencies and organizations who reviewed the DEA, along with their comments, is included in the FEA.

Approval for roads within the Park was included in the 1975 CDUA. From time to time it has been necessary to resurface and repair these roads and the existing coral roads which were built by the US Army and previous occupants of the Valley. Sometimes the Park management has used rocks for landscaping and curbing on a road for aesthetics or safety. Many of the trails and pathways have been secured in this way as a normal part of Park maintenance and usually none of the rock structures are more than 2-3 feet in height. None of these considerations would require a Special Management Area permit. The referenced retaining wall is a rock alignment which was put in when the Park was securing the trials to be used for horseback riding. The existing trail needed to be re-established; and, as the entire valley is filled with rocks, some of these were used in the alignment. Due to the height and length of the wall it is included in the FEA and SMP application. Prior to 1975 a weir was constructed (item 46 on Exhibit 2B) to divert some of the stream water to be used to create ponds downstream. The two makai ponds were natural depressions that the Park let fill with water and are pre-SMA. They were included on the 1989 Master Plan for Waimea Falls Park which was approved by the Department of Land and Natural Resources. The water flows from pond to pond and back to the stream. After the 1991 flood two additional ponds were created in

the same area. The two mauka ponds are shallow depressions created to have an aesthetic water feature in a previously flat unsightly utility area. The Water Commission requested that the Park apply for a permit for the new ponds after all County and SMA permits had been obtained. SMP approval for the two additional ponds has been added to the FEA.

Park management is aware that any action in an environmentally sensitive area, such as the Waimea Valley, has an effect on the total environment and that activities in Waimea Valley have an impact downstream. Of special importance is maintaining the water quality of Waimea Bay and Waimea River and estuary. It should be recognized, however, that there are open ditches and irrigation tunnels from Lake Wilson at Schofield that occasionally flow into the estuary over which the Park has no control.

The most current statistics for Waimea Bay, from the Clean Water branch of the State of Hawaii Department of Health, were done in 1999. The average bacteria count was well below the standards set by the state. In contrast, the biggest impact on the streams, estuary and Bay come from heavy rains and flooding when naturally occurring debris is washed into the Bay and the bacterial contamination count is temporarily increased. According to the Department, regular testing is not done on Waimea Bay because historically contamination from sewage, pesticides or other pollutants has not been a problem in the Bay. No chemicals are put into the stream waters or the falls by the Park. None of the structures or activities (except for kayaking) are near the river and erosion has not been an issue. The Boating and Ocean Resources Division of DNR refers to kayaking as an environmentally benign recreational activity and no permits or licensing are presently required for private or commercial use of kayaks.

In accordance with Chapter 343 HRS, a section on "Cultural Resources" has been included in the FEA. The structures and activities which pertain to this Special Management Area Permit are located on previously disturbed land near existing Park visitor facilities within the south valley which has been extensively surveyed for archeological resources. The complete historical review was initiated in April 1974 with the Bishop Museum staff and is contained in the previously accepted EIS for Waimea Falls Park. Excavation and identification of the historic sites in Waimea Valley was carefully conducted. A map which shows the location of the identified sites and the items for which SMP approval is being requested is included in the FEA. The map shows that none of the sites are impacted by any of the items for which SMP approval is being requested. This should

provide some assurance for those who have been concerned about impacts on the historical sites in the valley. The only activities in the north valley are hiking and guided mountain biking on existing trails and roads. The ATV activity and cabin sites, which would have impacted the unsurveyed north valley, have been deleted from the FEA and this SMA permit request. Biking is done on the paved roads that run throughout the Park and the existing coral roads. Guided bike rides are available on the old cattle road in the north valley. The ATV activity has been discontinued as a Park activity.

The importance of Waimea Valley spiritually, culturally, and historically to the people of Hawaii and the environmental impact of the Waimea Falls Park was not the purpose or scope of this EA/SMP. Waimea Falls Park is currently privately owned and has an approved Conservation District Use permit to operate the Park for recreational purposes. The cover letter for the Final Environmental Assessment to Mr. Randy Fujiki, the Director of Planning and Permitting expresses in greater detail our concerns about responding to comments which failed to see the specific nature of the application and questioned the status of the Park itself which was not the purpose of the EA.

There is no doubt that Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process. Many of your comments on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the FEA.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Donald Clegg

Donald Clegg, President
Agent for the Applicant

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



OSBERT S. COLEMAN-ALPHAN, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DEPUTIES
JANET E. KAWILO
LIMNEL NISHIOKA

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuhikawa Building, Room 556
601 Kamokile Boulevard
Kapolei, Hawaii 96707

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

LOG NO: 27677
DOC NO: 0106SC05

June 14, 2001

Mr. Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

SUBJECT: Chapter 6E-42 Historic Preservation Review of a Draft Environmental Assessment (DEA) Prepared for a Special Management Area Use Permit (SMP) Application by Attractions Hawaii for Waimea Valley Adventure Park Waimea, Ko'olaupua & Waialua, O'ahu, TMKs: 6-1-002: 002, 003, 014 - 017 & 019-021; 5-9-005: 025, 029 & 076

Thank you for the opportunity to review and comment on the DEA prepared in support of a SMP application by Attractions Hawaii for proposed improvements at Waimea Valley Adventure Park. Our review is based on historic maps, aerial photographs, records, and reports maintained at the State Historic Preservation Division. In addition, Sara Collins at Elaine Jourdan of our office made a brief field inspection of portions of the existing park area in December 1998.

In general, the DEA does not provide sufficient documentation on historic sites, nor are adequate mitigation measures proposed for some of the planned construction and activities. We recommend that the SMA application not be approved at this time.

As a beginning, we would strongly recommend that the Final EA show locations of all known historic sites within the property on one of the maps - probably Exhibits 2A and 2b would be most appropriate. In addition, Section 4, Historic Background, provides a version of the valley's traditional and recorded history that needs revision. For example, the "facts" on Hewahewa given in Paragraph 2 on Page 14 are wrong; Hewahewa was not known to be a warrior chief although he was given Waimea. Furthermore, what are the sources for the quotations provided in Paragraph 1 on Page 14, and Paragraph 1 and Page 15? Finally, to the extent of our knowledge, the following statement is false: "Archaeological and culturally the valley has been severely disturbed." Many significant historic sites are still present in the portions of the valley that have undergone archaeological survey, and it is likely that others are present in the sections yet to be surveyed.

According to our records, the previous archaeological surveys did not extend inland of the shrine in the Kamanaliki (Eiehaha or "North") Stream drainage or inland of Waimea Falls in the Kamananui (South) Stream drainage. We note that a number of the proposed developments covered by the subject DEA are located in these unsurveyed areas. We have previously pointed out that the unsurveyed portions of the North and South Valleys should undergo archaeological inventory survey in order to identify significant historic sites (see copies of attached letters: Hibbard to Greene, DOC NO: 9812SC17, dated December 22, 1998; Hibbard to Uchida, DOC NO: 0012EJ14, dated December 28, 2000). If significant historic sites are found in the areas to be developed, appropriate mitigation plans should be prepared for review and

JUN 22 2001

acceptance by our office, long before ground disturbance. Therefore, the proposed mitigation described on Page 37 – that work will stop in the vicinity of inadvertent finds made during new construction – is simply not adequate.

Prior surveys (including those appended to the subject DEA) located pre-Contact agricultural, habitation, burial and religious sites, as well as some post-Contact features such as a Japanese Shrine, bridge remnants, and water catchments. Our records indicate that mitigation measures were recommended in 1974 for some of the sites recorded in the surveyed portions of the property. Recommended mitigation measures included preservation, interpretation, and additional test excavations or research. We have previously recommended that formal preservation plans be developed for the significant historic sites that have been identified to date. In particular, the Hale O Lono Heiau near the park's entrance and the Hale Iwi site should have preservation plans in place. Such plans should ideally be developed in consultation with Native Hawaiian organizations. To date, we have no record that any mitigation work occurred nor have we ever received or approved any preservation plans for these sites.

Given the above, we recommend either no action be taken on this proposed SMA or the SMA application be denied, until an archaeological inventory survey is conducted of the upper valley project areas, to determine if significant historic sites are present. The report on this survey needs to include proposed mitigation measures for any significant historic sites. Our office would need to review and approve this report. Once this takes place, then the EA should be revised to accurately identify the significant historic sites in the project areas, enabling a reasonable evaluation of impacts. It should also include mitigation measures that have been reviewed and approved by our office, again enabling a reasonable evaluation of impacts.

We would expect the revised EA to include:

- (1) locational information on known historic sites, and accurate historical and
- (2) archaeological data.
- (3) findings from the archaeological inventory survey of the previously unsurveyed portions of Kamanakiki (Eiehaha) and Kamananui Stream Valleys which are to be impacted.
- (4) commitments to carry out previously existing mitigation commitments, including the preparation and execution of interpretation, preservation, and data recovery plans.
- (5) commitments to carry out mitigation proposals that have been reviewed and approved by the State Historic Preservation Division for the newly survey parts of the upper valleys which are to be impacted.
- (6) a commitment to prepare a burial treatment plan for all previously identified burial sites known to be present within the subject parcels. For Native Hawaiian burials, the plan shall be prepared in consultation with the O'ahu Island Burial Council and any recognized descendants.

Should you have any questions, please feel free to contact Sara Collins at 692-8026.

Aloha,


DON HIBBARD, Administrator
State Historic Preservation Division

SC:amk

c. Mr. A. Van Horn Diamond, Chair, O'ahu Island Burial Council
Mr. Kai Markell, Burial Sites Program.



ANALYTICAL PLANNING CONSULTANTS, INC.
728 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

December 14, 2001

Mr. Don Hibbard, Administrator
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

**SUBJECT: Waimea Falls Park
Draft Environmental Assessment for a Special Management
Area Permit (SMA)**

Thank you for your letter dated June 14, 2001 commenting on the subject SMP and Draft Environmental Assessment. We offer the following responses in the respective order of your comments:

General Comments:

Many of the comments submitted by the State Historic Preservation Division on the Draft Environmental Assessment for Waimea Falls Park were helpful in clarifying particular points of information and have been incorporated into the FEA. The purpose of this EA/SMP application is to seek approval for only those existing structures and activities which require a Special Management Area permit in order to bring the Park into conformance with the SMA regulations. A number of the structures and activities will also require a Conservation District Use permit.

Almost all of the structures involved are "temporary" in nature, such as storage containers and sheds, trailers for offices, poles and signs, small booths and kiosks, rain shelters, stages. They are in essence accessory to previously existing and approved Park facilities and activities; however, they constitute "development" according to the SMA guidelines and require a permit. Also any "change in the density or intensity of use of land" requires a SMA permit. Thus, the EA/SMP is limited to an evaluation of only these items. It is not an evaluation of how the Park should function or whether the Park operations

adequately meet concerns about preservation of cultural resources in the total 1800 acre area. A Finding of No Significant Impact is being requested as the described structures and activities have a negligible impact on the Conservation District or the Special Management Area.

At your suggestion, an additional Exhibit map will be added to the FEA which displays all known historic sites and their relationship to the structures and activities which are of concern to this EA/SMP application. The identified sites will include those surveyed by Bishop Museum in 1974 and those located by Rudy Mitchell, resident historian at Waimea Falls Park, in 1991. This should provide some assurance for those who have been concerned about impacts on the historical sites in the valley.

The historical information and quotes in the DEA were excerpted from the "History of Waimea Valley, Oahu" prepared by Anne Takemoto, Department of Archeology of the Bishop Museum and included in the EIS submitted by Bishop Corporation in 1974. In deference to your comments about inaccuracy we have revised the section on "History" in the FEA to read: "After Kamehameha I unified the islands, Kewahewa, his Kahuna (high priest and councilor), was granted the land in Waimea." We apologize for any historical misrepresentation. The following sentence has been deleted from the FEA: "Archeologically and culturally the valley has been severely disturbed". However, while it is true that many historic sites have been located and the entirety of Waimea Valley has not yet been archeologically surveyed, the valley has been impacted and "disturbed" by humans over its long history.

The existing structures and activities which pertain to this Special Management Area Permit are located near existing Park visitor facilities on previously disturbed land within the South Valley which has been extensively surveyed for archeological resources. None of the identified historical sites are impacted by any of the items for which SMP approval is being requested. Presently the only activities in the north valley are hiking and guided mountain biking along existing trails and roads. The guided mountain biking uses pre-existing coral roads which were built by the US Army during World War II. Although the concept of cabins in both valleys was included in the 1975 CDUA permit, and the concept of non-site specific cabin sites was originally included in the DEA, it has been deleted from this SMP application and FEA. The ATV activity has also been deleted from this request.

The following has been added to the FEA Section, "Relationship to Historic, Cultural and Archeological

Resources":

"There are no plans to expand the Park activities into the undeveloped parts of the valley. For any new or additional uses, a Conservation Use District and Environmental Assessment will be required which examines the impact of the Park on the Conservation District and the SMA, including historical, archeological and cultural resources. An archeological survey, coordinated with the State Historic Preservation, would be undertaken for any new or proposed projects. And, if during the construction of any new projects, any previously unidentified sites or remains are discovered, the State Department of Land and Natural Resources will be contacted immediately and all work in the area shall be stopped until a determination can be made. The Park management is in receipt of letters from the Historic Preservation recommending that the unsurveyed portions of the North and South Valleys should undergo archeological inventory in order to identify significant sites, and such surveys will be done as needed."

Park management is aware of Historic Preservation's recommendations and suggested mitigation measures for some of the sites recorded in the surveyed portions of the property and is in touch with SHPD regarding maintenance of cultural resources; however, the progress of these mitigation measures is a separate issue and is not germane to this application. None of the existing structures or activities included in this EA/SMP impact any existing historical sites.

As the proposed structures and activities which could potentially have an impact on the unsurveyed North Valley have been deleted from this FER/SMP application, i.e. cabin sites and the ATV activity, a FONSI is being requested.

Waima Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area. Thank you for your interest and participation in the public review phase of the environmental review process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,



Donald Clegg,
Agent for the Applicant

IX. CONCLUSION

Waimea Valley is a cultural and botanical treasure for the people of Hawaii that must be preserved and protected. Its use must be carefully monitored in accordance with the governmental regulations which have been established to maintain and safeguard the Conservation District and the Special Management Area.

This application and Environmental Assessment, provides a description of existing structures and activities at Waimea Valley which require a Special Management Area Permit. The application requests approval for the projects, and addresses the potential impacts to the Conservation District and the coastal environment as specified in the guidelines pertaining to the concerns of the Special Management Area. It is concluded that the items which are of concern do not have a significant individual or cumulative impact on the SMA.

A Finding of No Significant Impact is being requested as the described structures and activities have a negligible impact on the Conservation District and the Special Management Area and are not contrary to the State's environmental policies or long-term environmental goals as established by law. There will be no adverse effect to the economic, social welfare, or cultural practices of the community and State as a result of this activity.

Waimea Falls Park
Final Environmental Assessment
for a Special Management Area Permit

Exhibits

- 13 Master Projects List/CDUA and SMP Status
- 14 Letter from the State Historic Preservation
Division (12/22/2000)
- 15 Letter from the State Historic Preservation
Division (12/28/2000)
- 16 Letter from Army Corps. of Engineers

**Exhibit 13
WAIMEA FALLS PARK
MASTER PROJECT LIST**

PROJECT DESCRIPTION	MAP #	CDUA #/DATE APPROVED	SMP #/DATE APPROVED	BUILDING PERMIT	COMMENTS
Historical sites	15,45,55	Grandfathered	pre SMA	na	
Recreational use		OA 71-243	pre SMA	na	8.6 acres/10/28/71
Utility improvements		OA71-243	preSMA		
Maintenance of Elehaha Stream		OA 71-244	pre SMA	na	11/5/71
1975 DLNR MASTER PLAN		OA74-591	pre SMA		
Roads /realignment	7	OA74-591	pre SMA	yes	
Hiking trails	7	"	pre SMA	na	
Parking lots*additional	13	OA 74-591	pre SMA	no	*existing
Picnic areas (not site specific)	no #	"	pre SMA	na	
Visitor Center	21	"	pre SMA	yes	1973,74,76,85,90
Restaurant/kitchen	21	"	pre SMA	yes	1985 sq ft plus lanai 864 sq ft
expand/new kitchen	21	Amend 2/82	80/SMA-88 4/81	yes	
new dining pavillion	28	Amend 2/82	80/SMA-88 4/81	not built	concept only/ 750 people
General store	21	OA 74-591	pre SMA	yes	
expand general store	21	Amend 5/90	80/SMA-88 Mod	yes	same location 12/29/1989
Maintenance building	27	OA74-591	pre SMA	yes	
expand building	27	Amend 5/90	80/SMA-88 Mod	not done	expand by 1000 ft 12/29/89
replace (burned down)	27	include in new	see text	not done	
Admin Office	36	OA 74-591	pre SMA	yes	Amend 6/84 to replace
replace trailer	36	Amend 6/84	84/SMA-50	yes	
replace w/ new structure	36	Amend 5/90	80/SMA-88 Mod	not done	new 637 ft bldg 12/29/89
The Aboretum	40A	OA 74-591	pre SMA	yes	
Seeding house	40A	"	pre SMA	yes	10 X 24 ft
Plant propagation house	40A	"	pre SMA	yes	100 X 50 ft
Potting shed	40A	"	pre SMA	yes	30 X 24 ft
Storage shed	40A	"	pre SMA	yes	10 X 20 ft
Library	40A	Amend 9/86	future SMP	yes	books/specimens/displays
Plant quarantine house	38	89 Master Plan	need SMP	yes 1986	35 X 14 ft
Office (temporary trailer)	40B	OA 74-591	need SMP	yes	trailer w/facade
Restroom facilities/falls**	50	OA 74-591**	80/SMA-88 4/81*	portable	*acc. to concession stand at turnaround
MASTER PLAN CONCEPTS					
Cabin/Camping Sites	not built	OA 74-591	future	not built	2 miles in length/12 areas
support facilities		"			non-site specific
Narrow gage train	not built	"	future	not built	in North valley
Bridal Trails	not done	"	future	not done	

Exhibit 13

WAIMEA FALLS PARK
MASTER PROJECT LIST

PROJECT DESCRIPTION	MAP #	CDUA #DATE APPROVAL	SMP #DATE APPROVAL	BUILDING PERMIT	COMMENTS
MISC STRUCTURES					
Signs/ Kam Highway	1A&B	Board letter OK	need SMP	yes	
Flag Pole	2	include in new	need SMP	yes 1985	
Water meter	3	89 Master Plan	pre SMA	na	
Light poles/entry road	4	OA-74-591	need SMP	yes 1994	need SMP for new poles
Dwelling (private)	5	Grandfathered	pre SMA	assume yes	
Entry Gates	6	89 Master Plan	pre SMA	no	
Wastewater treatment plant/STP tanks	8	Amend 2/82 & Apr-88	80/ SMA-88	yes 1988	
Relocate/landscape	8	OK	80/SMA-88 Mod	yes	relocate maka/landscape
STP electrical supply/poles	8	"	"	HECO	
STP stream inverted siphon	8	"	"	DOH	
Lift station	10	Grandfathered	pre SMA	?	
Restrooms (near lift station)	11	portable	portable	portable	
Kayak kiosk (old ticket booth)	12	OA-74-591	need SMP*	no	*new use/new location
Parking lot security booth	14	include in new	need SMP	no	
Security gatehouse	17	89 Master Plan	pre SMA	?	
replace security gatehouse	17	Amend 5/90	80/SMA-88 Mod	yes	140 ft in same location 12/89
USGS Gauging Station	18	Grandfathered	pre SMA	?	
Exit booth	19	include in new	need SMP	no	moved from inside Visitor Center
Office trailer	22	"	need SMP	no	
Containers (14 total)	23	include in new	need SMP		
Container/storage A (1)	23A	"	"	no	
Container /storage B (2)	23B	"	"	no	
C ontainer /storage C (3)	23C	"	"	no	
C ontainer /storage D (3)	23D	"	"	no	
C ontainer /storage E (2)	23E	"	"	no	
C ontainer /storage F (1)	23F	"	"	no	
C ontainer /storage G (1)	23G	"	"	no	
Container/storage H (1)	23H	"	"	no	
Utility office trailer	24	include in new	need SMP	no	
Mountain bike trailer	25	include in new	need SMP	no	8 X 20 sq ft
N. Valley office trailer	28	include in new	need SMP	no	in area for future restaurant
POL shed	29	grandfathered	pre SMA	no	

**Exhibit 13
WAIMEA FALLS PARK
MASTER PROJECT LIST**

PROJECT DESCRIPTION	MAP #	C/DUA #/DATE APPROVAL	SMP #/DATE APPROVAL	BUILDING PERMIT	COMMENTS
MISC STRUCTURES					
Education trailer	34	include in new	need SMP	yes	
Butterfly House (old depot)	35	GF/89 MP	need SMP *	1973 only	*SMP for screen doors (1998)
Admin support trailer	37	include in new	need SMP	no	previous office space
Antenna	39	OA-74/591	pre SMA	na	internal communication
NOAA Weather Station	41	Grandfathered	pre SMA	na	
Animal/bird enclosures	42A-E	89 Master Plan	need SMP	no	Federal regs followed
Rain Shelters	43A & D	89 Master Plan	pre SMA	no	
Turnaround	43B	89 Master Plan	pre SMA	no	
Falls (5)	43C	89 Master Plan	need SMP*	no	*new use (structures are pre SMA)
Hula stage & seating (Kauhale)	44	include in new	need SMP	no	Kauhale Living Site
Hawaiian Game & Hula site	47	89 Master Plan	pre SMA	no	
landscaped redwood seats	47	include in new	need SMP	no	
hula stage	47	include in new	need SMP	no	
Hawaiian game hut	47B	include in new	need SMP	na	traditional hale
Jungle Trek	48	include in new	need SMP	no	includes portable toilets
Changing room for hula show	49	include in new	need SMP	no	
Tram bus turnaround	51	Amend 2/82	80/SMA-88 4/81	yes	
concession facility	52	Amend 2/82	80/SMA-88 4/81	yes	
portable toilets	50	Amend 2/82	accessory use	no	
Falls amphitheater seating	56	include in new	93/SMA-18 3/93	yes 1994	seating for 250/replaced exist. benches
Horse Paddock	57	include in new	need SMP	no	
Storage Shed near game hut	58	include in new	need SMP	no	
Retaining wall/old Garden Trail	59	include in new	need SMP	no	repair of trail for horseback rides/guidetrails
STREAM PROJECTS					
Stream fords/bridges	30	GF/89 MP	pre SMA	?	
replace 4 bridges	30	89 Master Plan	92/SMA-76 12/92	yes 1994	after the fact (flood damage)
Culverts	31	89 Master Plan	pre SMA		
Ponds/Water Diversion	20A-D	89 Master Plan*	need SMP**		*Ponds A&B **Ponds C&D
Falls electric recirculating pump	54	include in new	need SMP	yes 1994	
UTILITIES					
Fire system/31,000gal water tank	32	89 Master Plan	80/ SMA-88	no	accessory to Visitor Center
HECO	9	Grandfathered	pre SMA	(HECO)	

Exhibit 13
WAIMEA FALLS PARK
MASTER PROJECT LIST

PROJECT DESCRIPTION	MAP #	CDUA #/DATE APPROVAL	SMP #/DATE APPROVAL	BUILDING PERMIT	COMMENTS
UTILITIES					
Well #1	33A	89 Master Plan	need SMP *	?	* to use
Well #2	33B	permission	need SMP*	?	
Propane gas tanks	26A-E				
2,000 gal - Visitor Center	A	89 Master Plan	preSMA	?	accessory
1,000 gal - maintenance shed	B	89 Master Plan	pre SMA	?	accessory
2 small at Park entrance	C	include in new	need SMP	no	for night torches
1 small at falls	D	include in new	need SMP	no	for night torches
1 small at Kauhale	E				
Transformer Sheds	53A&B	Grandfathered	pre SMA	no	for HECO transformers
	53C-E	include in new	need SMP	no	sheds covering conduits
Night Lighting	60A&B				poles and theatrical lighting
Kauhale	60A	include in new	need SMP	no	two 25' poles and theatrical lighting
Falls/Lights and shed	60B	include in new	need SMP	no	25' pole /theatrical lights/2 speakers/shed
ACTIVITIES					
General recreation use	no #'s				
Hiking/walking/swimming/fishing	no #'s	OA 74-591	pre SMA	na	
Food & Beverage/Liquor	no #'s	OA 74-591	pre SMA	na	
Retail	no #'s	OA 74-591	pre SMA	na	permit OK
Education(plants/animals)	no #'s	OA 74-591	pre SMA	na	
Camping (Meadow)	16	OA 74-591	need SMP	na	
Horseback Riding	"	OA 74-591	need SMP	na	
Kayaking activity	12	new use	need SMP	na	
Mountain bike activity	25	new use	need SMP	na	
APPROVED/NOT BUILT					
Maintenance shed	27	89 Master Plan	80/SMA-88 Mod	not built	need to replace
New dining facility	28	89 Master Plan*	80/SMA-88 4/81*	not built	*concept only
Admin office addition	37	89 Master Plan	80/SMA-88 Mod	not built	

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 BENJAMIN J. CAYETANO
 GOVERNOR OF HAWAII

DEPT OF PLANNING
 and PERMITTING
 CITY & COUNTY OF HONOLULU



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
 Kakuhihewa Building, Room 555
 601 Kamehameha Boulevard
 Kapolei, Hawaii 96707

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December 22, 1998

Mr. Ray Green, Managing Director
 Waimea Valley Adventure Park
 59-864 Kamehameha Highway
 Haleiwa, Hawaii 96712

LOG NO: 22689 ✓
 DOC NO: 9812SC17

Dear Mr. Green:

**SUBJECT: Historic Preservation Comment on Results of Recent Field Inspections at
 Waimea Valley Adventure Park
 Waimea, Waialua District, O'ahu TMK: 6-1-002: various**

We wish to provide comment on the results of a recent field inspection at Waimea Valley Adventure Park conducted by Sara Collins and Elaine Jourdane of our office. In addition, these staff members have reviewed pertinent files held at both our office and that of the Land Division of the State Department of Land and Natural Resources.

Escorted by Mr. Roberts Leinau, who has long been associated with the recreational facility at Waimea Valley, Ms. Collins and Ms. Jourdane visited most of the areas about which concerns over historic sites had been expressed. Historic preservation issues brought to the attention of our office included the following items:

- (1) Construction of an all-terrain-vehicle (ATV) track in close proximity to the Hale O Lono Heiau (SIHP No. 50-80-04-2182), and the deterioration of the structures on the Hale O Lono heiau;
- (2) Placing of tents on the lawn of the entry palm garden, in the vicinity of Hewahewa's *lo'i*;
- (3) Removal of interpretative signage from the Hale Iwi and Kauhale areas;
- (4) Removal of the canoe shed from the Kauhale area and installation of a dance platform;
- (5) Locations of current ATV and mountain bike trails;
- (6) Location and operation of the Jungle Trek area, and proposed vehicular paths in its vicinity;
- (7) Future development plans for the North Valley area, including the construction of cabins, access road, and new ATV trails.

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Taking each of these concerns in this order, we provide the following comments.

(1) The new ATV track constructed near the Hale O Lono Heiau was built on an existing, eroded access road and, according to Mr. Leinau, barely used. When the Park's management became aware of concerns over the proximity of the track to the heiau and the *Erythrina* grove, they voluntarily abandoned the new ATV track. While it is true that the structures erected on the top of the heiau are slightly deteriorated, they are not, in and of themselves, historic sites since they are of recent origin. We believe that concerns over this matter might best be addressed through the preparation of a preservation plan for the *heiau* and other significant historic sites known to be in the Park. Our staff also noted the presence of temporary wire fencing along the side of the *heiau* bordering the parking lot; the purpose of the fencing is to prevent unauthorized access and possible damage caused by people climbing or walking on the structure.

(2) The tents placed on the lawn in the vicinity of the palm garden are resting on a layer of fill that has been deposited over the *lo'i* which were once on this flat of the Waimea River. Consequently, since the tents are on platforms which rest on the grass, there is "no effect" on significant historic sites which may be present below the fill layer.

(3) The Kauhale and Hale Iwi areas formerly had interpretative signs which explained the nature of the reconstructed as well as genuine historic sites in each area. The Park management removed most of these signs recently because they had been significantly damaged by weathering and were partially illegible. Furthermore, visitors do not normally access these areas unless they are accompanied by staff who lecture or give demonstrations, thus providing the necessary interpretative data. Consequently, in view of these facts, we believe that the removal of interpretative signs in these areas would have "no effect" on significant historic sites.

(4) The canoe shed (*halau wa'a*) was a replica site, constructed under the direction of the former Park historian, Mr. Rudy Mitchell. The recently installed dance/performance area has been put on a previously graded surface; no significant historic sites were present at this location. Consequently, the removal of the canoe shed (due to its deteriorating condition) and establishment of a dance/performance area would have "no effect" on significant historic sites.

(5) According to Mr. Leinau, the current ATV trails follow previously created access roads and paths in the valley, as do most of the current mountain bike trails. In one location, the mountain bike operation created a section of bike path down an extremely steep slope where it is unlikely significant historic sites are present. Indeed, a comparison of the current Park visitors' guide with the map of the approved master

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plan (approved by the Board of Land and Natural Resources, on 10/25/89) indicates that previously existing roads and/or trails have been converted to ATV and mountain bike usage. Consequently, we believe that if the landowner ensures that all users of these vehicles operate them only on approved paths, there will be "no effect" on significant historic sites.

(6) The Jungle Trek area is an enclosed children's play ground on the south side of Kamananui Stream, below the falls. The play ground has been constructed in a previously modified area not known to have significant historic sites present. The proposed children's bicycle and "test run" area for ATVs, is immediately to the south of the Jungle Trek area, and has also been previously modified. Our staff inspected the proposed bike/ATV area and found no evidence of significant historic sites. Consequently, we believe that continued operation of the Jungle Trek area and construction of the proposed mountain bike and ATV tracks adjacent to it will have "no effect" on significant historic sites.

(7) The proposed development of parts of the North Valley for cabin and camp sites was approved by the Board of Land and Natural Resources, in October 1989, pursuant to a Master Plan prepared as part of a Conservation District Use Permit application (OA591A). To date, we understand that the Park has not undertaken development of the approved nine cabin and three camp sites in the North (Kamanaiki) Valley area, or the three proposed cabin sites and four camp sites in the Kamananui stream area.

A review of available files both at our office and the Land Division indicates that portions of the North Valley underwent an archaeological reconnaissance survey in the early 1970s, finding at least 28 historic sites (*Archaeological Survey of Lower Waimea Valley, Oahu*. 1974. Bishop Museum). In 1991, Mr. Mitchell conducted another reconnaissance survey, identifying some 16 other historic sites in the North Valley (*An Archeological Survey of the North Valley in the Ahupua'a of Waimea, O'ahu. Sites Oa-50-D7-60 to 78*. 1991. Mitchell). The sites identified in both surveys include probable pre-contact agricultural, habitation, burial, and religious sites, as well some post-contact features such as a Japanese Shrine, bridge remnants, and water catchments. In 1974 mitigation measures were recommended for some of the sites, including preservation, interpretation, and additional test excavations or research. However, we have no record that any mitigation work occurred nor do we have any preservation plans on file for the sites.

The nature of historic preservation has changed considerably since 1974, with more careful survey and mitigation. We believe that more thorough survey would be needed to better document the sites in the north valley and better clarify their function and importance (the additional test excavations and research noted above). Also, we would recommend reviewing the proposed mitigation measures -- particularly which

Mr. Ray Green, Managing Director
Page Four

sites merit interpretation -- as the rationale for the 1974 conclusions may have changed for both the Park and the State since then. In any case, prior to undertaking the approved developments in the North Valley, the Park would need to ensure that all recommended mitigation was completed, and that proposed tent camps or cabins are not placed too near sites recommended for preservation or interpretation.

CONCLUSIONS

As noted above, our office found little cause for concern over the treatment of significant historic sites known to be at the Park. In most cases, the sites have been well-maintained, and they still play an integral role in the cultural and historical interpretation programs of the Park. We also note that extensive plantings throughout the Park do a great deal to enhance the interpretative program as well as generally contribute to the unique beauty and atmosphere of Waimea Valley. We do have the following recommendations to make about the current and future role of historic sites at Waimea Valley Adventure Park:

(1) We strongly recommend developing formal preservation plans for the significant historic sites which are currently part of the Park's visitor programs. This has been common practice in historic preservation in Hawai'i since 1987, and it helps ensure quality preservation over the years. Particularly the Hale O Lono Heiau near the entrance and the Hale Iwi site areas should have such written plans. Components of preservation plans could include things like appropriate buffer zones around the sites, landscaping near the sites, barriers (such as that in front of the Hale O Lono heiau), possible repair or replacement of modern superstructures (like those atop the Hale O Lono heiau), and interpretive signage. Additionally, plans can include having a Hawaiian community group help care for such sites. Our office typically reviews and approves such plans. Also, such plans should either involve interested community groups in their preparation, or allow for the review of the draft plans by such groups. These plans need not be lengthy. We can help the Park with the needed framework for such plans. [In the longer term, it would also be desirable to put into place burial treatment plans for the known burial sites within the Park's boundaries, to ensure their protection.]

(2) We would encourage the Park's owners to complete any recommended mitigation actions for previously identified historic sites in the north valley. While there may be no imminent development in the vicinity of some or all of these sites, completed mitigation will accurately document the sites and their significance, ensure site protection, and allow the landowner to move forward more expeditiously with any plans. It is also highly likely that a completed mitigation program will result in the production of more information and materials to enhance the existing public programs of cultural and historical interpretation.

Mr. Ray Green, Managing Director
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(3) We are aware that over the years of his work at Waimea Valley, Mr. Mitchell collected and documented a number of surface artifacts, and kept records of other pertinent discoveries. We would like to be sure that Mr. Mitchell's records (including his photographs, field notes, and manuscripts) and the artifacts he collected are appropriately archived in storage areas which are protected from the elements and are available to legitimate researchers and other interested parties.

We thank you again for your cooperation, and the support you and your predecessors at Waimea Valley Adventure Park have shown historic preservation. Should you have any questions, please feel free to call Sara Collins at 692-8026.

Aloha,



DON HIBBARD, Administrator
State Historic Preservation Division

c: Arthur Challacombe, City and County of Honolulu, Department of Planning & Permitting, 650 South King, 7th Floor, Honolulu, HI 96813
Tom Eisen, Land Division
Mrs. Mary Steiner, CEO, The Outdoor Circle, 1314 S. King Street, Suite 306, Honolulu, HI 96814 (FAX: 593-0525)

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



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DEPT OF PLANNING
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
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December 28, 2000

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WATER RESOURCE MANAGEMENT

MEMORANDUM

LOG NO: 26744 ✓
DOC NO: 0012EJ14

TO: Dean Uchida, Administrator
Land Division

FROM: Don Hibbard, Administrator
Historic Preservation 

SUBJECT: Chapter 6E- 8 Historic Preservation Review - City & County of Honolulu
Proposed Revision to North Shore Public Infrastructure Map, Waimea Valley
Adventure Park
Waimea, Waialua District, O`ahu
TMK: 6-1-002: various

The City & County of Honolulu has proposed revision to the Public Infrastructure Map (PIM) for the North Shore to support a proposal to purchase approximately 1,875 acres of land in Waimea Valley including the existing Waimea Valley Adventure Park. The proposal would add a publicly funded park symbol to the proposed North Shore PIM which is required prior to approval of land acquiring funds for facilities such as parks.

We believe that the planned acquisition and use of Waimea Valley Park by the City and County of Honolulu will have "no effect" on the significant historic sites known to be present within the property.

The Waimea Valley Adventure Park consulted, in late 1998, with the State Historic Preservation Division regarding public concerns expressed on proposed park development and its' effect on historic preservation issues. At that time our office found little cause for concern over the treatment of significant historic sites known to be at the Park and felt that the sites in question had been well-maintained, and still played an integral role in the cultural and historical interpretation programs of the Park.

A review of available files both at our office and the Land Division indicates that portions of the North Valley of Waimea underwent an archaeological reconnaissance survey in the early 1970s, finding at least 28 historic sites (*Archaeological Survey of Lower Waimea Valley, Oahu*. 1974. Bishop Museum). In 1991, Mr. Rudy Mitchell conducted another reconnaissance survey, identifying some 16 other historic sites in the North Valley (*An Archeological Survey of the North Valley in the Ahupua`a of Waimea, O`ahu. Sites Oa-50-D7-60 to 78*. 1991. Mitchell). The sites identified in both surveys include probable pre-contact agricultural, habitation, burial, and religious sites, as well some post-contact features such as a Japanese Shrine, bridge remnants, and water

Dean Uchida, Administrator
Page Two

catchments. In 1974 mitigation measures were recommended for some of the sites, including preservation, interpretation, and additional test excavations or research. However, we have no record that any mitigation work occurred nor do we have any preservation plans on file for the sites.

The nature of historic preservation has changed considerably since 1974, with more careful survey and mitigation. We believe that more thorough survey would be needed to better document the sites in both the north and south portions of the valley and better clarify their function and importance (the additional test excavations and research noted above). Also, we would recommend reviewing the proposed mitigation measures -- particularly which sites merit interpretation -- as the rationale for the 1974 conclusions may have changed for both the Park and the State since then.

Should the City & County acquire these lands, any development of the property would require compliance with Section 6E-8, Hawaii Revised Statutes. In anticipation of such future requests for concurrence by DLNR, we do have the following recommendations to make:

(1) We strongly recommend developing formal preservation plans for the significant historic sites which are currently part of the Park's visitor programs. This has been common practice in historic preservation in Hawai'i since 1987, and it helps ensure quality preservation over the years. Particularly the Hale O Lono Heiau near the entrance and the Hale Iwi site areas should have such written plans. Components of preservation plans could include things like appropriate buffer zones around the sites, landscaping near the sites, barriers (such as that in front of the Hale O Lono heiau), possible repair or replacement of modern superstructures (like those atop the Hale O Lono heiau), and interpretive signage. Additionally, plans can include having a Hawaiian community group help care for such sites. Our office typically reviews and approves such plans. Also, such plans should either involve interested community groups in their preparation, or allow for the review of the draft plans by such groups. These plans need not be lengthy. We can help the Park with the needed framework for such plans. [In the longer term, it would also be desirable to put into place burial treatment plans for the known burial sites within the Park's boundaries, to ensure their protection.]

(2) We would encourage the completion of any recommended mitigation actions for previously identified historic sites in the north valley. While there may be no imminent development in the vicinity of some or all of these sites, completed mitigation will accurately document the sites and their significance and ensure their site protection. It is also highly likely that a completed mitigation program will result in the production of more information and materials to enhance the existing public programs of cultural and historical interpretation.

Should you have any questions, please feel free to call Sara Collins at 692-8026 or Elaine Jourdane at 692-8027.

SC:jk

c: Mr. A. Van Horn Diamond, Chair, O`ahu Island Burial Council
Mr. Kala`au Wahilani, Burial Sites Program

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