CHAPTER 10.0 CONSULTED PARTIES AND EISPN COMMENT AND RESPONSE LETTERS

10.1 Parties Consulted During the Assessment Process

Prior to the preparation of the EISPN, representatives of the Applicant (Dillingham Ranch Aina, LLC) consulted the following parties to discuss the Proposed Project.

State Agencies

- Dept. of Agriculture

City and County Agencies

- Honolulu Board of Water Supply
- Dept. of Planning and Permitting

Elected Officials

- The Honorable Gil Riviere, Senate District 23
- The Honorable Beth Fukumoto,
- The Honorable Ernest Martin, Council District 2

Organizations

- Mokulēʻia Community Association
- North Shore Neighborhood Board No. 27

Individuals

- Thomas Shirai, Jr.

10.2 Parties Consulted During the Draft EIS Process

The Notice of Availability (NOA) for the EISPN was published in the September 23, 2016 edition of *Environmental Notice*, the bi-monthly publication of the State Department of Health, Office of Environmental Quality Control (OEQC). An electronic (PDF) version of the EISPN was also posted on the OEQC website for viewing or downloading. A link to the EISPN was provided to the following parties who were asked to review and comment on the Proposed Project. Parties providing comments on the EISPN are identified by an asterisk (*****).

Federal Agencies

- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service* (USFWS)
- U.S. Dept. of Agriculture, Natural Resources Conservation Service (NRCS)

State Agencies

- Dept. of Accounting and General Services (DAGS)
- Dept. of Agriculture* (DOA)
- Dept. of Business, Economic Development and Tourism, Office of Planning* (DBEDT-OP)
- Dept. of Education, Planning Section, Facilities Development Branch (DOE)
- Dept. of Hawaiian Home Lands (DHHL)

- Dept. of Health, Clean Air Branch (DOH-CAB)
- Dept. of Health, Clean Water Branch* (DOH-CWB)
- Dept. of Health, Indoor and Radiological Health Branch (DOH-IRHB)
- Dept. of Health, Safe Drinking Water Branch (DOH-SDWB)
- Dept. of Health, Solid and Hazardous Waste Branch (DOH-SHWB)
- Dept. of Health, Wastewater Branch* (DOH-WWB)
- Dept. of Human Services* (DHS)
- Dept. of Labor and Industrial Relations (DLIR)
- Dept. of Land and Natural Resources, Land Division (DLNR-LAND)
- Dept. of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD)
- Dept. of Transportation, Airports Division* (DOT-AIR)
- Dept. of Transportation, Highways Division(DOT-HWY)
- Hawaii Emergency Management Agency (HEMA)
- Office of Hawaiian Affairs* (OHA)
- University of Hawaiʻi, Water Resource Center (UH-WRC)

City and County Agencies

- Honolulu Board of Water Supply* (BWS)
- Dept. of Design and Construction (DDC)
- Dept. of Environmental Services (DES)
- Dept. of Facility Maintenance (DFM)
- Dept. of Planning and Permitting* (DPP)
- Dept. of Parks & Recreation* (DPR)
- Dept. of Transportation Services (DTS)
- Honolulu Fire Department (HFD)
- Honolulu Police Department* (HPD)

Utility Companies

- Hawaiian Electric Company (HECO)
- Hawaiian Telcom* (HawnTel)
- Oceanic-Charter Communications (OCC)

Elected Officials

- The Honorable Gil Riviere* (Senate District 23)
- The Honorable Lauren Matsumoto (House District 45)
- The Honorable Ernest Martin (Council District 2)

Organizations

- Mokulēʻia Community Association
- North Shore Neighborhood Board No. 27
- Mokulēʻia Beach Colony, Board of Directors*

Individuals

- Fredric Chuckovich & Mary Morton
- Greg Jones
- Kenneth Martyn
- Siri Masterson
- Blake McElheny
- Chris Peterson

- Bryan Phillips
- Maxx Elizabeth Phillips
- Rebecca Quigley

10.3 EISPN Comment and Response Letters

Copies of letters commenting on the EISPN and copies of letters responding to those comments are included in this section.

10.4 Community Meetings

On June 17, 2017, the Applicant presented the Proposed Project to the Mokulēʻia Community Association. About 20 persons attended the meeting. Those present at the meeting ~~unanimously~~ approved a resolution to support the Project.

On June 27, 2017, the Applicant presented the Proposed Project to the North Shore Neighborhood Board. Approximately 50 individuals attended the meeting. In commenting on the Project, some individuals felt that it could encourage future development of large agricultural parcels, while some felt it would increase traffic and tax infrastructure. Other individuals felt that the Proposed Project is a good alternative to a development project that would completely change the rural, agricultural character of the area. The Board took no position on the Project and wants to revisit the proposal during the DEIS public comment period.

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BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com

KIRK CALDWELL, MAYOR

BRYAN P. ANDAYA, Chair
ADAM C. WONG, Vice Chair
DAVID C. HULIHEE
KAPUA SPROAT
KAY C. MATSUI

ROSS S. SASAMURA, Ex-Officio
FORD N. FUCHIGAMI, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer

November 14, 2016

RECEIVED
NOV 17 2016
HHF PLANNERS

Mr. Scott Ezer, Principal
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Attention: Glenn Tadaki

Dear Mr. Ezer:

Subject: Your Letter Dated September 21, 2016 Requesting Comments on the Environmental Impact Statement Preparation Notice for Dillingham Ranch Agricultural Subdivision in Waialua - Tax Map Key: 6-8-002: 006; 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040

Thank you for the opportunity to comment on the proposed subdivision.

The Honolulu Board of Water Supply understands that the water system for the proposed agricultural subdivision will be kept private.

All proposed developments shall verify with the State Department of Health in regards to wastewater disposal systems that are allowable within the "No Pass Zone".

If you have any questions, please contact Robert Chun, Project Review Branch of our Water Resources Division at 748-5443.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

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places for people

December 20, 2017

Ernest Y.W. Lau, P.E., Manager/Chief Engineer
Board of Water Supply
City & County of Honolulu
630 S. Beretania Street
Honolulu, HI 96843

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēʻia, Oʻahu, Hawaiʻi

Dear Mr. Lau:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of your letter dated November 14, 2016 and are responding to your comments.

We confirm your understanding that the water system for the Proposed Project will be privately owned and maintained.

The Department of Health, Wastewater Branch has also been consulted for the preparation of the Draft EIS. There is no public wastewater system serving the Mokulēʻia area. Because the Proposed Project has more than 50 lots, a private wastewater treatment plant (WWTP) will be developed. The WWTP will treat the sewage to R-1 standards for non-potable water use such as irrigation. It is our understanding that a WWTP with an effluent reuse component is allowed within the No Pass Zone.

A copy of your comment letter has been furnished to the appropriate project consultants for their information.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR

ARTHUR D. CHALLACOMBE
ACTING DIRECTOR

KATHY K. SOKUGAWA
ACTING DEPUTY DIRECTOR

2016/ED-8(JY)

October 25, 2016

RECEIVED
OCT 27 2016
HHF PLANNERS

Mr. Glenn Tadaki
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Tadaki:

SUBJECT: Chapter 343, Hawaii Revised Statues (HRS)
Environmental Impact Statement Preparation Notice (EISPN)
Dillingham Ranch – Agricultural Subdivision
68-540 Farrington Highway – Waialua
TMK 6-8-3: 6 and 15

We have reviewed the above EISPN, received on September 7, 2016, for the above-mentioned project, and have the following comments:

A. Site Development Division

1. Civil Engineering Branch

a. The project shall comply with the prevailing storm water quality standards at the time the construction/grading plans are submitted to the Department of Planning and Permitting (DPP) for review and approval. Be advised that the current water quality standards will be superseded in its entirety with The Rules Relating to Water Quality, effective August 16, 2017.

b. Section 4.1 (Natural Hazards). The land upon which the proposed subdivision is being considered contains rockfall hazards which may affect certain lots. The Draft Environmental Impact Statement (DEIS) shall include a detailed discussion and provide appropriate mitigation measures to ensure that the site is suitable for the proposed development.

c. Section 7.0 (References). Add the following: (a) Rules Relating to Storm Drainage Standards, and (b) Rules Relating to Soil Erosion Standards and Guidelines.

2. Traffic Review Branch (TRB)

   a. TRB will provide more detailed comments on the traffic study when it is included in the DEIS. We understand the study will establish baseline traffic conditions and project future traffic volumes based on the traffic count data; estimate vehicle trips generated by the project; provide recommendations for minimizing construction related traffic impacts; and recommend appropriate measures to minimize adverse impacts on traffic circulation.

   b. The new agricultural roadway lots within the subdivision must meet City roadway standards, or a modification to the standards must be approved by the DPP.

3. Wastewater Branch - Sewers are not available. Individual wastewater systems are under the jurisdiction of the State Department of Health.

B. Planning Division

1. The DEIS should discuss the impact the subdivision will have on an existing Special Use Permits (SUP), one for sand mining (File No. 72/SUP-3) and the other for the Dillingham Ranch/Lodge (File No. 2000/SUP-3). As the sand mining operation is no longer active, disposition of the SUP may affect future lots of the proposed subdivision unless the SUP is terminated. Termination of the sand mining SUP will require the authorization of all owners affected by the sand mining SUP (owners are Touching the Earth, the City and County of Honolulu, and Dillingham Ranch owners). As in the prior subdivision request by the Applicant, the DPP may require the subdivision to address termination of the sand mining SUP or avoid the areas approved for sand mining prior to final subdivision approval.

2. It is noted that the DEIS will assess the relationship of the proposed action to relevant land use plans including the North Shore Sustainable Communities Plan dated May 2011 (NSSCP). We look forward to a comprehensive analysis of how the proposed project will address the policies and guidelines relating to agriculture pursuant to Section 3.2 of the NSSCP, which was lacking in the Draft Environmental Assessment. Special emphasis should be devoted to describing how the Applicant and ensuing subdivision lot owners would ensure that the primary use of the lands will be for agriculture and not "fake farms" per Bullet Point No. 4, Section 3.2.1 Policies, of the NSSCP.

3. Emphasis should also be placed on clustering of farms dwellings to preserve open space, more efficient use of agricultural land, and reduce infrastructure costs, as noted in the NSSCP guidelines relating to agricultural lands. The DEIS should demonstrate how the proposed site layout is consistent with these guidelines.

4. The DEIS should include an updated agricultural feasibility study to demonstrate that the proposed agricultural subdivision will provide feasible agricultural use over the long term. It should include criteria that define the minimum requirements for the meaningful and credible use of agricultural land. If covenants restricting use of the land to bona fide agricultural activities will be drafted, we would appreciate inclusion of draft covenant language for review and comment.

5. With respect to the proposed wastewater treatment plant, Chapter 205, HRS prohibits treatment plants within the State Land Use Agricultural District unless it is an accessory use or has an approved SUP. The DEIS should explain how the wastewater treatment plant meets the requirement of Chapter 205, HRS.

6. It is stated that the DEIS will include a discussion of existing scenic resources and views. Please note that the mauka views of the Waianae Mountains from Farrington Highway and Kaukonahua Road are included in the NSSCP and identified on the NSSCP Land Use Map as significant scenic resources to be protected and enhanced. To adequately assess the impact of the proposed project on the above scenic resources, the visual analysis should include topographic information and photographic imagery, including aerials and panoramas of the view planes.

7. The DEIS should include an analysis of the possible impact of sea level rise on the project. If it is likely that sea level rise will increase the risk of flooding during the life of the project structures, the DEIS should discuss how the design of the project and proposed operations at the project site will address the risk and provide resilience in recovering from any flooding. The national standard for making such project assessments has been developed by the U. S. Army Corp of Engineers. See http://www.corpsclimate.us/rccslca.cfm for more details, including use of an online sea-level calculator which can be used to produce Oahu specific projections of sea level rise through 2100.

C. Land Use Permits Division – An Agricultural-Feasibility Report that is acceptable by the State Department of Agriculture shall be included in the DEIS.

Should you have any further questions on this matter, please contact Joette Yago of our Urban Design Branch at 768-8034 or jyago@honolulu.gov.

Very truly yours,

Arthur D. Challacombe
Acting Director

Doc1397205

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December 20, 2017

Kathy Sokugawa, Acting Director
Dept. of Planning & Permitting
City & County of Honolulu
650 S. King Street, 7h Floor
Honolulu, HI 96813

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēiʻa, Oʻahu, Hawaiʻi

Dear Ms. Sokugawa:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of the Department's letter (2016/ED-8(JY) dated October 25, 2016 and are responding as follows:

A. Site Development Division
   1. Civil Engineering Branch
      a. The Proposed Project shall comply with stormwater quality standards that are in effect at the time the construction plans are submitted to the Department for review and approval.
      b. The Draft EIS will include a discussion of potential rockfall hazards and appropriate mitigation measures.
      c. The *Rules Relating to Storm Drainage Standards* and the *Rules Relating to Soil Erosion Standards and Guidelines* have been included in the References section of the Draft EIS.
   2. Traffic Review Branch (TRB)
      a. The Applicant understands that traffic comments will be deferred until the TRB reviews the traffic study in the Draft EIS.
      b. Agricultural roadway lots for the Proposed Project will comply with City and County (C&C) roadway standards unless a request for modification of the standards is submitted and approved by the Department.
   3. Wastewater Branch
      a. Wastewater collection and treatment for the Proposed Project will be provided by a private wastewater treatment plant which will be designed, operated, and maintained in accordance with C&C and State of Hawaiʻi wastewater system standards.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

B. Planning Division

1. The Draft EIS will discuss the effect the termination of the existing Special Use Permit (SUP) for sand mining (72/SUP-3) will have on the Proposed Project, as well as the effect the existing SUP for the Dillingham Lodge (2000/SUP-3) will have on the Proposed Project.
2. The Draft EIS will discuss the relationship of the Proposed Project to the applicable policies of the *North Shore Sustainable Communities Plan* (NSSCP), including Agriculture, as well the Guidelines for Agricultural Lands and Agricultural Support Facilities.
3. The Draft EIS will discuss the clustering of farm dwellings, and how the site layout for the Proposed Project is consistent with the NSSCP.
4. An updated Agricultural Plan that provides for viable agricultural production is being prepared and will be included the Draft EIS.
5. The Applicant acknowledges that a Special Use Permit will be required for the proposed WWTP.
6. The Draft EIS will identify existing scenic resources and views in the Project Area and include a discussion of any potential impacts and appropriate mitigation measures, if necessary.
7. The Draft EIS will include a section on climate which will discuss global warming and sea level rise.

C. Land Use Permits Division

1. The Draft EIS will include an updated Agricultural Feasibility Report for viable agricultural production that will be reviewed by the State Department of Agriculture.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

DEPARTMENT OF PARKS & RECREATION

CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707
Phone: (808) 768-3003 • Fax: (808) 768-3053
Website: www.honolulu.gov

KIRK CALDWELL
MAYOR

MICHELE K. NEKOTA
DIRECTOR

JEANNE C. ISHIKAWA
DEPUTY DIRECTOR

September 28, 2016

RECEIVED
OCT - 3 2016
HHF PLANNERS

Mr. Scott Ezer, Principle
HHF Planner
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Ezer:

SUBJECT: Environmental Impact Statement Preparation Notice (EISPN)
Dillingham Ranch Agricultural Subdivision
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040.
(1) 6-8-002: 006
Mokuleia, Oahu, Hawaii

Thank you for the opportunity to review and comment on the EISPN for the Dillingham Ranch Agricultural Subdivision.

The Department of Parks and Recreation has no comment as the proposed project will have no impact on any of our programs or facilities. You may remove us as a consulted party to the balance of the EISPN process.

Should you have any questions please contact Mr. John Reid, Planner at 768-3017.

Sincerely,

Michele K. Nekota
Director

MKN:jr
(666994)

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December 20, 2017

Michelle K. Nekota, Director
Dept. of Parks & Recreation
City and County of Honolulu
1000 Uluohia Street, Suite 309
Kapolei, HI 96707

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēʻia, Oʻahu, Hawaiʻi

Dear Ms. Nekota:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of your letter (666994) dated September 28, 2016 and understand that the Department of Parks & Recreation has no comment as the Proposed Project will not affect the Department's programs or facilities.

In addition, the DPR will be removed as a consulted party for the remainder of the environmental review process pursuant to your request.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

MARIE A. McCAULEY
CARY OKIMOTO
DEPUTY CHIEFS

OUR REFERENCE MT-DK

October 12, 2016

RECEIVED
OCT 17 2016
HHF PLANNERS

Mr. Glenn Tadaki
HHF Planners
Pacific Guardian Center
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Tadaki:

This is in response to your agency's letter of September 21, 2016, requesting comments on an Environmental Impact Statement Preparation Notice for the Dillingham Ranch Agricultural Subdivision project.

Based on the information provided, this project should have no significant impact on the services or operations of the Honolulu Police Department at this time.

If there are any questions, please call Major Darren Izumo of District 2 (Wahiawa) at 723-8703.

Thank you for the opportunity to review this project.

Sincerely,

LOUIS M. KEALOHA
Chief of Police

By
MARK TSUYEMURA
Management Analyst VI
Office of the Chief

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December 20, 2017

Susan Ballard, Chief
Honolulu Police Department
City & County of Honolulu
801 S. Beretania Street
Honolulu, HI 96813

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēʻia, Oʻahu, Hawaiʻi

Dear Mr. Okimoto:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of the Department's letter (MT-DK) dated October 12, 2016 and understand that based on the information provided, the Proposed Project should not have a significant impact on the services or operations of the Honolulu Police Department at this time.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

DAVID Y. IGE
GOVERNOR

PANKAJ BHANOT
DIRECTOR

BRIDGET HOLTHUS
DEPUTY DIRECTOR

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OCT 17 2016
HHF PLANNERS

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
Benefit, Employment and Support Services Division
820 Mililani Street, Suite 606
Honolulu, Hawaii 96813

October 12, 2016

Re: 16-0491

HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii, 96813
Attn: Glenn Takaki

Re: Dillingham Ranch Agricultural Subdivision Environmental Impact Statement Preparation Notice (EISPN) TMKs: (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006 Mokule'ia, O'ahu, Hawai'i

Dear Mr. Tadaki:

This is in response to your letter dated September 21, 2016 requesting the Department of Human Services (DHS) to identify relevant topics and potential concerns for the above-mentioned project. The DHS reviewed the EISPN on the Office of Environmental Quality Control's website and at this time has no comment.

If you should have any questions regarding this matter, please contact Ms. Jill Arizumi, Child Care Program Specialist at 586-5240.

Sincerely,

Scott Nakasone
Assistant Division Administrator

HHF PLANNERS
places for people

December 20, 2017

Scott Nakasone, Asst. Division Administrator
Benefit, Employment and Support Services Division
Hawai'i Dept. of Human Services
820 Mililani Street, Suite 606
Honolulu, HI 96813

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē'ia, O'ahu, Hawai'i

Dear Mr. Nakasone:

On behalf of the Applicant (Dillingham Ranch Aina), we acknowledge receipt of your letter (16-0491) dated October 12, 2016 and understand that the Benefit, Employment and Support Services Division has reviewed the EISPN and has no comment at this time.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

OFFICE OF PLANNING
STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

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

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: http://planning.hawaii.gov/

Ref. No. P-15341

October 24, 2016

RECEIVED
OCT 24 2016
HHF PLANNERS

Mr. Glenn Tadaki
HHF Planners
Pacific Guardian Center
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Tadaki:

Subject: Environmental Impact Statement Preparation Notice
Dillingham Ranch Agricultural Subdivision, Mokuleia, Hawaii;
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, and (1) 6-8-002: 006

Thank you for the opportunity to review the Environmental Impact Statement Preparation Notice (EISPN) for the proposed Dillingham Ranch Agricultural Subdivision. The EISPN was sent to our office via letter dated September 21, 2016.

It is our understanding that the applicant, Dillingham Ranch Aina, intends to develop an agricultural subdivision on a parcel known as Dillingham Ranch in Mokuleia, Oahu. This action will involve the subdivision and consolidation of over 2,700 acres of land designated as State Land Use Agricultural District.

The applicant will continue to operate a commercial lodge for weddings, retreats, and other special events at their current location. Under the proposed project, the existing equestrian facilities will be expanded, diversified agriculture will be developed, and ranch employee dwellings will be maintained.

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

1. Section 5.0, page 24 of the EISPN states the Draft Environmental Impact Statement (Draft EIS) will assess the project's relevance to and consistency with the State Land Use Law and the use of agricultural lands.

   Please discuss fully the conformance of the proposed subdivision with the State Land Use Law. Single family dwellings within the State Land Use Agricultural District are required to be "farm dwellings", which is defined in Hawaii Revised Statutes (HRS) §

205-4.5(a)(4) as "a single-family dwelling located on and used in connection with a farm... where agricultural activity provides income to the family occupying the dwelling." Please provide additional information regarding more specificity on lot sizes, the anticipated sales prices for these lots, and what agricultural activities will be occurring on these subdivided lots. Farm dwellings should be accessory to the primary agricultural use of the lots.

2. The use of recorded Declaration of Covenants, Conditions, and Restrictions (CC&Rs) is proposed to enforce permissible uses and developments within the subdivision. This has not proven to be an effective means of ensuring conformance as shown in the numerous non-permitted uses occurring in the State Land Use Agricultural District at the Kunia Loa Ridge subdivision in Central Oahu. Furthermore, HRS § 205-4.6 prohibits private restrictions on agricultural uses and activities on lands in the State Land Use Agricultural District, and agricultural uses on agricultural lands are protected from nuisance complaints under the State's Right-to-Farm law. The Draft EIS should identify the terms of the proposed CC&Rs and also discuss any alternatives available to ensure that bona fide agricultural activities are the primary uses occurring on the subdivided agricultural lots and that legitimate agricultural activities are protected from nuisance complaints from any residential or non-agricultural uses within the project.

3. For the proposed 70 agricultural lots ranging in size from 2 to 77 acres each with farm dwellings, please describe how the agricultural lots are distinguishable from and unsuitable for either the State Rural or Urban District classifications. As described under HRS § 205-2(a)(2), a Rural District may include "areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre." The Urban District would enable the Country zoning designation which is similar to the State Land Use Rural District.

4. The Draft EIS should provide discussion and maps showing soil classifications and productivity, including Land Study Bureau ratings and Agricultural Lands of Importance to the State of Hawaii. Past and proposed sources of water for agricultural activities, including water demand and quantities of water needed for source, storage and distribution facilities should also be described.

5. Pursuant to Hawaii Administrative Rules (HAR) § 11-200-17(h) – relationship of the proposed action to land use plans, policies, and controls for the affected area – this project must demonstrate that it is consistent with a number of State environmental, social, and economic goals and policies for land use. OP provides technical assistance to State and county agencies in administering the statewide planning

system in HRS Chapter 226, the Hawaii State Planning Act. The Hawaii State Planning Act provides goals, objectives, policies, and priority guidelines for growth, development, and the allocation of resources throughout the State. The Hawaii State Plan includes diverse objectives and policies of state interest including but not limited to the economy, agriculture, the visitor industry, federal expenditure, the physical environment, facility systems, socio-cultural advancement, climate change adaptation, and sustainability.

The analysis of conformance of the project with the Hawaii State Planning Act should also include a discussion of the project's ability to meet the goals, objectives, policies, and priority guidelines or clarify where it is in conflict with them. If any of the goals, objectives, policies, or priority guidelines are not applicable to the project, the Draft EIS should affirmatively state such determination. The most efficient method is summarizing these in tabular form, followed by discussion paragraphs.

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

   HRS § 205A-5(b) requires all state and county agencies to enforce the CZM objectives and policies. The Draft EIS should include an assessment as to how the proposed project conforms to the CZM objectives and its supporting policies set forth in HRS § 205A-2. The assessment on compliance with HRS § 205A-2 is an important component for satisfying the requirements of HRS Chapter 343.

7. Page 8 of the EISPN, lists the potential need for a Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers. The national Coastal Zone Management Act requires that certain actions by the Federal government be consistent with approved state CZM program's enforceable policies. In this case, the U.S. Army Corps of Engineers permit is the nexus for the Coastal Zone Management Act Federal Consistency review.

   OP is the lead state agency with the authority to conduct Federal Consistency reviews. Please contact our office on the policies and procedures for this review.

8. Pursuant to HAR § 11-200-17(i) – probable impact of the proposed action on the environment, and impacts of the natural and human environment – in order to ensure that surface water resources and the coastal ecosystem remain protected, the negative effects of stormwater inundation and land-based pollutants on these resources should be evaluated in the Draft EIS.

The Draft EIS should summarize the potential impact to nearshore marine resources and actions from the activities proposed for this area, as well as the cumulative impact from stormwater runoff and land-based pollutants that the subdivided area would have on the coastal ecosystem. Issues that should be examined in the Draft EIS include, but are not limited to, land use classification and density, drainage infrastructure, potential flooding issues, wastewater treatment systems, and current erosion controls in place. These items, as well as the marine water quality classification, should be considered when developing mitigation measures to protect the coastal ecosystem. According to the EISPN there are seven intermittent stream channels that begin in the Waianae Range, drain through the subject parcel, and all outlet into the ocean. Runoff from this property may impact the nearshore ecosystem.

OP has a number of resources available to assist in the continued agriculture activities which ensure sediment and stormwater control on land, thus protecting the nearshore environment. OP recommends consulting these guidance documents and stormwater evaluative tools when developing strategies to address polluted runoff. They offer useful techniques to keep soil and sediment in place and prevent contaminating nearshore waters, while considering the practices best suited for each project. The evaluative tools that are available to be used during the design process include:

- Hawaii Watershed Guidance Section 5.1, pages 73-82, provides management measures (applicable to agriculture) on erosion and sediment control, wastewater and runoff from confined facilities, nutrient, pesticides, grazing, and irrigation water to safeguard Hawaii's watersheds and implement watershed plans http://files.hawaii.gov/dbedt/op/czm/initiative/nonpoint/HI Watershed Guidance Final.pdf
- Stormwater Impact Assessments can be used to identify and evaluate information on hydrology, stressors, sensitivity of aquatic and riparian resources, and management measures to control runoff, as well as consider secondary and cumulative impacts to the area http://files.hawaii.gov/dbedt/op/czm/initiative/stomwater_imapct/final_storm water_impact_assessments_guidance.pdf
- Low Impact Development (LID), A Practitioners Guide covers a range of structural best management practices for stormwater control management that minimizes flooding and mitigates stormwater runoff environmental impacts http://files.hawaii.gov/dbedt/op/czm/initiative/lid/lid_guide_2006.pdf

We have no further comments at this time. If you have any questions please call Joshua Hekekia of our office at (808) 587-2845.

Sincerely,

Leo R. Asuncion
Director

HHF PLANNERS
places for people

December 20, 2017

Leo Asuncion, Jr., AICP, Director
Office of Planning
Hawai'i Dept. of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē'ia, O'ahu, Hawai'i

Dear Mr. Asuncion:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge the receipt of your letter (P-15341) dated October 24, 2016 and are responding to your comments.

1. The Draft EIS will discuss the Proposed Project's consistency with the provisions and requirements of the State Land Use Law (Chapter 205, HRS), including permissible uses in the State Agricultural District such as farm dwellings. Information on proposed agricultural lot sizes and agricultural activities will be discussed in the Draft EIS. The sales prices for the agricultural lots will be subject to prevailing economic conditions at the time the lots are marketed.
2. The Draft EIS will discuss how the proposed Covenants, Conditions, and Restrictions (CC&Rs) will be utilized to enforce compliance with design, development, and land use standards for the Proposed Project, including upholding the provisions of Chapter 165, HRS (State Right-to-Farm Law).
3. The Draft EIS will discuss the feasibility of utilizing the Project Site for a different State land use, such as State Rural or Urban District use.
4. The Draft EIS will include a Soils Map, Land Study Bureau Map, and a map of Agricultural Lands of Importance to the State of Hawai'i. Information about existing and proposed water use and sources will be included in the Draft EIS.
5. The Draft EIS will discuss the Proposed Project's consistency with the applicable goals, objectives, and policies of the Hawai'i State Planning Act (Chapter 226, HRS), as well as the Hawai'i State Functional Plans, Hawai'i Environmental Law, Hawai'i Environmental Policy, EIS Significance Criteria, General Plan of the City and County of Honolulu, North Shore Sustainable Communities Plan, Revised Ordinances of Honolulu, and other pertinent land use controls.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

6. The Draft EIS will discuss the Proposed Project's consistency with the applicable goals, objectives, and policies of Chapter 205A, HRS (Coastal Zone Management)
7. The Applicant acknowledges that a federal consistency review will be conducted as part of the Department of the Army Section 404 Permit process.
8. The Draft EIS will evaluate potential effects of soil erosion, stormwater runoff, and land-based pollutants upon surface/groundwater resources and coastal waters.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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

RECEIVED
OCT 21 2016
HHF PLANNERS

October 21, 2016

Mr. Scott Ezer, Principal
HHF Planners
733 Bishop Street, Suite 2590
Honolulu HI 96813

Attention: Glenn Tadaki, Planner

Dear Mr. Ezer:

Subj: Environmental Impact Statement Preparation Notice (EISPN)
for Proposed Dillingham Ranch Agricultural Subdivision
TMK: 6-8-02: 6
6-8-03: 5, 6, 15, 19, 30, 31, 33, 35, 40
Project Area: 2,721 acres

This is in response to your September 21, 2016 letter informing us of the Dillingham Ranch 'Aina LLC's (the Applicant) EISPN for the proposed Dillingham Ranch Agricultural Subdivision (project) in Mokuleia, Oahu. The Applicant is having an Environmental Impact Statement prepared because of the use of State lands for improvements at the intersection of Farrington Highway and Crowbar Ranch Road and the development of a private wastewater treatment plant that would service the project.

Background:
The 2,721-acre project area is within the State Agricultural District. The closest Urban District is a strip of coastline makai of Farrington Highway. The City's North Shore Sustainable Communities Plan (May, 2011) designates the entire area as "Agriculture." About 100 acres of the project area along the makai northeastern corner is zoned AG-1 (Restricted Agricultural) and the remainder is zoned AG-2 (General Agricultural).

The project area has a long history of agricultural use. Since 1881 the project area has been engaged in various agricultural activities, including cattle ranching, rice cultivation, ornamental tree farming, and horse boarding, breeding and pasturing. Current agricultural uses on the property include a cattle ranch and coconut tree farm. Agricultural activities on the surrounding properties include seed corn cultivation by

Pioneer Hi-Bred International to the east, and diversified crops grown by Larry Jefts to the west. Northward, across Farrington Highway, is a polo field and vacant lands.

The project will continue the commercial operations at the Dillingham Lodge that are allowed by Special Use Permit and zoning variance issued by the City. Also to continue and expand in area are the existing equestrian activities and several additional polo fields. Other proposed uses include "several acres" within the Dillingham Lodge area to be used to cultivate farm-to-table crops, and creation of 70 agricultural lots totaling 489 acres. Lots will ranch in size from 2 to 77 acres. The existing cattle ranch will be discontinued. A breakdown of the proposed land uses follows:

Land Use	Approximate Land Area (acres)
Dillingham Lodge	41
Palm Tree Farm	46
Equestrian and Polo Facilities	187
Ranch Employee Housing	6
Existing Ponds	21
70 Agricultural Lots	489
Archaeological/Cultural Areas	19
Roadways/Utilities	24
Informal Horse Grazing/Recreation	1,888
Total	2,721

Comments/Recommendations:

1. The EISPN states that the project will focus on "low-intensity" agricultural uses of recreational equestrian activities, 46 acres of palm tree cultivation, "several acres" of farm-to-table agricultural production, and unspecified agricultural activity on the portion of the 70 proposed subdivision lots beyond the 5,000 square foot dwelling footprint allowed on each lot. Cattle grazing will be discontinued. Outdoor recreational use (equestrian and polo facilities, informal horse grazing and recreation) will be the primary use on approximately 2,067 acres (76 percent) of the total project area of 2,721 acres. The potential area that is or may be put into agricultural production (481 net acres of the 70 proposed subdivision lots, 46-acres of palm trees, say 5 acres of farm-to-table production) totals about 532 acres or about 20 percent of the total project area. The Department is very concerned that the proposed subdivision may become what the North Shore Sustainable Communities Plan (May, 2011) does not support:
   "Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other nonagricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., 'fake farms') or

ranching as a ruse to exploit agricultural land." (Section 3.2.1, page 3-22).

The Department recommends the Draft Environmental Impact Statement (DEIS) identify development alternatives for the project area that would be in conformance with the policies relating to agricultural lands and their subdivision as described in the North Shore Sustainable Communities Plan.

The Department notes that prior agricultural subdivision concepts for the project area had proposed intensive and substantial agricultural uses as the primary use of the land. In particular, we were impressed with the creation of a proposed agricultural development organization that would implement the proposed agricultural concept as described in an Agricultural Feasibility Report (August, 2014) for the project area. The agricultural concept included 28 orchard lots (160 acres, avocado, mango, citrus), 16 grazing lots (265 acres, option for more intensive agricultural uses), 48 pasture lots (527 acres), and 1,473 acres within the mauka portions of the project area for cattle grazing (see attached Department comments and recommendations, dated August 5, 2015). The orchard crops were selected based on their agronomic suitability and market demand, and the existing cattle operation was to increase in herd size. The available supply of irrigation water was carefully considered to be able to meet maximum demand by the proposed crops during dry periods. The existing 126-acre equestrian center and paddocks were retained but not expanded in acreage.

2. The EISPN makes reference to the U.S. Department of Agriculture, Soil Conservation Service (now, Natural Resources Conservation Service) Soil Survey (page 15). We recommend that reference also be made to the "Detailed Land Classification – Island of Oahu" (December, 1972) also known as the Land Study Bureau (LSB). Our review shows the majority of land that will comprise the 70 agricultural lots (489 acres) and the informal horse grazing/recreation area (1,888 acres) to be primarily rated "D" or "E". Some of the "D" rated soils (Overall Productivity Rating and Land Type) such as D31, D130 and D131 found in this area would improve to "B" if irrigation had been available at the time the LSB study was done. This indicates some agronomic potential beyond low-intensity agricultural uses. The "E" rated soils do not improve with irrigation. Much of the lands closest to Farrington Highway that contain the Dillingham Lodge and existing/proposed polo fields are either rated "A" or "B". The Overall

Productivity Ratings have statutory implications with respect to subdivision of agricultural land pursuant to Chapter 205, HRS.

3. The EISPN states that an association of agricultural lot owners will be created for the agricultural subdivision. (EISPN, page 14). The 70 agricultural lot owners will be limited to developing a single-family farm dwelling of no more than 5,000 square feet. The total area beyond the building envelopes on each of the agricultural lots is approximately 481 acres, and along with the Dillingham Lodge, the 46-acre palm tree farm, the equestrian facilities, and farm-to-table production site, these areas will be collectively considered "common areas". This common area will be owned and/or maintained by the association of lot owners and be under the control of a "property management firm" to be hired by the association of lot owners (page 14). The EISPN mentions that the 481 acres of the agricultural lots not used for farm dwellings will be used for "open space and agricultural uses." (EISPN, page 14) The DEIS should explain the role this "property management firm" will have in establishing agricultural uses and activities on the 481 acres. The Department of Agriculture strongly believes that little, if any, agricultural activity in compliance with State law (Section 205-4.5, HRS) will occur if the farm dwelling owners are left on their own to establish agricultural use on the 481 acres. This would not be an acceptable outcome.

4. The DEIS should include detailed information on irrigation water needs for the project, including estimated irrigation demand that considers peak usage periods, adequacy of supply, and any required permits needed for existing/planned water sources.

5. The EISPN notes the potential impact of dust and noise to neighboring residential areas makai of Farrington Highway. (EISPN, page 21). <u>The Department recommends</u> a plan be developed to notify all neighboring residential and commercial owners/lessees that the Hawaii Right-to-Farm Law (Chapter 165, HRS) limits the circumstances under which noises, odors, vectors, dust, fumes, spray, smoke, or vibration from farming activities may be considered a nuisance. The DEIS should also reference Section 205-4.6, HRS, which prevents agricultural uses or activities from being limited or prohibited through private restrictions.

6. We note that the "ranch employee housing" includes four existing dwellings and two vacant dwellings in disrepair (EISPN, page 9). It appears the four dwellings will be used for the equestrian activities and facilities (EISPN, page 13). <u>The Department recommends</u> the DEIS

explain whether these dwellings are to be "farm dwellings", and if so, how they comply with Chapter 205, HRS.

In conclusion, the Hawaii Department of Agriculture will take issue with a proposed agricultural subdivision that does not demonstrate viable agricultural production. Thank you for the opportunity to provide our comments. Should you have any questions, please contact Earl Yamamoto at 973-9466 or by email at earl.j.yamamoto@hawaii.gov.

Sincerely,

Scott E. Enright, Chairperson
Board of Agriculture

Attachment (1)

c: Mr. Arthur D. Challacombe, Temporary Acting Director
Department of Planning and Permitting
City and County of Honolulu
Attn: Ms. Joette Yago (jyago@honolulu.gov)

Mr. Leo Asuncion, Director
Office of Planning

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

COPY

August 5, 2015

Mr. George I. Atta, FAICP
Director
Department of Planning and Permitting, 7th floor
City and County of Honolulu
650 South King Street,
Honolulu, Hawaii 96813

Attention: Subdivision Branch

Dear Mr. Atta:

Subject: Revised Agriculture Feasibility Report (Vol. 1 and 2; June 2015)
Proposed Consolidation/Resubdivision of Agricultural Land
Dillingham Ranch Agricultural Subdivision
TMK: 6-8-02: 6
6-8-03: 5, 6, 15, 19, 30, 31, 33, 35, 40
Area: 2,721 acres

The Department of Agriculture (DOA) provides the following comments on the revised Agricultural Feasibility Report (Report) dated June 2015 and received on July 21, 2015. We understand the concept of the subdivision is the same as that presented in the initial version of the Report (dated August 2014). The Department responded to the earlier version of the Report on May 5, 2015 (copy attached).

We understand that the physical characteristics, lot layout, and the Dillingham Ranch operations have not substantively changed from the original Report. Crop selections by area are somewhat the same.

Our comments focus on irrigation water demand and supply and the Applicant's proposals that will cause agricultural activity to be established and maintained.

SUBDIVISION CONCEPT:

The 10 parcels comprising the 2,721-acre Ranch are to be consolidated and resubdivided into 91, five-acre (minimum) agricultural lots (total of 952 acres) that are to be sandwiched between the mauka cattle grazing area (total of about 1,400 acres) and six large makai lots (total of nearly 320 acres). We note that the five-acre minimum lot size is larger than the two-acre minimum lot size that the underlying AG-2 zoning district requires. This significantly reduces the number of farm dwellings on the project that would otherwise be possible.

The 92-lot "Foothills" area is to be divided into "Orchard Lots" (28 lots, total of 160 acres), "Grazing Lots" (15 lots, total of 508 acres), and "Pasture (Flex) Lots" (48 lots, total of 265 acres). The proposed agricultural uses are mango, avocado, and citrus fruit trees for the Orchard Lots; unimproved rotational cattle grazing (to be coordinated with the Ranch's cattle operation) for the Grazing Lots; and horse breeding, ornamental plants, and landscape materials for the Pasture (Flex) Lots.

The six large makai lots (identified in the Report as "The Flats") total about 300 acres and is where the existing Dillingham House, coconut trees, horse paddocks, equestrian facilities, and a large pond are located.

The 1,473-acre mauka cattle grazing area (identified as the "Mauka Lands") will be populated with 64 heifers and two bulls that are to be relocated from the area between the mauka lands and the large makai lots. In addition, the cattle operation will increase nearly four-fold to 220 to 250 head (heifers and bulls). The Report indicates that roughly 30,000 linear feet of cattle fencing will be required to properly secure the mauka grazing lands.

IRRIGATION WATER

A supply of irrigation water in sufficient quantity, quality, and distribution to all proposed agricultural production areas within the project area is critical to the establishment and maintenance of the proposed agricultural crops, livestock, and activities in conformance with applicable State and City laws, ordinances and regulations. Supplemental irrigation water is critical because the mean annual rainfall in the project area of 35 inches is well below the annual requirement of 70 inches for leafy crops, including pasture grass (Volume 1, page 21).

The Applicant has divided the entire project area into two zones for the purpose of delineating irrigation service areas. Zone 1 is generally the area called the Flats, 300 acres adjacent to Farrington Highway, and a portion of the lands further mauka. Zone 2 is the area called the Foothills which has the 425 acres of Orchard and Pasture/Flex lots, and the Grazing lots (508 acres) and Mauka lands (1,473 acres) further uphill.

Zone 1 will be serviced by two existing wells (3410-01 and 3410-03) for which applications have been submitted to the Commission on Water Resource Management (CWRM) for a total allocation of 1.7 million gallons per day (MGD). Zone 2 will be serviced by two new wells for which applications have been submitted to CWRM for a total allocation of 1.3 MGD.

To aid in the assessment of the adequacy of the water supply to meet agricultural production needs, DOA staff assembled the water supply, pumping, and irrigation water demand during periods of average daily demand and peak demand estimated for the fully-planted project into a compact format.

The estimated average total daily water demand for the project at full development for irrigation, livestock and domestic needs is 2.9 MGD with an estimated peak daily demand of 5.4 MGD. The breakdown in estimated water demand rates for both zones is provided in the table below.

	Area (acres)	Total Average Demand (Gallons Per Day)	Total Peak Demand (Gallons Per Day)
Zone 1			
Pasture	150	977,400	1,955,100
Orchard	200.3	599,201	1,198,587
Palms	27	72,443	144,907
Lodge Lawn	9.9	46,538	93,091
Sub total		1,708,614	3,417,753
Zone 2			
Pasture	144	782,035	1,485,867
Orchard	48	122,672	233,077
Livestock	350 head	26,250	26,250
Domestic		291,131	291,131
Sub total		1,222,088	2,036,325
TOTAL		**2,930,702**	**5,453,187**

The existing and planned wells to irrigate Zone 1 and Zone 2 is provided in the table below. Zone 1 contains Wells 1 & 2, and Zone 2 will contain Wells 3 & 4.

	Allocation (Gallons per day)	Estimated Capacity (Gallons Per Minute)	Pumpage rates
Zone 1			20 hours/day
Well 1(3410-01)	500,000	400 GPM	480,000
Well 2(3410-03)	1,200,000	800 GPM	960,000
Total	1,700,000		1,440,000
Zone 2			18 hours/day
Well 3(planned)	1,300,000 (total for both)	1,150 GPM	1,240,000
Well 4(planned)		1,150 GPM	1,240,000
Total	1,300,000		2,480,000
TOTAL	3,000,000		**3,920,000**

At full development, the Applicant plans to construct two new wells (Well 3 & Well 4) and obtain new water permits from the CWRM for 3.0 MGD for the entire project. The Applicant has stated that the 3.0 MGD allocation is monitored on a 12-month moving average, which means the allocation is monitored by determining the average GPD drawn within a 12-month time frame, and it is acceptable for a well to draw more water during peak usage periods, as long as its calculated 12 month average GPD is below its allocation. The 3.0 MGPD seems to be an adequate allocation for the estimated 2.9 MGPD average daily water demand for the project. The 2.9 MGPD figure includes the estimated peak daily demand periods of 5.4 MGPD.

There is a shortfall in pumping capacity to adequately irrigate Zone 1 during estimated average daily demand and peak daily demands. The Applicant is planning to upgrade the pumps for Wells 1 and 2 before full development in order meet the average daily demand of 1.7 MGPD for Zone 1; however, meeting the estimated peak daily demand of 3.4 MGPD for Zone 1 is not possible through Well 1 and Well 2 alone.

The Applicant has discussed a couple of potential solutions to address this irrigation shortfall in Zone 1 during peak demand periods. The first solution is water conservation for non-orchard crops. During drought periods, a temporary irrigation reduction of 25% would be applied to the coconut fields and lawn areas at the Dillingham House. Additionally, a rotating irrigation schedule that will reduce irrigation demand for the irrigated grazing areas within the Pasture/Flex lots by one-third is planned during peak

demand periods. The water conservation plan is estimated to reduce daily demand rates to 2.4 MGD for Zone 1 and 1.5 MGD for Zone 2.

The Applicant is also planning to connect the water systems of Zone 1 and Zone 2. Assuming the aforementioned water conservation plan is in place, there may be a theoretical surplus of water in Zone 2 that could be used to irrigate Zone 1 during peak demand periods.

We note that the delivery of irrigation water will rely exclusively on pumping to supply water on an as-needed basis. There will be no reservoir(s) to store water to supplement pumping during sustained dry periods. As described above, there will be linkage between the potable and irrigation systems so as to supplement the latter during periods of drought.

We understand the organization to be responsible for water infrastructure management is yet to be determined. Potable and irrigation water infrastructure will not be developed up front until capital is generated from the sale of subdivided lots and the CPR units. (Volume 1, page 6)

PROPOSED CROPS:
Volume 2 of the Report explains the process of selecting avocado, mango, and citrus cultivars, detailed agricultural practices (land preparation, plant propagation, planting densities, fertilization, irrigation, pollination), pest and disease risk management, crop yields, harvesting, packing, commercial production plans, and estimated gross revenues from crop sales.

Avocado, mango, and citrus were selected to be the three primary crops for the subdivision. The criteria used to select the crops were market potential, suitability for cultivation, predictability of crop yield, manageability with organic and conventional growing methods, and crops that can be grown economically. This section of the Report is very thorough and the information contained therein supports the crop selections specific to the project area. `

DILLINGHAM RANCH AGRICULTURAL SERVICES AND DILLINGHAM RANCH FARMERS' COOPERATIVE:
What has been removed from the revised Report as an integral part of the development is the proposed Dillingham Ranch Agricultural Services (DRAS) and the Dillingham Ranch Farmers' Cooperative (DRFC). These are two organizational concepts that we believed would have increased the likelihood that agricultural activities and uses would

have occurred on the project area in compliance with relevant State and City plans, ordinances, rules, and laws. As stated by the Applicant's counsel, the reasons for the removal of both concepts had to do with Securities and Exchange Commission (SEC) guidelines established in 1973 (SEC Release No. 33-5437, dated January 4, 1973) and subsequent litigation.

As envisioned in the original Report, the Dillingham Ranch Agricultural Services (DRAS) was intended to be a full-service agricultural development organization responsible for implementing the farm management plan for all agricultural areas in the proposed subdivision and the agricultural cluster.

Specifically, the DRAS was to maintain control over management of the domestic and irrigation water systems and to manage land clearing and initial land preparation; installation of irrigation pipelines; propagation; planting and orchard establishment; installation of sprinkler systems; fertilization; pest and disease control; wild pig control; honeybee pollination; pruning; composting; farm-to-table crops; nursery; harvesting; and packing.

As provided for in the revised Report, the concept of a DRAS "...will be strictly optional and a matter for prospective purchasers to pursue, either individually or cooperatively, after they become Owners." (Report, page 40) The Applicant makes considerable effort to avoid potential entanglements with the SEC guidelines. However, to leave the decision to individual landowners to consider entering into a concept like the DRAS undermines the likelihood that the agricultural activity envisioned in the Agricultural Plan and Preliminary Farm Management Plan (Volume 2, pages 10-63) will be carried out, and agricultural activity be established and maintained to the City's satisfaction.

Similarly, the concept of an Agricultural Cooperative Association will be left to the lot owners to determine if they want to form a cooperative or individually determine their "revenue producing activities" (Report, page 40). As presented in the first Report, the Farmers' Cooperative was meant to encourage efficient, productive, and profitable operations through cooperative action, resulting in a more consistent supply of agricultural crops to crop processors. Additionally, the Farmers' Cooperative could allow the sharing of farm equipment between lot owner members, enter into joint material purchases, coordinate planning and farm management, and conduct joint market surveys, cooperative problem solving, and community outreach.

RESTRICTIVE COVENANTS:
The draft Declaration of Restrictive Covenants (Agricultural Uses) (Volume 1, Appendix A) addresses both the 91 subdivided lots and the 15 farm housing units and associated lands within the proposed agricultural cluster condominium.

There will be a Master Declaration of Covenants, Conditions and Restrictions (DCC&Rs) that will create a Master Association consisting of the owners of the aforementioned lots and units (Volume 1, page 26 and Appendix A). The Master Association will be responsible for maintenance of the common elements of the development and have the right to enforce the agriculture provisions of the DCC&Rs. The subdivision lot owners will have the opportunity to be members of a sub-association of lot owners. Should the individual lot owners chose to not form this sub-association, individual lot owners will have "independent governance" (Volume 1, Appendix A, page 2). The Department of Agriculture believes this reduces the likelihood that the agricultural activity envisioned in the Agricultural Plan and Preliminary Farm Management Plan (Volume 2, pages 10-63) will be carried out.

CONCLUSION:
The crop-related information and recommendations contained in this document are very thorough and specific to the project area's land characteristics and climate. This information is important to the establishment and maintenance of agricultural activity throughout the project area as envisioned in the Agriculture Plan and Preliminary Farm Management Plan (Volume 2, pages 10-63).

According to the information provided to us, it appears that there is a sufficient quantity of water to meet peak irrigation requirements of the identified crops during seasonal dry periods, assuming that the capital generated from lot sales will be sufficient to develop the irrigation infrastructure, there will be increased pump capacity with substantial reliability, an interconnection is made between the Zone 1 and Zone 2 water systems, water conservation measures are in place for Zone 1, and that there will be a rotating irrigation schedule for certain lots in Zone 2. It is imperative that the organization selected to operate and maintain the water system be responsible for determining when these mitigating measures are necessary and be empowered to carry them out.

The draft Master Declaration of Covenants, Conditions and Restrictions are written to avoid a situation that would be in conflict with the SEC's guidelines. But in doing so, it leaves the responsibilities and decision-making to undertake agricultural activity to the individual lot owners and CPR owners to determine if they want to take collective action to comply with applicable City ordinances and rules, and State law governing

subdivision of agricultural land and the expectation of agricultural activity on those lands. We have doubts that the agricultural activity envisioned in the Agricultural Plan and Preliminary Farm Management Plan can be achieved by individual lot owner action.

Without cooperative effort among the lot owners and CPR unit owners, the full implementation of the Preliminary Farm Management Plan may be impaired and may result in the type of agricultural subdivision that the City's North Shore Sustainable Communities Plan (May, 2011) does not support:
"Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other nonagricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land." (Section 3.2.1, page 3-22)

Sincerely,

Scott E. Enright, Chairperson
Board of Agriculture

Attachment (1)

c: Mr. Bob Miyasato
Development Strategies, LLC
1432 Kalaepohaku Street
Honolulu, Hawaii 96816
bob@ds-hawaii.com

ATTACHMENT

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor

COPY

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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

May 5, 2015

Mr. George I. Atta, FAICP
Director
City and County of Honolulu
Department of Planning and Permitting, 7th floor
650 South King Street,
Honolulu, Hawaii 96813

Attention: Subdivision Branch

Dear Mr. Atta:

Subject: Agriculture Feasibility Report
Proposed Consolidation/Resubdivision of Agricultural Land
Dillingham Ranch Agricultural Subdivision
TMK: 6-8-02: 6
6-8-03: 5, 6, 15, 19, 30, 31, 33, 35, 40
Area: 2,721 acres

The Department of Agriculture has reviewed the subject Agricultural Feasibility Report (Report) (dated August, 2014) and offers the following comments.

GENERAL INFORMATION:
The entire 2,721-acre project area is within the State Agricultural District. The closest Urban District is a strip of coastline makai of Farrington Highway. The City's North Shore Sustainable Communities Plan (May, 2011) designates the entire area as "Agriculture". About 100 acres of the project site along the makai northeastern corner is zoned AG-1 (Restricted Agriculture) and the remainder is zoned AG-2 (General Agriculture). Construction of the subdivision is to occur in phases over 5 to 7 years.

Current uses on the property include a cattle ranch, coconut trees, and horse boarding. In 2013, Dillingham Ranch ("Ranch") generated $226,100 in agricultural-related income from sales of beef cattle and coconut trees, and a horse boarding operation. This is a decline of 61 percent in income generated from the same activities in 2007. Ninety-one percent of the 2013 income came from horse boarding. The Ranch also generated $82,600 from non-agricultural activities including special functions, photo shoots, and commercial filming.

The project area has been in cattle ranching since the early 1900's. Waialua Sugar Company grew sugarcane on the surrounding properties until 1996. Current agricultural activities on the surrounding properties include seed corn cultivation by Pioneer Hi-Bred International to the east, and diversified crops grown by Larry Jefts to the west. Northward, across Farrington Highway, is a polo field and vacant lands.

SUBDIVISION CONCEPT:
The 10 parcels comprising the 2,721-acre Ranch are to be consolidated and resubdivided into 91, five-acre (minimum) agricultural lots (total of 952 acres, identified as "The Foothills") that are to be sandwiched between the mauka cattle grazing area (total of 1,473 acres) and six large makai lots (total of nearly 300 acres). We note that the five-acre minimum lot size is larger than the two-acre minimum lot size that the underlying AG-2 zoning district requires. This significantly reduces the number of farm dwellings on the project that would otherwise be possible.

The 92-lot "Foothills" area is to be divided into "Orchard Lots" (28 lots, total of 160 acres), "Grazing Lots" (16 lots, total of 265 acres), and "Pasture (Flex) Lots" (48 lots, total of 527 acres). The proposed agricultural uses are mango, avocado, citrus fruit trees for the Orchard Lots; unirrigated cattle grazing (to be coordinated with the Ranch's cattle operation) for the Grazing Lots; and horse pasture, ornamental plants, and landscape materials for the Pasture (Flex) Lots.

The six large makai lots (identified in the Report as "The Flats") total about 300 acres and is where the existing Dillingham House, coconut trees, horse paddocks, equestrian facilities, and a large pond are located. The uses and activities proposed for this area include:

- The Dillingham House located on 14 acres at the northwest corner of the project area contains the Dillingham House, which will continue to be used for special functions, photo shoots, and filming. Future activities are planned and include site tours, roadside stands and an outdoor restaurant.
- A 120-acre agricultural cluster/condominium property regime will occupy the area with Land Study Bureau "A" rating. Fifteen farm house units with maximum 5,000 square-foot building lots will be "clustered" together and each housing unit will have partial ownership of the remaining 95 acres. The 95-acre area is to be cultivated in flowers and mango trees. The existing coconut tree grove is to be replaced by mango trees.
- An existing 126-acre equestrian center and 100 horse paddocks (an increase from the existing 75 paddocks), and a 22-acre lake/wetland will remain.
- A 14-acre subsurface leach field for simultaneous disposal of wastewater and pasturing of horses.

The 1,473-acre mauka cattle grazing area (identified as the "Mauka Lands") will be populated with 64 heifers and two bulls that are to be relocated from the area between the mauka lands and the large makai lots. In addition, the cattle operation is to be increased nearly four-fold to 220 to 250 head (heifers and bulls). The Report indicates that roughly 30,000 linear feet of cattle fencing will be required to properly secure the mauka grazing lands.

SOIL QUALITY:
The "Detailed Land Classification – Island of Oahu" (December, 1972) also known as the Land Study Bureau (LSB) shows the 952 acres to be subdivided into 92 lots no less than five acres to be mostly "D" and "E" rated soils, with some "B" (Volume 1, page 18). Some of the "D" rated

soils (Overall Productivity Rating and Land Type) such as D31, D130 and D131 found in this area would have improved to "B" if irrigation had been available at the time the LSB study was done. This indicates that the soil-based agricultural activities proposed for this area (fruit trees, ornamental plants, and landscaping material) appear to be appropriate.

In declining order of predominance, the six makai parcels (total of 300 acres) are comprised of LSB "A", lands not rated, and "B" rated soils.

The mauka grazing lands (1,473 acres) are comprised mostly of "E" rated soil. Irrigation does not improve the potential productivity of the land types present. By this rating, the mauka grazing lands have poor productivity potential for grazing. According to the yield information in the LSB, sustaining the proposed cattle population of 220-250 head on grazing alone may be somewhat problematic.

According to the Soil Survey (Natural Resources Conservation Service), the soil on the 120-acre Agriculture Cluster area within the makai parcels and the 160-acres of Orchard Lots are commonly used for pasture, orchard, and truck crops. Some soils are poorly drained and require proper management pratices to become cultivable (Volume 2, page 4-5).

The soils of the managed Pasture (Flex) Lots (total of 527 acres) consists of Pulehu and Pearl Harbor soil series. The Pearl Harbor soil series is a deep and poorly drained clay. (Volume 2, page 5). The Pulehu and Pearl Harbor soil are commonly used for pasture. (Volume 2, page 5).

IRRIGATION WATER:
A supply of irrigation water in sufficient quantity, quality, and distribution to all proposed agricultural production areas within the project area is critical to the establishment and maintenance of the proposed agricultural crops, livestock, and activities in conformance with applicable Federal, State and City laws and regulations. Supplemental irrigation water is critical because the mean annual rainfall in the project area of 35 inches is well below the annual requirement of 70 inches for leafy crops, including pasture grass (Volume 1, page 21, Climate, Agricultural Considerations).

The estimated projected water demand at full development for irrigation, livestock, and domestic needs is 2,951,149 gallons per day. (Volume 1, page 26). The peak irrigation water demand is estimated at 5,408,706 gallons per day. The total estimated water available per day from existing Commission on Water Resource Management water allocation permits is 4,100,000 gallons per day. (Volume 1, page 25).

Additionally, two new tanks are proposed, a 371,000 gallon tank at 220 feet elevation, and a 216,000 gallon tank at 500 feet elevation (Volume 1, Figure 2, Water System Master Report).

From the provided water demand and available supply estimates, there appears to be a shortfall of 1,308,706 gallons per day during peak water usage days. The Report notes that it "may be necessary to prioritize irrigation according to its greatest benefits. The orchards and farm-to-table crops should be assigned the highest irrigation priority." (Volume 2, page 22). We understand water resource management is the responsibility of the Dillingham Ranch Agricultural Services (see page 6). <u>We recommend</u> more information be provided on the water shortage issue and the mitigation measures proposed to ensure farmers with a quantity of

irrigation water sufficient to maintain agricultural crop and livestock productivity, crop yields, and income from crop sales.

PROPOSED CROPS AND CROP BUDGETS:
Volume 2 of the Agricultural Feasibility Report explains the process of selecting avocado and mango cultivars, pest and disease risk management, commercial production plans, and estimated sales.

Avocado, mango, and citrus were selected to be the three primary crops for the subdivision. The criteria used to select the crops were market potential, suitability for cultivation, predictability of crop yield, manageability with organic and conventional growing methods, and crops that can be grown economically. This section of the Report is very thorough and the information contained therein supports the crop selections specific to the project area.

DILLINGHAM RANCH AGRICULTURAL SERVICES:
An organization called the Dillingham Ranch Agricultural Services (DRAS) is to be established and may be a full-service agricultural development organization responsible for implementing the farm management plan for all agricultural areas in the proposed subdivision and the agricultural cluster (Volume 2, Section 3.12, page 28).

Specifically, the DRAS will maintain control over management of the domestic and irrigation water systems. The DRAS may also manage the following: land clearing and initial land preparation; installation and irrigation pipelines; land preparation; propagation; planting and orchard establishment; installation of sprinkler systems; irrigation; fertilization; pest and disease control; wild pig control; honeybee pollination; pruning; composting; farm to table crops; nursery; harvesting; and packing (Volume 2, Section 3.12, pages 28-31).

The Department believes that requiring the establishment, empowerment, and funding for the DRAS significantly increases the likelihood that agricultural activities described in the farm management plan will be carried out, and increase the likelihood of compliance with the City's subdivision rules requiring that "agricultural subdivisions show that the subdivision will provide feasible agricultural use." (Subdivision Rules, Section 1-115).

DILLINGHAM RANCH FARMERS' COOPERATIVE:
The Dillingham Ranch Farmer's Cooperative (DRFC) appears to be an alternative to the DRAS. This is a lot owner-based cooperative that, in theory, could encourage efficient, productive, and profitable operations. The DRFC should be able to provide a more consistent supply of agricultural crops to crop processors (Volume 2, Section 3.13, page 31). Additionally, the DRFC may allow the sharing of farm equipment between lot owner members, enter into joint material purchases, coordinate planning and farm management, conduct joint market surveys, cooperative problem solving, and community outreach (Volume 2, Section 3.13, page 32).

The Department recommends that if this is the preferred option to implement the Report's farm management plan, it needs to be further developed and integrated within the Declaration of Restrictive Covenants. Without experienced leadership, training, and management to assist the DRAC, the full implementation of the farm management plan may be impaired and may result in the kind of agricultural subdivision that the City's North Shore Sustainable Communities Plan (May, 2011) does not support:

"Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other nonagricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land." (Section 3.2.1, page 3-22)

RESTRICTIVE COVENANTS:
The draft Declaration of Restrictive Covenants (Agricultural Uses) (Volume 2, Appendix F) was done in 2008. This version does cite the provisions requiring agricultural activity and that any instrument of conveyance of the land shall contain the restriction on uses as found in Section 205-4.5(a) and (b), Hawaii Revised Statutes. This document should be updated to reflect the current agricultural development proposal which includes the 120-acre agricultural cluster/condominium property regime, and the involvement of Dillingham Ranch in the management of water infrastructure, establishment of the Ranch Agricultural Services organization and/or the Dillingham Ranch Farmers' Cooperative, and other important actions that increase the likelihood of meaningful agricultural production.

The existing language requires a "formal working relationship among owners of ranch lot and agricultural lot owners" (Volume 1, Appendix A, page 4). The Department believes this alone is insufficient to cause agricultural activities to occur in compliance with City ordinance and rules and State law. Further, covenants, conditions, and restrictions may be required specifically for the 120-acre condominium property regime to be located in the makai lots with LSB "A" rated land.

CONCLUSION:
The crop-related information and recommendations contained in this document are very thorough and specific to the project area's land characteristics and climate. This information is important to the establishment and maintenance of agricultural activity on the proposed subdivision by the lot purchaser, Dillingham Ranch Agricultural Services (DRAS) and/or the Dillingham Ranch Farmers' Cooperative (DRFC). Further development and incorporation of the DRAS and DRFC concepts within the Declaration of Restrictive Covenants may increase the likelihood that agricultural activities and uses will occur on the project area in compliance with relevant State and City plans, ordinances, rules, and laws.

As explained in the section on irrigation water, we are concerned that there is insufficient water supply to meet peak irrigation requirements that will occur during seasonal dry periods. The Report's concept of prioritizing irrigation according to its greatest benefits needs to be fully explained and how it would benefit agricultural production, crop yields, and income from crop sales.

The final Report should be made available in its entirety to potential lot purchasers. It will help them to understand their responsibilities under City ordinance and rules and State law. This agricultural subdivision is the largest, by acreage, the Department has reviewed for the island of Oahu and may be precedent-setting for other large contiguous areas of agricultural lands elsewhere on Oahu. The City should consider instituting an active role in enforcement and encouraging the establishment and maintenance of agricultural crops, livestock, and activities in conformance with applicable State and City laws and regulations rather than relying upon lot owner's self-enforcement via the project's declaration of restrictive covenants.

Should you have any questions, please contact Earl Yamamoto at 973-9466, or email at earl.j.yamamoto@hawaii.gov.

Sincerely,

Scott E. Enright, Chairperson
Board of Agriculture

c: Development Strategies, LLC
Dillingham Ranch Aina, LLC

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December 20, 2017

Scott E. Enright, Chairperson
Hawai'i Dept. of Agriculture
1428 S. King Street
Honolulu, HI 96814-2512

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē'ia, O'ahu, Hawai'i

Dear Mr. Enright:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of your letter dated October 21, 2016 and are responding to your comments.

1. The feasibility of utilizing the Project Site for Large-scale Farming will be discussed in the Draft EIS.
2. The Draft EIS will reference and discuss the *Detailed Land Classification – Island of Oahu* by the University of Hawai'i, Land Study Bureau.
3. The Draft EIS will discuss how the proposed Covenants, Conditions, and Restrictions (CC&Rs) will be utilized to enforce compliance with design, development, and land use standards for the Proposed Project, including upholding the provisions of Chapter 165, Hawai'i Revised Statutes (HRS), the State Right-to-Farm Law.
4. The Draft EIS will include information on the estimated irrigation (non-potable) water demand for the Proposed Project, as well as any required permits for existing/planned water sources.
5. Lands adjacent to the Project Site are currently used for diversified agriculture and are compatible with the agricultural land uses for the Proposed Project. The Proposed Project will not limit or prohibit any of the permissible uses allowed within the State Agricultural District and the City and County AG-1 and AG-2 Agricultural Districts.
6. As allowed by Subsection 205-4.5(a)(4), HRS, employee housing for Dillingham Ranch employees is a permissible use within the State Agricultural District and is permitted as a farm dwelling in the City and County AG-1 and AG-2 Agricultural Districts.

I would also like to thank you and your staff for meeting with Dave Eadie (the Applicant's representative), Bruce Plasch (the Applicant's agricultural consultant), and me on several occasions to discuss the preparation of the Agricultural Feasibility Report (AFR) which will be included in the Draft EIS for the Proposed Project.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Elements of the AFR that are already in place on the property include: (1) the palm tree plantation; (2) cattle grazing; and (3) equestrian uses such as horse boarding and pasturing.

In addition to maintaining these existing agricultural activities, the AFR proposes to: (1) expand an existing mango orchard; (2) set aside approximately five acres of farm land for hydroponic crop cultivation; and (3) provide an average subsidy of $12,000 per lot for purchase of orchard trees.

The AFR will also provide for the continued use and preservation of important (Prime) agricultural land. The vast majority of Prime agricultural land on Dillingham Ranch lies *makai* of Cane Haul Road and has been historically used for equestrian purposes. However, this land also lies within the limits of the 100-year floodplain and floodway. Therefore, retaining this land for equestrian uses represents the highest and most feasible use of this land and will preserve this land for long-term agricultural purposes.

We believe that the elements of our AFR provide for viable agricultural production and are acceptable to the Department of the Agriculture.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
EMD/CWB

09039PMHK.16

September 27, 2016

RECEIVED
SEP 30 2016
HHF PLANNERS

Ms. Joette Yago
City and County of Honolulu
Department of Planning and Permitting
650 South King Street
Honolulu, Hawaii 96813

Dear Ms. Yago:

SUBJECT: Comments on the Dillingham Ranch Agricultural Subdivision Environmental Impact Statement Preparation Notice (EISPN)
TMK: (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006
Mokuleia, Island of Oahu, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated September 21, 2016, requesting comments on the subject project. The DOH-CWB has reviewed the document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. The Dillingham Ranch Aina, LLC (Applicant) may be responsible for fulfilling additional requirements related to our program. We recommend that they also read our standard comments on our website at: http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf.

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

   a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.

   b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.

   c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

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

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

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

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

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of $25,000 per day per violation.

5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:

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

   b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g., minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.

   c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.

   d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.

   e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

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

Sincerely,

Darryl Lum

(For) ALEC WONG, P.E., CHIEF
Clean Water Branch

MHK

c: Mr. Dave Eadie, Dillingham Ranch Aina, LLC [via e-mail deadie@kennedywilson.com only]
Mr. Glenn Tadaki, HHF Planners [via e-mail gtadaki@hhf.com only]
DOH-EPO [via e-mail Noella.Narimatsu@doh.hawaii.gov only]

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December 20, 2017

Alec Wong, P.E., Chief
Clean Water Branch
Hawai‘i Dept. of Health
P.O. Box 3378
Honolulu, HI 96801-3378

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē‘ia, O‘ahu, Hawai‘i

Dear Mr. Wong:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of your letter (09039PMHK.16) dated September 27, 2016 and are responding to your comments.

1. All applicable improvements implemented as part of the Proposed Project will comply with the following provisions:
    a. Section 11-54-1.1, Hawai‘i Administrative Rules (*General Policy of Water Quality Anti-degradation*).
    b. Section 11-54-3, HAR (*Classification of Water Uses*).
    c. Sections 11-54-4 through 11-54-8, HAR pertaining to water quality criteria.
2. The Applicant acknowledges that a National Pollution Discharge Elimination System permit is required for discharges into State waters. Accordingly, the Proposed Project will comply with applicable NPDES permit requirements for the discharge of stormwater associated with construction activities.
3. The U.S. Army Corps of Engineers, Regulatory Branch has been asked to comment on the proposed project as part of the early consultation process for the preparation of the Draft EIS.
4. Best Management Practices and stormwater management measures that address non-point source discharges associated with construction or operational activities will be implemented for the proposed project in accordance with Chapters 11-54 and 11-55, HAR pertaining to State Water Quality System Standards. The Draft EIS will include a discussion of appropriate mitigation measures.

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Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

5. Measures that would help protect, restore, and sustain water quality and beneficial uses of State waters will be examined during the Proposed Project's detailed design phase and appropriate measures will be implemented.

A copy of your comment letter has been furnished to the appropriate project consultants for their information.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

EPO 16-331

October 12, 2016

RECEIVED
OCT 12 2016
HHF PLANNERS

Mr. Glenn Tadaki
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813
Email: gtadaki@hhf.com

Dear Mr Tadaki:

SUBJECT: Environmental Impact Statement Preparation Notice (EISPN) for Dillingham Ranch Agricultural Subdivision, Waialua, Oahu
TMK: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002: 006

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your EISPN to our office via the OEQC link: http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Oahu/2010s/2016-09-23-OA-5E-EISPN-Dillingham-Ranch-Agricultural-Subdivision.pdf

We understand from the OEQC publication form project summary that Dillingham Ranch 'Aina, LLC proposes to consolidate and re-subdivide approximately 2,721 acres of land at Dillingham Ranch in Mokule'ia.

Dillingham Ranch has been involved in agriculture since the 1880s when the land was used for ranching and rice cultivation. Agricultural uses today include equestrian activities and facilities for recreational riders and polo players, a palm tree plantation, and limited cattle grazing. The Dillingham Lodge is used commercially for weddings, retreats, and other special events.

Under the proposed action, the palm tree and Lodge operations will continue; equestrian facilities will be expanded; and areas for diversified agriculture, Ranch employee dwellings, and 70 agricultural lots will be provided. Existing infrastructure and utility systems will be upgraded to support the additional uses. The proposed action represents a low-intensity use of agricultural land that is consistent with the historic uses that have occurred at the Ranch. In addition to maintaining existing agricultural land uses and the rural, open space character of Dillingham Ranch, the proposed project is consistent with State land use law, the North Shore Sustainable Communities Plan, and the City and County of Honolulu's agricultural zoning for the property. Supporting facilities (i.e., wastewater treatment plan) for the agricultural subdivision trigger Chapter 343, Hawai'i Revised Statutes.

In the development and implementation of all projects, EPO strongly recommends regular review of State and Federal environmental health land use guidance. State standard comments and available strategies to support sustainable and healthy design are provided at: http://health.hawaii.gov/epo/landuse. Projects are required to adhere to all applicable standard comments. EPO has recently updated the environmental Geographic Information System (GIS) website page. It now compiles various maps and viewers from our environmental health programs. The eGIS website page is continually updated so please visit it regularly at: http://health.hawaii.gov/epo/egis.

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

We suggest you review the requirements of the Clean Water Branch (HAR, Section 11-54-1.1, -3, 4-8) and/or the National Pollutant Discharge Elimination System (NPDES) permit (HAR, Chapter 11-55) at: http://health.hawaii.gov/cwb. If you have

any questions, please contact the Clean Water Branch, Engineering Section at (808) 586-4309 or cleanwaterbranch@doh.hawaii.gov. If your project involves waters of the U.S., it is highly recommended that you contact the Army Corps of Engineers, Regulatory Branch at: (808) 835-4303.

Please note that all wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". We reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please review online guidance at: http://health.hawaii.gov/wastewater and contact the Planning and Design Section of the Wastewater Branch at (808) 586-4294.

If noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor and Radiological Health Branch at (808) 586-4700 and review relevant information online at: http://health.hawaii.gov/irhb/noise.

A phase I Environmental Site Assessment (ESA) and site investigation should be conducted for residential development or redevelopment projects on formerly and currently zoned agricultural land used for growing sugar, pineapple or other agricultural products. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants may have occurred at the site, the site should be properly characterized through an approved Hawaii State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and/or groundwater sampling plan. Please refer to Sections 3 and 4 of the HEER Office Technical Guidance Manual http://www.hawaiidoh.org/. If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with Chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 451, HAR, State Contingency Plan. To identify HEER records related to the property, visit http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/public-records

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

In order to better protect public health and the environment, the U.S. Environmental Protection Agency (EPA) has developed a new environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you to explore, launch and utilize this powerful tool in planning your project. The EPA EJSCREEN tool is available at: http://www.epa.gov/ejscreen.

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

Mahalo nui loa,

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

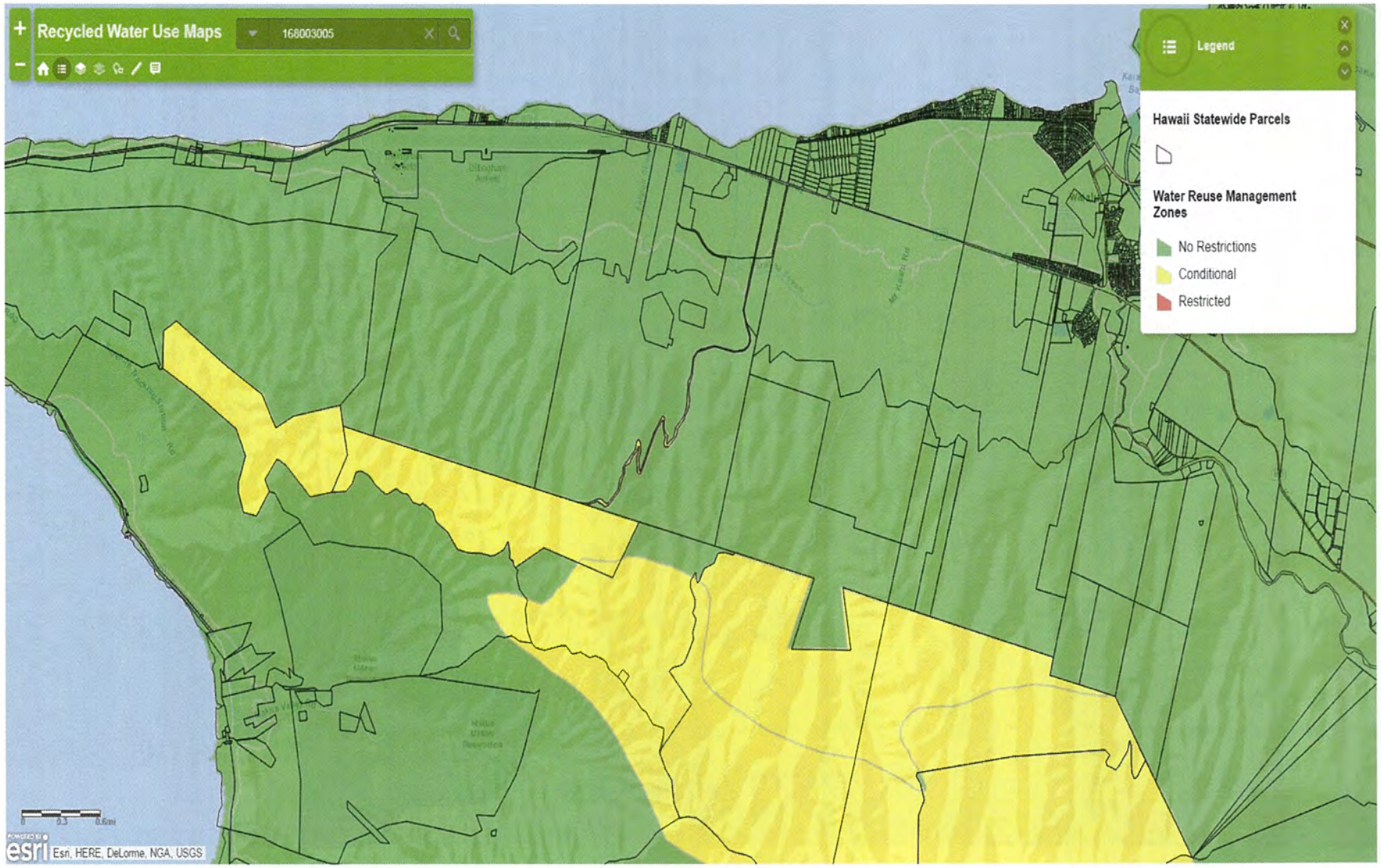
LM:nn

c: Dave Eadie, Dillingham Ranch Aina, LLC {via email: deadie@kennedywilson.com}
Joette Yago, C&C of Honolulu, Dept. of Planning and Permitting {via email: jyago@honolulu.gov}
DOH: WWB, CWB, SDWB, IRHB, HEER, SAN {via email only}

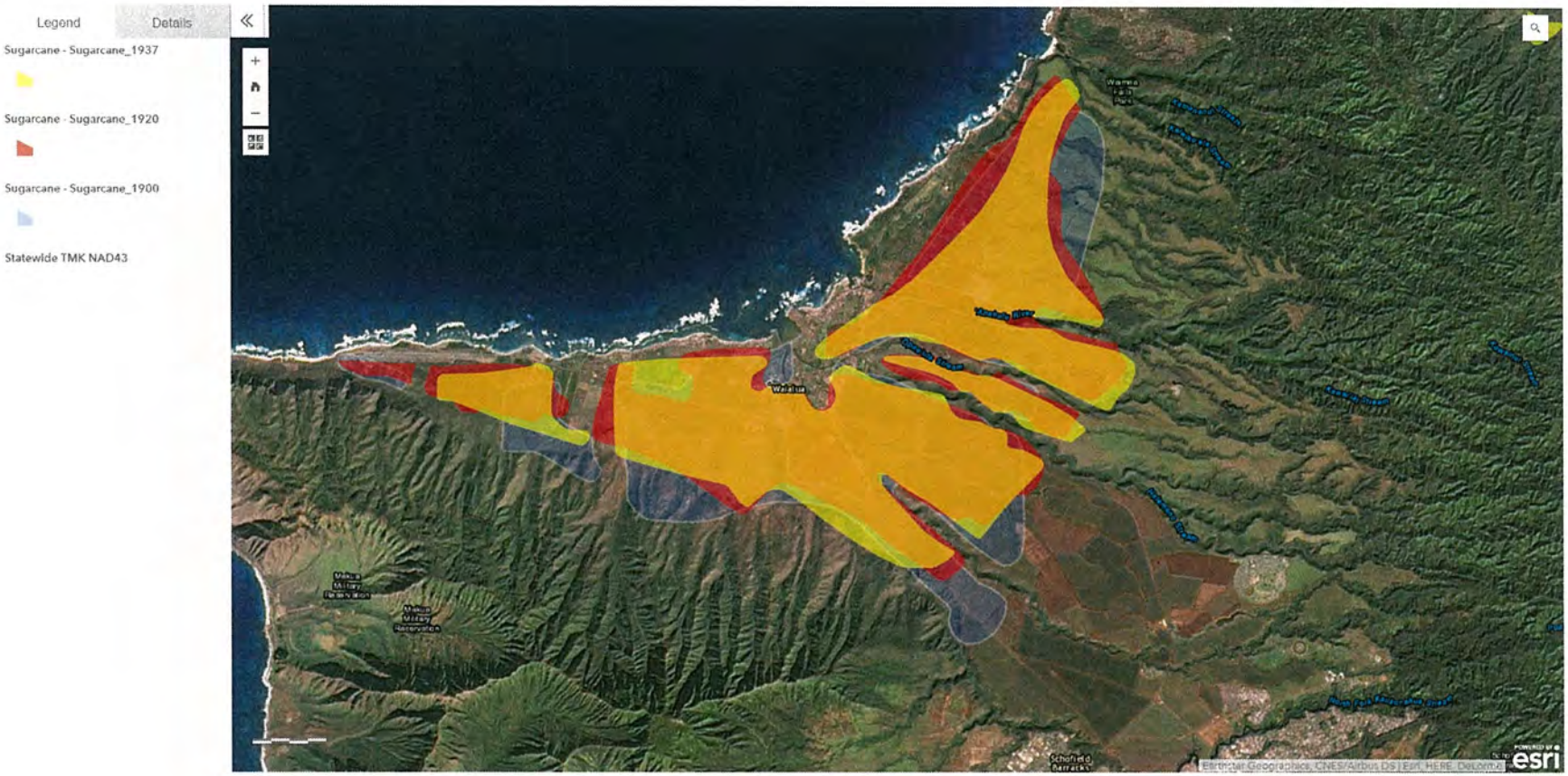
Attachment 1: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snipit of Project Area
Attachment 2: Wastewater Branch: Recycled Water Use Map of Project Area
Attachment 3: Historic Sugarcane Map of Project Area
Attachment 4: U.S. EPA EJSCREEN Report for Project Area

Attachment 1: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snipit of Project Area

Attachment 2: Wastewater Branch: Recycled Water Use Map of Project Area



Attachment 3: Historic Sugarcane Map of Project Area



Attachment 4: U.S. EPA EJSCREEN Report for Project Area

EJSCREEN Report (Version 2016)

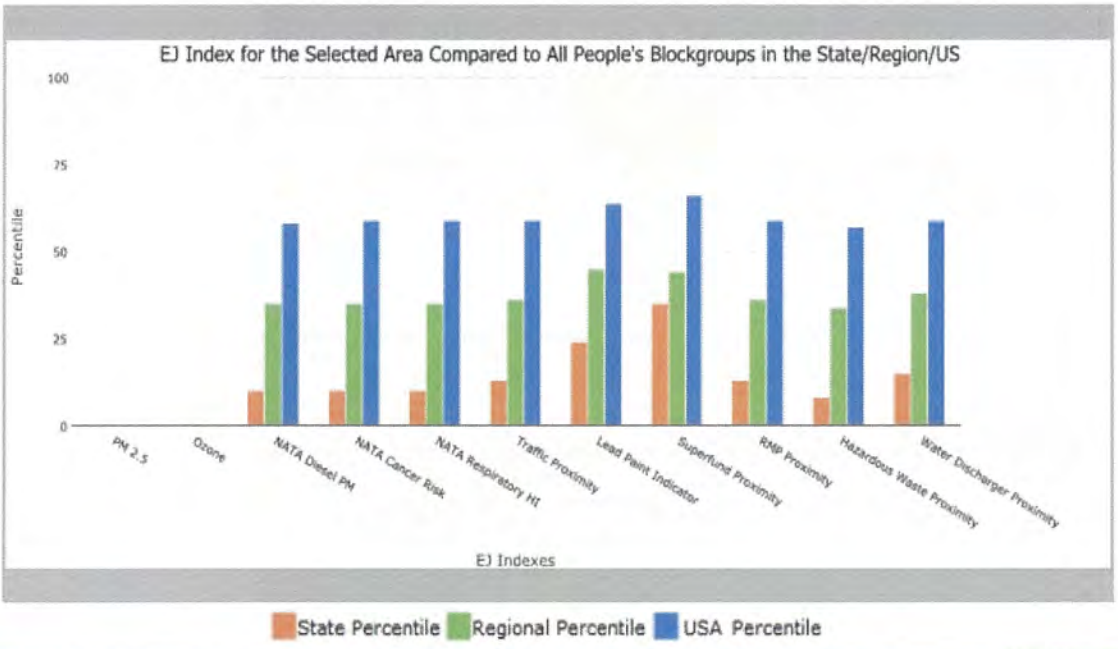
1 mile Ring Centered at 21.570191,-158.174504, HAWAII, EPA Region 9

Approximate Population: 156

Input Area (sq. miles): 3.14

Dillingham Ranch AG Subdivision

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	N/A	N/A	N/A
EJ Index for Ozone	N/A	N/A	N/A
EJ Index for NATA* Diesel PM	10	35	58
EJ Index for NATA* Air Toxics Cancer Risk	10	35	59
EJ Index for NATA* Respiratory Hazard Index	10	35	59
EJ Index for Traffic Proximity and Volume	13	36	59
EJ Index for Lead Paint Indicator	24	45	64
EJ Index for Superfund Proximity	35	44	66
EJ Index for RMP Proximity	13	36	59
EJ Index for Hazardous Waste Proximity+	8	34	57
EJ Index for Water Discharger Proximity	15	38	59



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJSCREEN Report (Version 2016)

1 mile Ring Centered at 21.570191,-158.174504, HAWAII, EPA Region 9

Approximate Population: 156

Input Area (sq. miles): 3.14

Dillingham Ranch AG Subdivision

October 12, 2016

Digitized Point

1:18,056

Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0
National Pollutant Discharge Elimination System (NPDES)	0

these issues before using reports.

EJSCREEN Report (Version 2016)

1 mile Ring Centered at 21.570191,-158.174504, HAWAII, EPA Region 9

Approximate Population: 156

Input Area (sq. miles): 3.14

Dillingham Ranch AG Subdivision

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in µg/m³)	N/A	N/A	N/A	9.37	N/A	9.32	N/A
Ozone (ppb)	N/A	N/A	N/A	51	N/A	47.4	N/A
NATA* Diesel PM (µg/m³)	0.0145	0.149	10	0.978	<50th	0.937	<50th
NATA* Cancer Risk (lifetime risk per million)	26	34	18	43	<50th	40	<50th
NATA* Respiratory Hazard Index	0.55	1	15	2	<50th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	0.47	990	5	1100	3	590	4
Lead Paint Indicator (% Pre-1960 Housing)	0.18	0.16	62	0.24	54	0.3	47
Superfund Proximity (site count/km distance)	0.064	0.098	57	0.15	46	0.13	52
RMP Proximity (facility count/km distance)	0.041	0.19	9	0.57	4	0.43	5
Hazardous Waste Proximity+ (facility count/km distance)	0.031	0.14	1	0.14	13	0.11	16
Water Discharger Proximity (facility count/km distance)	0.067	0.34	18	0.2	21	0.31	15
Demographic Indicators							
Demographic Index	36%	52%	9	47%	36	36%	59
Minority Population	45%	77%	8	58%	36	37%	65
Low Income Population	27%	26%	59	36%	41	35%	43
Linguistically Isolated Population	0%	6%	24	9%	19	5%	45
Population With Less Than High School Education	4%	9%	24	17%	18	14%	20
Population Under 5 years of age	5%	6%	40	7%	38	6%	41
Population over 64 years of age	14%	15%	48	13%	67	14%	59

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: https://www.epa.gov/national-air-toxics-assessment.

+ The hazardous waste environmental indicator and the corresponding EJ index will appear as N/A if there are no hazardous waste facilities within 50 km of a selected location.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

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December 20, 2017

Laura McIntyre, AICP, Program Manager
Environmental Planning Office
Hawai'i Dept. of Health
P.O. Box 3378
Honolulu, HI 96801-3378

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē'ia, O'ahu, Hawai'i

Dear Ms. McIntyre:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of your letter (EPO 16-331) dated October 12, 2016 and are responding to your comments.

1. Thank you for furnishing us with the links to the Department's standard comments and strategies for healthy and sustainable design, the Department's updated environmental Geographic Information System webpage, and the Department's Hawai'i Environmental Health Portal. The applicant acknowledges that the Proposed Project must adhere to the applicable standard comments of the Department. The resources available through the portal will be reviewed to inform the planning and design phase of the project.
2. The Department's Clean Water Branch and Wastewater Branch recently commented on the Proposed Project. The Proposed Project will comply with the applicable requirements of Chapter 11-54, Hawai'i Administrative Rules (HAR) pertaining to *Water Quality Standards* and Chapter 11-62, HAR (*Wastewater Systems*).
3. The Proposed Project will be developed in accordance with the applicable provisions of Chapter 11-46, HAR (*Community Noise Control*).
4. A *Summary of Environmental Site Conditions* at the Project Site, which will include the use of former agricultural lands, will be incorporated in the Draft EIS.
5. The OEQC's EA and EIS Map Viewer have been a valuable source for reviewing projects that have been previously proposed in the vicinity.
6. We appreciate the link to the U.S. Environmental Protection Agency's Environmental Justice (EJ) mapping and screening tool (EJSCREEN) as well as the copy of the EJSCREEN Report for Dillingham Ranch. EJSCREEN will be helpful to evaluate potential EJ impacts to all persons regardless of race, color, nationality, or income.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

A copy of your comment letter has been furnished to the appropriate project consultants for their information.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

LUD – 1 6 8 003 005 etc EISPN
Dillingham Ranch Subd-ID3012

September 30, 2016

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SEP 30 2016
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Mr. Glenn Tadaki, Planner
HHF Planners
Pacific Guardian Center
733 Bishop Street Suite 2590
Honolulu, Hawaii 96813
Email: gtadaki@hhf.com

Dear Mr. Tadaki:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Dillingham Ranch Subdivision at 68-540 Farrington Highway, Waialua, Oahu, Hawaii 96791, TMK (1) 6-8-003: 005, 006, 015, 019, 030, 033, 035, 040 and TMK (1) 6-8-002: 006

Thank you for allowing us the opportunity to provide comments on the subject project in which we have the following comments to offer.

The subject project is located in the critical wastewater disposal area in accordance with Hawaii Administrative Rules (HAR), Chapter 11-62 amendments of March 17, 2016. Most of the properties are located in the No Pass Zone as defined by Honolulu Board of Water Supply as an area where waste disposal facilities have the potential to contaminate groundwater resources used or expected to be used for domestic water supplies. The construction of waste disposal facilities is generally prohibited in the No Pass Zone. In addition, the project area located at TMK Nos. (1) 6-8-003: 015, 019, 030, and 040 may be located within 1000 feet of a public potable drinking water well. The subdivision of these properties may not be approved by the Wastewater Branch if individual wastewater systems are proposed.

Please contact the Wastewater Branch to determine the appropriate wastewater systems that will be required for this proposed subdivision. In addition, proposed wastewater systems for the subdivision/development may have to include design considerations to address any effects associated with the construction of and/or discharges from the wastewater systems to any public trust, Native Hawaiian resources or the exercise of traditional cultural practices

Should you have any questions, please call Mark Tomomitsu of my staff at 586-4294.

Sincerely,

SINA PRUDER, P.E., CHIEF
Wastewater Branch

LM/MST:sp

c: EPO (via email)

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December 20, 2017

Sina Pruder, P.E., Chief
Wastewater Branch
Hawai‘i Dept. of Health
P.O. Box 3378
Honolulu, HI 96801-3378

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē‘ia, O‘ahu, Hawai‘i

Dear Ms. Pruder:

On behalf of the Applicant, Dillingham Ranch Aina, LLC (DRA), we acknowledge receipt of your letter (LUD – 1 6 8 003 005 etc EISPN Dillingham Ranch Subd-ID3012) dated September 30, 2016 and are responding to your comments.

There is no public wastewater system serving the Mokulē‘ia area. Because the Proposed Project has more than 50 lots, a private wastewater treatment plant (WWTP) with a total effluent reuse component will be developed. The WWTP will treat sewage to R-1 standards for non-potable water use such as irrigation. This type of private treatment works, which is allowed in the No Pass Zone, will be designed constructed, operated, and maintained in accordance with the applicable provisions of Chapter 11-62, Hawai‘i Administrative Rules (*Wastewater Systems*). Information about the treatment works for the Proposed Project will be included in the Draft EIS. The DEIS will include a discussion of the No Pass Zone.

A copy of your comment letter has been furnished to the appropriate project consultants for their information.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Hawaiian Telcom

October 17, 2016

HHF Planners
Pacific Guardian Center
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813
Attention: Mr. Glenn Tadaki

Dear Mr. Tadaki:

Subject: **Dillingham Ranch Agricultural Subdivision**
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokuleia, Oahu, Hawaii

Thank you for the opportunity to review and comment on the Environmental Impact Statement Preparation Notice for the subject project.

Hawaiian Telcom currently serves the Mokuleia area from its Waialua Central Office located along Waialua Beach Road. The majority of the distribution system consists of overhead facilities with some commercial service laterals extended underground. The existing facilities include fiber optic cable and copper twisted pair cables.

If you have any questions or require assistance in the future on this project, please call me at 546-7761.

Sincerely,

Les Loo
Network Engineer
Network Engineering & Planning

cc: File

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December 20, 2017

Les Loo, Network Engineer
Network Engineering & Planning
Hawaiian Telcom
P.O. Box 2200
Honolulu, HI 96841

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēʻia, Oʻahu, Hawaiʻi

Dear Mr. Loo:

On behalf of the applicant, Dillingham Ranch Aina, LLC (DRA), we acknowledge receipt of your letter dated October 17, 2016 providing information about Hawaiian Telcom's distribution system and facilities serving the Mokulēʻia area.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

P.O. Box 37158, Honolulu, Hawai`i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

Joette Yago <jyago@honolulu.gov>
City and County of Honolulu,
Department of Planning and Permitting
650 South King Street; Honolulu, HI 96813

RECEIVED
OCT 24 2016
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Dave Eadie <deadie@kennedywilson.com>
Dillingham Ranch 'Aina, LLC
3200 Bristol Street, Suite 640,
Costa Mesa, CA 92626

Glenn Tadaki <gtadaki@hhf.com>
HHF Planners
733 Bishop Street, Suite 2590,
Honolulu, HI 96813

re: Comments and Questions re Dillingham Ranch Agricultural Subdivision

Aloha

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 46 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

How will Dillingham Ranch seek to guarantee that farmers, rather than owners of Gentleman Estates will buy the lots?

What will the average payback period be? That is, how many years of profits from agricultural operations will be needed by each owner to pay back the cost of the lot and the house?

What percentage of real farms on O`ahu have homes containing 5,000 square feet?

Will he homes be energy self-sufficient? If not, why not?

Does the developer see any difference in whether the land is "set aside for open space and agricultural uses"? That is, is open space (lawns) just as desirable as real farms (agricultural produce)?

Poamoho Estates in Waialua has managed to be a fake farm community. Under county laws and regulations, hiring a horse one day a year to eat grass on one or more acres of enclosed land entitles the land-owner to claim they are entitled to pay lower taxes because they are a farmer. Will Dillingham Ranch allow such shenanigans?

What is the agricultural output of the ranch today? What is its anticipated output post development? Please answer in terms of agricultural employment, and monetary value.

"Water for the Dillingham Ranch and select residential lots in the Mokulē`ia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission (DPP, April 2011)."

North Shore Water Company applied for a "Certificate of Public Convenience and Necessity to Provide Water Services on the Island of Oahu, District of Waialua, and for Approval of Rules and Rates". The application was filed with the Public Utilities Commission, docket no. 2008-0180.

"Dillingham Ranch AINA LLC, a Delaware limited liability company, holds a one hundred (100) percent membership interest in Applicant. As a limited liability company, Applicant has no authorized or outstanding stock."

"Applicant continues to operate the system which is old and extremely dilapidated."

"The system does deliver potable water as tested monthly by Aqua Engineers, but the system's lines do not meet current water system standards of construction and would need replacement to meet current water system standards."

Please give an in-depth analysis of water sources for the planned development, existing and planned water pipes, and existing and planned water quality monitoring.

Henry Curtis
Executive Director

HHF PLANNERS
places for people

December 20, 2017

Henry Curtis, Executive Director
Life of the Land
P.O. Box 37158
Honolulu, HI 96837-0158

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēʻia, Oʻahu, Hawaiʻi

Dear Mr. Curtis:

On behalf of the Applicant, Dillingham Ranch Aina, LLC (DRA), we are responding to your October 24, 2016 EISPN comment letter as follows.

1. The sales prices for the agricultural lots will be subject to prevailing economic conditions at the time the lots are marketed.
2. The Draft EIS will include an Agricultural Feasibility Report for viable agricultural production.
3. Pursuant to Section 21-5.250 of the Land Use Ordinance for the City and County of Honolulu (C&C), "*each farm dwelling and any accessory uses shall be contained within an area not to exceed 5,000 square feet of the lot*." This 5,000 square foot area constitutes the developable footprint for each lot, and does not limit the size of a farm dwelling, as long as other zoning requirements (i.e., height and setbacks) are met.
4. The association of lot owners will encourage lot owners to utilize energy conservation measures when developing their parcels in the future. Examples of such measures include: the use of solar water heating and photovoltaic systems, energy-efficient lighting and appliances, and extended (roof) eaves to minimize heat gain through windows.
5. The remaining portion of each agricultural beyond the 5,000 square foot developable footprint will be set aside for open space and farming. The agricultural lots in the Project Area will range in size from approximately 3 to 420 acres and provide significant open space between farm dwellings, as well as from Farrington Highway to the farm dwellings. There will be a 0.5-mile undeveloped buffer between Farrington Highway and the location of the *makai* most farm dwelling.
6. Covenants, Conditions, and Restrictions (CC&Rs) will be utilized by the association of lot owners to enforce compliance with State and C&C Agricultural District standards for the Proposed Project.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

7. Information about the Ranch's current agricultural operations will be included in an Agricultural Feasibility Report which will be included in the Draft EIS.
8. In addition to a Preliminary Engineering Report, the Draft EIS will include a discussion about existing and proposed water system improvements for the Proposed Project.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

DAVID Y. IGE
GOVERNOR

SCOTT GLENN
DIRECTOR

DEPARTMENT OF HEALTH | 235 South Beretania Street, Suite 702, Honolulu, HI 96813 | oeqchawaii@doh.hawaii.gov

(808) 586-4185

October 24, 2016

RECEIVED
OCT 24 2016
HHF PLANNERS

Joette Yago
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street
Honolulu, HI 96813

Dear Ms. Yago,

SUBJECT: Environmental Impact Statement (EIS) Preparation Notice for Dillingham Ranch Agricultural Subdivision

The Office of Environmental Quality Control (OEQC) has reviewed the EIS Preparation Notice (EISPN) for the subject project and offers the following comments:

1. The OEQC recommends considering climate change for this and all future projects. Throughout Hawai'i, climate change is accompanied by dangerous conditions such as drought, extreme rainfall, reduction of trade winds, heat waves, increasingly violent tropical storms, extreme winter waves, higher ocean temperatures and coral bleaching. In the project's Draft EIS, as appropriate, please detail any impacts these conditions may have on the project and identify relevant mitigation measures. More information can be found at https://www3.epa.gov/climatechange/impacts/islands.html.

2. The Natural Hazards discussion on Page 16 notes that the vast majority of the Property situated between Farrington Highway and Cane Haul Road is located within the Tsunami Evacuation Zone. In fact, coastal flooding in general is a natural hazard that could adversely impact the project site in numerous ways, whether from mauka-sourced riverine flooding, or the site's low-lying topography that slows surface and sub-surface drainage, or from makai-sourced storm waves or tsunami inundation. Figure 9 "Flood Hazard Areas Map" of the EISPN helps depict some of the flood hazard potential for the area, but could be enhanced to better correspond with the Natural Hazards discussion. For example, neither the V, VE, nor the tsunami evacuation zone is mapped; these are particularly hazardous zones that need appropriate planning treatment. Further, a reader will not find a label for zone XS or for zone AEF, which is an especially hazardous floodway within the Special Flood Hazard area affecting a large portion of the lower part of the project site. Please include a clearly labelled map that closely corresponds with a robust discussion of coastal flooding in the project's Draft EIS.

3. The description of the proposed action advances the concept that this subdivision will be agricultural in nature, through 1) the maintenance of an existing palm tree plantation and equestrian activities/facilities, 2) the reservation of several acres for farm-to table agricultural production, 3) the provision of 70 agricultural lots accommodating single-family farm dwellings, and 4) the dedication of land for open space and agricultural uses. Additionally, the discussion notes the agricultural lot owners will be subject to recorded covenants, conditions, and restrictions (CC&R) intended to limit land uses and activities to only those consistent with the stated description; further, these uses and activities would be enforceable not by the City and

County of Honolulu or the State of Hawai'i, but by an internal homeowners' association of lot owners. There is a record of community concern over agricultural subdivisions that do not demonstrate viable agricultural production and questioning the effectiveness of CC&Rs to ensure viable agricultural activity. In the Draft EIS, clearly discuss the project's consistency with appropriate land use plans, policies, and controls and how your proposal would mitigate these concerns. Note that per Section 11-200-14, Hawai'i Administrative Rules (HAR), an EIS "shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action." Also, note that Section 11-200-16, HAR, Content Requirements, requires the inclusion of "responsible opposing views, if any, on significant environmental issues raised by the proposal."

Thank you for the opportunity to comment on the EISPN. We look forward to a response that will also be included in the Draft EIS. If you have any questions, please contact our office at (808) 586-4185.

Sincerely,

Scott J. Glenn

Scott Glenn, Director

cc: Dillingham Ranch Aina, LLC
HHF Planners

17-178

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places for people

December 20, 2017

Henry Curtis, Executive Director
Life of the Land
P.O. Box 37158
Honolulu, HI 96837-0158

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēʻia, Oʻahu, Hawaiʻi

Dear Mr. Curtis:

On behalf of the Applicant, Dillingham Ranch Aina, LLC (DRA), we are responding to your October 24, 2016 EISPN comment letter as follows.

1. The sales prices for the agricultural lots will be subject to prevailing economic conditions at the time the lots are marketed.
2. The Draft EIS will include an Agricultural Feasibility Report for viable agricultural production.
3. Pursuant to Section 21-5.250 of the Land Use Ordinance for the City and County of Honolulu (C&C), "*each farm dwelling and any accessory uses shall be contained within an area not to exceed 5,000 square feet of the lot*." This 5,000 square foot area constitutes the developable footprint for each lot, and does not limit the size of a farm dwelling, as long as other zoning requirements (i.e., height and setbacks) are met.
4. The association of lot owners will encourage lot owners to utilize energy conservation measures when developing their parcels in the future. Examples of such measures include: the use of solar water heating and photovoltaic systems, energy-efficient lighting and appliances, and extended (roof) eaves to minimize heat gain through windows.
5. The remaining portion of each agricultural beyond the 5,000 square foot developable footprint will be set aside for open space and farming. The agricultural lots in the Project Area will range in size from approximately 3 to 420 acres and provide significant open space between farm dwellings, as well as from Farrington Highway to the farm dwellings. There will be a 0.5-mile undeveloped buffer between Farrington Highway and the location of the *makai* most farm dwelling.
6. Covenants, Conditions, and Restrictions (CC&Rs) will be utilized by the association of lot owners to enforce compliance with State and C&C Agricultural District standards for the Proposed Project.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

7. Information about the Ranch's current agricultural operations will be included in an Agricultural Feasibility Report which will be included in the Draft EIS.
8. In addition to a Preliminary Engineering Report, the Draft EIS will include a discussion about existing and proposed water system improvements for the Proposed Project.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

DAVID Y. IGE
GOVERNOR

SCOTT GLENN
DIRECTOR

DEPARTMENT OF HEALTH | 235 South Beretania Street, Suite 702, Honolulu, HI 96813 | oeqchawaii@doh.hawaii.gov

(808) 586-4185

October 24, 2016

RECEIVED
OCT 24 2016
HHF PLANNERS

Joette Yago
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street
Honolulu, HI 96813

Dear Ms. Yago,

SUBJECT: Environmental Impact Statement (EIS) Preparation Notice for Dillingham Ranch Agricultural Subdivision

The Office of Environmental Quality Control (OEQC) has reviewed the EIS Preparation Notice (EISPN) for the subject project and offers the following comments:

1. The OEQC recommends considering climate change for this and all future projects. Throughout Hawai'i, climate change is accompanied by dangerous conditions such as drought, extreme rainfall, reduction of trade winds, heat waves, increasingly violent tropical storms, extreme winter waves, higher ocean temperatures and coral bleaching. In the project's Draft EIS, as appropriate, please detail any impacts these conditions may have on the project and identify relevant mitigation measures. More information can be found at https://www3.epa.gov/climatechange/impacts/islands.html.

2. The Natural Hazards discussion on Page 16 notes that the vast majority of the Property situated between Farrington Highway and Cane Haul Road is located within the Tsunami Evacuation Zone. In fact, coastal flooding in general is a natural hazard that could adversely impact the project site in numerous ways, whether from mauka-sourced riverine flooding, or the site's low-lying topography that slows surface and sub-surface drainage, or from makai-sourced storm waves or tsunami inundation. Figure 9 "Flood Hazard Areas Map" of the EISPN helps depict some of the flood hazard potential for the area, but could be enhanced to better correspond with the Natural Hazards discussion. For example, neither the V, VE, nor the tsunami evacuation zone is mapped; these are particularly hazardous zones that need appropriate planning treatment. Further, a reader will not find a label for zone XS or for zone AEF, which is an especially hazardous floodway within the Special Flood Hazard area affecting a large portion of the lower part of the project site. Please include a clearly labelled map that closely corresponds with a robust discussion of coastal flooding in the project's Draft EIS.

3. The description of the proposed action advances the concept that this subdivision will be agricultural in nature, through 1) the maintenance of an existing palm tree plantation and equestrian activities/facilities, 2) the reservation of several acres for farm-to table agricultural production, 3) the provision of 70 agricultural lots accommodating single-family farm dwellings, and 4) the dedication of land for open space and agricultural uses. Additionally, the discussion notes the agricultural lot owners will be subject to recorded covenants, conditions, and restrictions (CC&R) intended to limit land uses and activities to only those consistent with the stated description; further, these uses and activities would be enforceable not by the City and

County of Honolulu or the State of Hawai'i, but by an internal homeowners' association of lot owners. There is a record of community concern over agricultural subdivisions that do not demonstrate viable agricultural production and questioning the effectiveness of CC&Rs to ensure viable agricultural activity. In the Draft EIS, clearly discuss the project's consistency with appropriate land use plans, policies, and controls and how your proposal would mitigate these concerns. Note that per Section 11-200-14, Hawai'i Administrative Rules (HAR), an EIS "shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action." Also, note that Section 11-200-16, HAR, Content Requirements, requires the inclusion of "responsible opposing views, if any, on significant environmental issues raised by the proposal."

Thank you for the opportunity to comment on the EISPN. We look forward to a response that will also be included in the Draft EIS. If you have any questions, please contact our office at (808) 586-4185.

Sincerely,

Scott J. Glenn

Scott Glenn, Director

cc: Dillingham Ranch Aina, LLC
HHF Planners

17-178

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December 20, 2017

Scott Glenn, Director
Office of Environmental Quality Control
Hawai‘i Dept. of Health
235 S. Beretania Street, Suite 702
Honolulu, HI 96813

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē‘ia, O‘ahu, Hawai‘i

Dear Mr. Glenn:

On behalf of the Applicant (Dillingham Ranch Aina, LLC), we acknowledge receipt of your letter (17-178) dated October 24, 2016 and are responding to your comments.

1. The Draft EIS will discuss existing climatic conditions, potential impacts (including global warming), and mitigation measures.
2. A Tsunami Evacuation Map will be included in the Draft EIS. The Flood Hazard Map in the Draft EIS will clearly identify Zone XS (areas within the 0.2% annual chance floodplain) and Zone AEF (areas within the 1% annual chance floodway).
3. The Draft EIS will include a section about Agriculture, as well as an Agricultural Plan that provides for viable agricultural production. The Draft EIS will also include a discussion of governmental plans, policies, and controls, including the relationship of the Proposed Project to the State Land Use Law, Hawai‘i Coastal Zone Management Act, Hawai‘i State Plan, Hawai‘i State Functional Plans, Hawai‘i Environmental Law, Hawai‘i Environmental Policy, EIS Significance Criteria, General Plan of the City and County of Honolulu, North Shore Sustainable Communities Plan, Revised Ordinances of Honolulu, and other pertinent land use controls.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

PHONE (808) 594-1888

FAX (808) 594-1938

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAI'I 96817

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HRD16-4075F

November 4, 2016

Mr. Scott Ezer and Mr. Glenn Tadaki
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813

Re: Dillingham Ranch Agricultural Subdivision Environmental Impact Statement Preparation Notice, Mokulē'ia Ahupua'a, Waialua Moku, O'ahu, Hawai'i [TMK: (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002:006

Aloha e Mr. Ezer and Mr. Tadaki:

The Office of Hawaiian Affairs (OHA) received HHF's notice of the preparation of an Environmental Impact Statement (EIS) for the Dillingham Ranch Agricultural Subdivision on October 21, 2106. The proposed action will involve the use of State lands and the development of a wastewater treatment plant, therefore an EIS will be prepared in accordance with Chapter 343, Hawai'i Revised Statutes and Chapter 11-200, Hawai'i Administrative Rules.

OHA has reviewed several preliminary studies related to the Dillingham Ranch Agricultural Subdivision and looks forward to reviewing the upcoming EIS. We request that in addition to providing us with a link to the EIS document, that one hard copy be mailed to our offices for review upon completion of the document.

Thank you for the opportunity to comment on the forthcoming EIS. Please note we have provided a more specific address below, to which you can address future

correspondence. If you have any questions about this letter, please contact Lauren Morawski, Compliance Archaeologist, at (808) 594-1997 or laurenm@oha.org.

'O wau iho nō me ka 'oia 'i 'o,

Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC:lm

**Please address replies and similar, future correspondence to our agency:*
Dr. Kamana'opono Crabbe
Attn: OHA Compliance Enforcement
560 N. Nimitz Hwy., Ste. 200
Honolulu, Hawai'i 96817

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December 20, 2017

Kamana`opono Crabbe, Ph. D., CEO
Office of Hawaiian Affairs
State of Hawai‘i
560 N. Nimitz Hwy, Rm. 200
Honolulu, HI 96817

Attention: OHA Compliance Enforcement

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē‘ia, O‘ahu, Hawai‘i

Dear Mr. Crabbe:

On behalf of the Applicant, Dillingham Ranch Aina, LLC (DRA), we acknowledge receipt of your letter (HRD16-4075F) dated November, 4, 2016 and will provide you with one hard copy and a link to an electronic copy of the Draft EIS, as requested.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

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The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

RONALD D. KOUCHI
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VICE PRESIDENT

SAM SLOM
MINORITY LEADER

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SECOND DISTRICT
RUSSELL E. RUDERMAN

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RONALD D. KOUCHI

NINTH DISTRICT
SAM SLOM

TENTH DISTRICT
LES IHARA, JR.

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JILL N. TOKUDA

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LAURA H. THIELEN

CHIEF CLERK
CAROL TANIGUCHI

October 24, 2016

Joette Yago
Dept. of Planning and Permitting
City & County of Honolulu
650 S King St.
Honolulu, HI 96813

RE: Dillingham Ranch Agricultural Subdivision EISPN

Dear Ms. Yago,

Please accept the following comments/questions on the Dillingham Ranch Agricultural Subdivision Environmental Impact Statement Preparation Notice.

Section 2.0, Purpose and Need for Action includes these paragraphs (underlines added):

> The proposed action represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Property. <u>In addition to maintaining existing agricultural land uses (except for cattle grazing), the proposed project would expand existing equestrian and horse pasturing uses and would also provide new facilities to support those activities.</u>

and

> <u>All agricultural lot owners will be required to comply with Design Guidelines for the subdivision and a recorded Declaration of Covenants, Conditions, and Restrictions (CC&Rs),</u> a coordinated set of documents that will enforce the design, development, and land use standards for the Dillingham Ranch Agricultural Subdivision. A more detailed description of these considerations will be provided in the DEIS.

COMMENT 1: Historic uses of the land include horses and cattle. The plan appears to eliminate cattle grazing entirely; and, although it proposes to "expand existing equestrian and horse pasturing uses," I was told by the applicant's agent that property owners will not be allowed to keep horses on their agricultural lots. Will all farm animals be prohibited on the new agricultural lots?

More clarity is warranted in the Purpose and Need Statement. The applicant should be clear on how this proposed subdivision furthers our state goals for agricultural production and beneficial use of agricultural lands. If any restrictions on agricultural activity are contemplated, then additional discussion is needed to explain how the restrictions support state agricultural goals.

Section 3.1, Proposed Action, includes this paragraph (underline added):

> The area beyond the building envelopes on each of the agricultural lots, and other project-related components such as the Dillingham Lodge, palm tree plantation, equestrian-support facilities, and farm- to-table production area – collectively referred to as "Common Areas" – will be owned and/or maintained by an association of the agricultural lot owners.

and

> The conceptual land use plan for the project also provides for the protection of identified archaeological and cultural sites on the Property and provides for horse grazing and trail riding on the mauka portions of the agricultural lots. See Figure 5 (Conceptual Land Use Plan).

COMMENT 2: These statements indicate that private property, beyond the building envelops, on the agricultural lots will be common elements. Please clarify what is intended here.

Same section, Section 3.1, Proposed Action, includes this paragraph (underline added):

> All agricultural lot owners will be subject to recorded CC&Rs that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements.

COMMENT 3: Here is another reference to restrictions that may be inappropriate for agricultural land use. The EIS should be very clear on what is restricted and how such restrictions are appropriate for agricultural lands.

Section 3.2 Alternatives. What alternatives will be compared?

COMMENT 4: This Preparation Notice should include more than two options, the Preferred Alternative and the No Action Alternative. Why are no other alternatives identified?

This EIS should include an alternative for expanded agricultural production on the property without subdivision. Another alternative should be discussion of a less intensive subdivision with fewer, but larger parcels.

Figure 5, Conceptual Land Use Plan

COMMENT 5: a) It appears that lands identified for pasture, Item 9, are interspersed throughout the agricultural lots. Why are the lots labeled in this way, particularly if the CC&Rs will prohibit horses and other farm animals on the agricultural lots?

b) How will equestrian access be allowed, or restricted throughout the project site? How will horses transit from wherever they are boarded to the Informal Equestrian and recreation Area?

c) What activities will be permitted or restricted in the Informal Equestrian and Recreation Area?

Figure 9, Flood Hazard Areas Map

COMMENT 6: No dwellings, including employee housing, should not be envisioned to be built in any flood zone. The employee housing, Item 6 on the Flood Hazards Maps, is located entirely in Flood Zone A. Other lots are substantially within the same flood zone.

Section 6.0, Consultation.

COMMENT 7: Area Representative Lauren Matsumoto, House District 45, should be included in consultation and distribution of these documents.

Thank you for this opportunity to share my observations, comments and questions about this EISPN.

Sincerely,

Gil Riviere
Senator, District 23
Oahu's North and Windward Shores
808.586.7330
SenRiviere@capitol.hawaii.gov

Cc:
David Eade, Dillingham Ranch Aina, LLC
Glenn Tadaki, HHF Planners

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December 20, 2017

Honorable Gil Riviere
Senate District 23
Hawai'i State Capitol
415 S. Beretania Street, Rm. 217
Honolulu, HI 96813

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē'ia, O'ahu, Hawai'i

Dear Senator Riviere:

On behalf of the Applicant, Dillingham Ranch Aina, LLC (DRA), we acknowledge the receipt of your letter dated October 24, 2016 and are responding to your comments.

1. All uses that are permitted within the State and City and County (C&C) Agricultural Districts (including animal uses such as cattle grazing) shall also be allowed for future agricultural lot owners. The purpose of the Proposed Project is to continue and expand some of the historical agricultural uses that have occurred at Dillingham Ranch since the 1880s, and provide opportunities for new agricultural activities and development in accordance with State and C&C Agricultural District standards.
2. The agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet. The remaining portion of each lot will be set aside for open space and farming. Common Areas include the Dillingham Lodge; palm tree plantation; horse paddocks and pastures; cattle grazing area; an existing mango orchard; a proposed hydroponic crop cultivation area; and roadway, wastewater, and drainage improvements to support the Proposed Project. The Common Areas will be owned and/or maintained by an association of lot owners who will engage the services of a property management firm with experience in handling these types of properties. The management and maintenance costs for the Common Areas will be borne by the association of lot owners.
3. All permissible uses in the State and C&C Agricultural Districts will also be allowed in the future developed project.
4. The Draft EIS will examine various alternatives to the Proposed Project including expanding agricultural production (without undergoing subdivision) and providing fewer but larger lots.
5. (a) The land beyond the developable footprint on each agricultural lot will be set aside for agriculture and open space, including pasture use.

(b) The Covenants, Conditions, and Restrictions (CC&Rs) will include provisions governing the use of Common Areas, including equestrian access.

(c) The purpose of Table 1 (Proposed Land Use Distribution) in the EISPN was to illustrate the various land use components of the Proposed Project, including Informal Horse Grazing/Recreation. Specific provisions for these various land uses will be included in the CC&Rs for the Proposed Project if appropriate.

6. The area *makai* of Cane Haul Road lies within the limits of the 100-year floodplain and floodway. No habitable structures, including employee housing, will be constructed in this area.
7. An early consultation letter was sent to Representative Lauren Matsumoto along with a link to access the EISPN.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

SIERRA CLUB OF HAWAI'I
O'AHU GROUP

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MALAMA I KA HONUA
Cherish the Earth

City & County of Honolulu
Department of Planning & Permitting
Via email

10/24/2016

Re: Dillingham Ranch Agricultural Subdivision EISPN
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, and (1) 6-8-002: 006

Dear Sir or Madam,

The Sierra Club of Hawaii wishes to make the following comments on the EISPN for this proposed development.

Consultant Party
The mission statement of the Sierra Club is "To explore, enjoy and protect the planet. To practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives." The Sierra Club has nearly 10,000 registered members and supporters on O'ahu, many of them live on O'ahu's North Shore and in the Mokulei'a area. The Club has a well-earned reputation as one of the most diligent and responsible organizations representing the interests of communities and citizens in the process of planning and development. For example we have frequently been recognized as Intervenors before the Land Use Commission. For this reason we request that we be accorded the status of Consultant Party in this EIS process.

Here are some of the issues that we believe must be addressed in the EIS:

Population Growth
The Oahu General Plan calls for population growth on the island to be focused in the Primary Urban Center, in Central O'ahu and 'Ewa. The overall projection by the Census for population growth between 2010 and 2025 is 7.7%. According to the Census the population in the Mokulei'a Census Designated Area in 2010 was 1811 distributed amongst 755 households – or 2.4 persons per household. If the population for the Mokulei'a Census Designated Area were to grow at the same 7.7% rate as the rest of the island, it would grow by 139 persons in 58 new households. However the proposed Dillingham Ranch development aims to create a new suburb of 70 new homes. At the average CDA occupancy of 2.4 people per home, that would imply an additional 168 people in the area. On its face the proposal appears to violate the planning goals in the General Plan. We believe the developer needs to explain why it should be allowed to defy the guidelines established by the people of O'ahu.

Impact on Agricultural Activity
The state of Hawaii's "Aloha-plus" goal is to double food production by 2030. This will require the state to preserve and better utilize all existing ag lands and to push for more intensive food and livestock cultivation. The EIS must explain how the proposed new suburb will help meet these state goals. We believe this area is extremely valuable as an agricultural resource and that agriculture should be the primary use of this property, as such we are inherently skeptical of this consumptive use of productive lands and we believe the developer needs to be held to a high standard on this issue.

Induced Development
The proposed development is clearly aimed at high net worth individuals who tend to demand high-level services, large numbers of staff and so on. Given that the Urban Growth Plan calls for development to be focused in other parts of the island, how does the developer quantify and plan to mitigate the induced development consequent on the proposed 10% increase in the number of households in the CDA?

Infrastructure
Clearly this size of development will make demands on public resources. The developer should quantify the cost to the public of providing any required infrastructure upgrades and urban services.

Traffic
Given the intensive construction activity associated with building 70 new mansions, as well as the staffing of these high-net-worth households, vehicular traffic in the area will increase substantially. The developers should assess these traffic impacts and explain how they intend to mitigate them.

Climate Change
Given the anticipated impacts of climate change, which include rising sea levels, reduced rainfall patterns and other concerns, what mitigation measures do the developers propose to enhance the environment as well as to minimize the negative impacts of this proposed new suburb?

Mahalo,

Anthony Aalto
Chair, O'ahu Group

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December 20, 2017

Anthony Aalto, Chairperson
Sierra Club of Hawai‘i, O‘ahu Group
P.O. Box 2577
Honolulu, HI 96803

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulē‘ia, O‘ahu, Hawai‘i

Dear Mr. Aalto:

On behalf of the applicant, Dillingham Ranch Aina, LLC (DRA), we acknowledge receipt of your letter dated October 24, 2016 and are responding to your comments.

1. The *Population and Economic Projections for the State of Hawaii to 2040* (DBEDT, 2012) show that the resident population for the City and County is projected to be 1,029,400 in the year 2025. The vision statement in the North Shore Sustainable Communities Plan (DPP, April 2011) extends to 2035, during which time the North Shore is projected to experience very little population growth. Based on the General Plan's (DPP, 2002) population distribution policy, the population of the North Shore is projected to account for 1.7 percent of the island-wide population in 2025 or 17,500 individuals. The average population for the 96791 (Hale‘iwa) and 9672 (Waialua) zip codes between 2010 and 2014 is 15,899 (Hawaii State Data Book, 2015). The average household size of an owner-occupied housing unit in the Mokulē‘ia CDP is 2.34 persons per housing unit (U.S. Census, 2010-2014 ACS Estimates). At full build-out, about 164 persons are anticipated to reside in the agricultural subdivision on either a full- or part-time basis. This would increase the population to 16,063, representing a growth rate of about 1% within the area. This slight increase will not adversely affect the population of the region or contribute to any disproportionate population growth or impacts due to race, age, or birthplace.
2. The Draft EIS will include an Agricultural Feasibility Report (AFR) for viable agricultural production that will be reviewed by the State Department of Agriculture.
3. See No. 1 above.
4. No impacts to existing public infrastructure systems are expected as the cost of constructing infrastructure systems for the Proposed Project will be borne by the Applicant. The roadway, wastewater, and drainage systems for the Proposed Project will be privately owned and maintained by an association of lot owners, while the operation and maintenance of the water system will be handled by the North Shore Water Company, a private utility regulated by the State Public Utilities Commission.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

5. A traffic impact analysis report has been prepared for the Proposed Project and will be included in the Draft EIS.
6. The Draft EIS will include a section on climate which will discuss global warming and sea level rise, as well as measures for adapting to climate change

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

In Reply Refer To:
01EPIF00-2016-TA-0527

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OCT 25 2016
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OCT 25 2016

Mr. Glenn Tadaki
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813

Subject: Technical Assistance for the Environmental Impact Statement Preparation Notice for the Proposed Dillingham Ranch Agricultural Subdivision, Mokulē'ia, O'ahu

Dear Mr. Tadaki:

The U.S. Fish and Wildlife Service (Service) received your letter on September 23, 2016, requesting our comments on the Environmental Impact Statement Preparation Notice (EISPN) for the proposed Dillingham Ranch Agricultural Subdivision, located in Mokulē'ia, on the island of O'ahu [TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, and (1) 6-8-002: 006]. On behalf of the applicant, Dillingham Ranch 'Aina, LLC (DRA), HHF Planners (HHF) has prepared an EISPN for the proposed consolidation and resubdivision of approximately 2,721 acres of agriculturally-zoned land mauka (south) of Farrington Highway. The proposed action will involve the use of State lands and the development of a wastewater treatment plant. therefore, an EIS will be prepared.

Dillingham Ranch has been involved in agriculture since the 1880s when the land was used for ranching and rice cultivation. Agricultural uses today include equestrian activities and facilities for recreational riders and polo players, a palm tree plantation, and limited cattle grazing. The Dillingham Lodge is used commercially for weddings, retreats, and other special events. Under the proposed action, the palm tree and Lodge operations will continue; equestrian facilities will be expanded; and areas for diversified agriculture, Ranch employee dwellings, and 70 agricultural lots will be provided. Existing infrastructure and utility systems will be upgraded to support the additional uses. The proposed action represents a low-intensity use of agricultural land uses and the rural, open space character of Dillingham Ranch, the proposed project is consistent with State land use law, the North Shore Sustainable Communities Plan, and the City and County of Honolulu's agricultural zoning for the property.

Our response is in accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). We offer the following comments to assist you in the proposed project. Our data indicate the federally endangered Hawaiian stilt (*Himantopus mexicanus knudseni*), endangered Hawaiian gallinule (*Gallinula chloropus sandvicensis*), endangered Hawaiian coot (*Fulica alai*), endangered Hawaiian duck (*Anas wyvilliana*) (collectively referred to as Hawaiian waterbirds), endangered Hawaiian hoary bat (*Lasiurus*

cinereus semotus), endangered O'ahu 'elepaio (*Chasiempis ibidis*), the following endangered Hawaiian plants: *Abutilon sandwicense*, *Alectryon macrococcus*, *Asplenium dielfalcatum*, *Bidens amplectens*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Chamaesyce herbstii*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea acuminata*, *C. calycina*, *C. grimesiana* ssp. *grimesiana*, *C. grimesiana* ssp. *obatae*, *C. longiflora*, *C. superba*, *Cyrtandra dentata*, *Delissea subcordata*, *Diellia falcata*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Euphorbia haeleeleana*, *Flueggea neowawraea*, *Hesperomannia arborescens*, *H. arbuscula*, *Hibiscus brackenridgei*, *Isodendrion laurifolium*, *I. longifolium*, *Kadua degeneri*, *Lobelia niihauensis*, *Melanthera tenuifolia*, *Melicope makahae*, *M. pallida*, *Neraudia angulata*, *Nototrichium humile*, *Phyllostegia kaalaensis*, *Platydesma cornuta* var. *decurrens*, *Pleomele forbesii*, *Pteralyxia macrocarpa*, *Schiedea hookeri*, *S. kaalae*, *S. kealiae*, *S. nuttallii*, *S. obovata*, *Sicyos lanceoloideus*, and *Viola chamissoniana* ssp. *chamissoniana* occur within the proposed project sites. The following designated critical habitats occur within or adjacent to the proposed project site: O'ahu 'elepaio, O'ahu – Lowland Mesic – Unit 1, and O'ahu – Lowland Dry – Unit 1. We offer the following comments and recommendations to assist you in preparation for your proposed project.

Hawaiian Waterbirds

Our records indicate there is a probability that Hawaiian waterbirds may occur in the vicinity of the proposed project. We recommend you incorporate the following measures into your project description to avoid and minimize impacts to listed Hawaiian waterbirds:

- A biological monitor should conduct Hawaiian waterbird and nest surveys at the proposed project site prior to project initiation and after any subsequent delay in work of three or more days (during which birds may attempt nesting).
- Any documented nests or broods within the project vicinity should be reported to the Service within 48 hours.
- A 100-foot buffer should be established and maintained around all active nests and/or broods until the chicks/ducklings have fledged. No potentially disruptive activities or habitat alteration should occur within this buffer.
- If nesting Hawaiian waterbirds are found within the prosed project area a biological monitor(s) should be present on the project site during all construction or earth moving activities to ensure that Hawaiian waterbirds and nests are not adversely impacted.
- If a listed Hawaiian waterbird is observed within the project site, or flies into the site while activities are occurring, all activities should halt within 100 feet of the individual(s). Work should not resume until the Hawaiian waterbird(s) leave the area on their own accord.
- A post-construction report should be submitted to the Service with 30 days of the completion of the project. The report should include the results of Hawaiian waterbird surveys, the location and outcome of documented nests, and any other relevant information.

Hawaiian hoary bat

The Hawaiian hoary bat roosts in both exotic and native woody vegetation and, while foraging, will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian

hoary bat, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Site clearing should be timed to avoid disturbance to Hawaiian hoary bats in the project area. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet (152 meters) above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. Therefore, we recommend that barbed wire not be used for fencing and that if it must be used, it is only used within two inches of the ground surface.

O'ahu 'elepaio

The O'ahu 'elepaio (*Chasiempis sandwichensis*) may occur in the vicinity of the proposed project. O'ahu 'elepaio are adaptable and occur in a variety of forest types composed of both native and introduced plant species (Conant 1977, p. 194; VanderWerf 1993, 1994; 1998, p. 4). 'Elepaio are non-migratory and defend all-purpose territories year-round (Conant 1977, p. 195, 208; VanderWerf 1998, p. 4, 8). The breeding season occurs from January to June, where they weave nests from a variety of vegetation, spending time both in trees and leaf litter while searching for food. The primary threat to the O'ahu 'elepaio is loss of habitat, as well as predation from introduced predators. To avoid adverse impacts to the O'ahu 'elepaio, we recommend avoiding potentially disruptive activities, such as trenching, during the breeding season.

O'ahu 'elepaio are also affected by mosquito-borne diseases. Mosquitoes are not native to Hawai'i; their occurrence increases in areas where ungulate presence results in small pools of standing water. Actions such as road construction and development increase human access and result in increased wildfire and invasive species threats. Grazing by non-native mammals and feral ungulates results in reductions in woody vegetation and increased grass cover, which reduces forest habitat quality and results in increased wildfire risk on the landscape. We recommend you avoid conducting activities that may spread invasive species, increase mosquito populations, increase grazing in forest habitats, or increase the threat of wildfire to montane forest habitats.

Critical Habitat – O'ahu 'elepaio

Critical habitat for O'ahu 'elepaio occur within the proposed project. The primary constituent elements required by the O'ahu 'elepaio for foraging, sheltering, roosting, nesting, and rearing of young are undeveloped wet, mesic, and dry forest habitats composed of native or introduced plant species. Higher population density can be expected in tall, closed canopy riparian forest than in low scrubby forest on ridges and summits. In addition, the primary constituent elements (PCEs) associated with the biological needs of dispersal and genetic exchange among populations are undeveloped wet or dry shrub land and wet or dry cliff habitats. 'Elepaio may not establish territories in shrub or cliff habitats and may use them only transiently, but areas containing these habitats are important for linking populations by providing the opportunities for dispersal and genetic exchange. We recommend you avoid conducting activities that may spread invasive species, increase mosquito populations, increase grazing in forest habitats, or increase the threat of wildfire to O'ahu 'elepaio critical habitat.

Hawaiian plants

Listed Hawaiian plants occur within the proposed project area. We recommend minimizing the amount of disturbance to native vegetation outside existing developed areas. Cutting and removal of vegetation has the potential to increase microsite sunlight and wind conditions which

may result in invasion of non-native plants or reduction in germination, growth, and reproduction of listed plants. Where vegetation cutting outside existing developed sites is necessary, we recommend you conduct a botanical survey within, and extending 200 feet (61 meters) beyond, the proposed disturbance area. Botanical surveys should be conducted during the wettest part of the year when listed plants may be more likely to be observed. All listed plants in and within 200 feet (61 meters) of the vegetation disturbance site should be marked with flagging to exclude personnel from walking within 10 meters (33 feet) of the plant. To minimize potential adverse effects to listed plants, avoid cutting or removing vegetation within 200 feet (61 meters) of a listed plant. Where vegetation removal does not need to be maintained as an open area, we encourage restoration of cleared areas using native plants. Additionally, we recommend you limit the use of herbicides and pesticides around listed Hawaiian plants and their habitats.

O'ahu – Lowland Mesic – Unit 1

The federally designated critical habitat unit, O'ahu – Lowland Mesic – Unit 1, occurs within the proposed project site. This critical habitat unit is occupied by the *Abutilon sandwicense*, *Alectryon macrococcus*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Chamaesyce herbstii*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea acuminata*, *C. calycina*, *C. grimesiana* ssp. *grimesiana*, *C. grimesiana* ssp. *obatae*, *C. longiflora*, *C. superba*, *Cyrtandra dentata*, *Delissea subcordata*, *Diellia falcata*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Euphorbia haeleeleana*, *Flueggea neowawraea*, *Hesperomannia arborescens*, *H. arbuscula*, *Hibiscus brackenridgei*, *Isodendrion laurifolium*, *I. longifolium*, *Kadua degeneri*, *Lobelia niihauensis*, *Melanthera tenuifolia*, *Melicope makahae*, *M. pallida*, *Neraudia angulata*, *Nototrichium humile*, *Phyllostegia kaalaensis*, *Platydesma cornuta* var. *decurrens*, *Pleomele forbesii*, *Pteralyxia macrocarpa*, *Schiedea hookeri*, *S. kaalae*, *S. nuttallii*, *S. obovata*, and *Viola chamissoniana* ssp. *chamissoniana*, and includes the mesic forest and shrubland, the moisture regime, and canopy, subcanopy and understory native plant species identified as physical or biological features in the lowland mesic ecosystem. This unit also contains unoccupied habitat that is essential to the conservation of these species by providing the PCEs necessary for the expansion of the existing wild populations. Although O'ahu—Lowland Mesic—Unit 1 is not known to be occupied by the plants *Chamaesyce celastroides* var. *kaenana*, *Cyanea pinnatifida*, *Cyperus pennatiformis*, *Diellia unisora*, *Diplazium molokaiense*, *Eugenia koolauensis*, *Gardenia mannii*, *Gouania meyenii*, *G. vitifolia*, *Kadua coriacea*, *K. parvula*, *Labordia cyrtandrae*, *Melicope saint-johnii*, *Phyllostegia hirsuta*, *P. mollis*, *P. parviflora*, *Plantago princeps*, *Sanicula mariversa*, *Silene perlmanii*, *Solanum sandwicense*, *Stenogyne kanehoana*, *Tetramolopium lepidotum* ssp. *lepidotum*, or *Urera kaalae*, we have determined this area to be essential for the conservation and recovery of these lowland mesic species because it provides the PCEs necessary for the reestablishment of wild populations within the historical ranges of the species. Due to their small numbers of individuals or low population sizes, these species require suitable habitat and space for expansion or reintroduction to achieve population levels that could achieve recovery. We recommend you address the threats and identify ways to minimize adverse modifications to critical habitat.

O'ahu – Lowland Dry – Unit 1

The federally designated critical habitat unit, O'ahu – Lowland Dry – Unit 1, occurs within the proposed project site. This critical habitat unit is occupied by the plants *Bidens amplectens*, *Hibiscus brackenridgei*, *Nototrichium humile*, and *Schiedea kealiae*, and includes the dry forest and shrubland, the moisture regime, and canopy, subcanopy and understory native plant species identified as physical or biological features in the lowland dry ecosystem. This unit also contains

unoccupied habitat that is essential to the conservation of these species by providing the PCEs necessary for the expansion of the existing wild populations. Although , O'ahu – Lowland Dry – Unit 1 is not known to be occupied by the plants *Achyranthes splendens* var. *rotundata*, *Bonamia menziesii*, *Chamaesyce celastroides* var. *kaenana*, *Euphorbia haeleeleana*, *Gouania meyenii*, *G. vitifolia*, *Isodendrion pyrifolium*, *Melanthera tenuifolia*, *Neraudia angulata*, *Pleomele forbesii*, *Schiedea hookeri*, or *Spermolepis hawaiiensis*, we have determined this area to be essential for the conservation and recovery of these lowland dry species because it provides the PCEs necessary for the reestablishment of wild populations within the historical ranges of the species. Due to their small numbers of individuals or low population sizes, these species require suitable habitat and space for expansion or reintroduction to achieve population levels that could achieve recovery. We recommend you address the threats and identify ways to minimize adverse modifications to critical habitat.

We recommend you minimize the use of pesticides because these chemicals have direct and indirect effects to listed vertebrates, invertebrates, and plants. Insecticides not only have direct effects on threatened and endangered insects, their use results in adverse effects to listed animals and their use reduces prey availability for insectivorous bat and bird species and results in reductions in numbers of plant pollinators. Spray drift and volatilization can result in effects far downwind of the application site.

If it is determined that the proposed project may affect federally listed species or adversely modify designated critical habitat, we recommend you contact our office early in the planning process so that we may assist you with the ESA compliance.

We hope this information assists you with your preparation of an Environmental Impact Statement and we appreciate your efforts to conserve Hawai'i's endangered species. If you have questions regarding these comments, please contact Jiny Kim, Fish and Wildlife Biologist (phone: 808-792-9400, email: jiny_kim@fws.gov).

Sincerely,

Aaron Nadig
Island Team Manager
O'ahu, Kaua'i, Northwestern Hawaiian Islands, and American Samoa

Literature Cited

Conant, S. 1977. The breeding biology of the O'ahu 'elepaio. Wilson Bulletin 89(2):193-210.

VanderWerf, E. A. 1993. Scales of habitat selection by foraging 'elepaio in undisturbed and human-altered forests in Hawai'i. The Condor 95:980-989.

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VanderWerf, E.A. 1998. 'Elepaio (*Chasiempis sandwichensis*). *In* The Birds of North America, No. 344 (A. Poole and F. Gill, eds.). The Academy of Natural Sciences, Philadelphia, PA, and the American Ornithologists' Union, Washington, D. C.

HHF PLANNERS
places for people

December 20, 2017

Aaron Nadig, Island Team Manager
Pacific Islands Fish & Wildlife Office
U.S. Fish & Wildlife Service
P.O. Box 50088
Honolulu, HI 96850

SUBJECT: Dillingham Ranch Agricultural Subdivision
Environmental Impact Statement Preparation Notice (EISPN)
TMKs: (1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, (1) 6-8-002: 006
Mokulēʻia, Oʻahu, Hawaiʻi

Dear Mr. Nadig:

On behalf of the Applicant, Dillingham Ranch Aina, LLC (DRA), we acknowledge the receipt of your EISPN comment letter (01EPIF00-2016-TA-0527) dated October 25, 2016.

As a follow up to your letter, Reggie David and I met with Jiny Kim from your staff on March 3, 2017. We presented a more detailed Project map, which was discussed in the context of your October 25th letter.

Based on our discussion, faunal species identified by the Fish and Wildlife Service that need to be considered in terms of potential impact to these species: 1) Hawaiian Duck, (2) Hawaiian Common Gallinule; aka, Hawaiian Common Moorhen, (3) Hawaiian Coot, (4) Black-necked Stilt, (5) Oʻahu ʻElepaio, and (6)Hawaiian hoary bat.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four waterbird species, and documented nesting by Coots and Moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. Critical habitat identified by the USFWS is located at the far western end of the Dillingham Ranch property that includes the Project Site, but is far removed from the of area of the Proposed Project and will not be directly or indirectly subjected to any development activities.

To minimize any potential impacts to the preceding species, the following measures will be implemented for the Proposed Project.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaii 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Hawaiian hoary bat. This endangered species likely overflies the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area.

The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal.

However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled. To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

The following measures will be implemented to minimize potential impacts to the Hawaiian Duck, Hawaiian Common Moorhen, Hawaiian Coot, Black-necked Stilt, Oʻahu ʻElepaio and Hawaiian hoary bat.

Pre-construction Planning Phase. Detailed planning and design for the Proposed Project will incorporate the following measures or features.

- All utilities within the Project Site will be placed underground.
- All exterior lighting will be full cut-off downward pointed luminaries in accordance with the Dark Sky Initiative.
- The wastewater treatment plant will include covered and contained treatment tanks, thereby eliminating open water as an attraction to waterbird species.
- No development will be undertaken above the 800-foot elevation contour.
- No development will occur in the unoccupied federally-designated Unit 1 Critical Habitat located in the northeastern portion of Dillingham Ranch.
- Prior to construction the Applicant will develop an Endangered Species Awareness Training Program, both in a PowerPoint format and as a hard copy handout to be used to train all construction workers and all managers on what to do, what not to do and how to respond to any incident involving any one of the protected waterbirds species identified above.

The Endangered Species Awareness Program will be modeled on successful programs currently being used on several properties on the Island of Kauaʻi. It will include, but not be limited to addressing the following topics:

- Photographs of all of the threatened and endangered species likely to be encountered on the Project Site with a brief description of each.
- Details on behavior of these species, especially those that may cause them to get into trouble.

- Locations within the Project Site where construction workers need to be aware of specific species and/or bird behavior that may put them at risk from construction activity.
- Specific BMPs, protocols, and restrictions to be followed by all construction workers and Ranch employees, as well as parties and entities that will be accessing the Project Site on a regular basis after full build out.
- Emergency response protocols and contact information.
- Reporting information.

Construction Phase. All construction companies working on the site will be required through special contract provisions to provide for the training of their staff using the training modules prior to the commencement of construction activity on the site.

- Speed limit signs (15 mph) will be posted on all roads to which construction personnel have access.
- No nighttime construction will be permitted.
- Any lights that may needed to service construction equipment after dark during the construction phase will have 100 percent cutoff, fully shielded luminaires and be mounted high enough above the ground so are directly perpendicular to the ground.
- Prior to the initiation of clearing and grubbing, a nesting waterbird survey will be conducted by a qualified biologist. If nesting locations are found, a 100 foot buffer will be placed around the site and construction work in the area will halt until nesting is completed.
- A complete ban on construction workers bringing pets to work (i.e., dogs) will be enforced.
- Locations where construction workers will be eating while on site shall be designated and covered trash receptacles provided for the proper disposal of food and beverage containers and waste.
- Personnel will be prohibited from feeding, petting, or approaching any endangered species.
- Construction managers will be provided with a response protocol to follow in the event that an incident occurs involving an endangered species, or if an injured or sick endangered species is encountered.

Post-construction Operational Phase. Following full build out, the association of lot owners will be responsible for the enforcement of endangered species protection and owner education. Information developed in conjunction with the Endangered Species Awareness Program will be included in the CC&Rs for the Proposed Project which will be part of the sales documents for the agricultural lots in the Project Site.

Based on our meeting, it is our understanding that the Terrestrial Vegetation Surveys Report prepared by Le Grande Biological Surveys addresses the botanical components of your comment letter.

Thank you for providing us with your comments on the EISPN.

Sincerely,

Scott Ezer
Principal

cc: David Eadie, DRA

CHAPTER 11 PARTIES CONSULTED DURING THE PREPARATION OF THE FINAL EIS

Notice of the Draft EIS was published in the January 7, 2018 edition of *The Environmental Notice*. Copies of the Draft EIS were distributed or made available to 78 agencies, organization, libraries, and media outlets, and individuals listed in Table 11-1. The deadline for public comments was February 22, 2018. Written comments from 351 agencies, organizations, and/or individuals were received within the 45-day public comment period and are noted in Tables 11-1, 11-2, 11-3, 11-4 and 11-5. All written comments on the Draft EIS and their corresponding responses are included at the end of this chapter. A total of 250 comment letters were received as 3 form letters. Only one response letter is included in Chapter 11 for each respective form letter. All individuals that submitted comments will receive a response. In some cases, either the address, the name, or both, were indecipherable on the form letters. These comment letters are indicated by an asterisk (*) and were not sent a response. Some individuals who submitted comment letters that were not form letters also did not include a return address. They are also identified by an asterisk (*) and were not sent a response. However, their comment letters and their respective response letter are included in Chapter 11. Every effort was made to either identify individuals by address when names were indecipherable, or addresses by searching for the commenter on-line.

Table 11-1 lists the agencies and organizations notified in writing of the availability of the project's Draft EIS. Those who formally replied with written comments on the Draft EIS within the public comment period are noted in the table, along with whether those comments were substantive.

Table 11-1 Agencies and Organizations Notified of Draft EIS Availability

Agency/Organization	Written Comments	Substantive Comments
Federal		
Department of Agriculture, NRCS		
Department of Commerce, NOAA NMFS		
Department of Homeland Security, USCG		
Department of the Interior, Geological Survey, Pacific Islands Water Science Center	X	
Department of the Interior, NPS		
Department of Transportation, Federal Aviation Administration		
Department of Transportation, Federal Transit Administration		
USACE		
USFWS		
State of Hawai'i		
DBEDT Office of Planning	X	X
DBEDT Research Division Library		
DBEDT State Land Use Commission	X	X
DBEDT Strategic Industries Division		
Department of Accounting and General Services	X	
Department of Agriculture	X	X
Department of Business, Economic Development and Tourism		
Department of Defense		

Table 11-1 Agencies and Organizations Notified of Draft EIS Availability (continued)

Agency/Organization	Written Comments	Substantive Comments
Department of Education	X	X
Department of Hawaiian Home Lands		
Department of Health – Clean Air Branch		
Department of Health – Clean Water Branch		
Department of Health - Environmental Planning Office	X	X
Department of Health – Indoor and Radiological Health Branch		
Department of Health – Safe Drinking Water Branch		
Department of Health – Solid and Hazardous Waste Branch		
Department of Health – Wastewater Branch		
Department of Transportation, Director		
DLNR Land Division	X	X
DLNR State Historic Preservation Division		
Office of Hawaiian Affairs		
U.H. Environmental Center		
University of Hawaiʻi, Water Resources Research Center		
City and County of Honolulu		
Board of Water Supply	X	
Department of Customer Services		
Department of Design and Construction	X	
Department of Environmental Services		
Department of Facility Maintenance		
Department of Planning and Permitting	X	X
Department of Transportation Services		
Fire Department	X	
Police Department	X	
Libraries		
Legislative Reference Bureau Library		
U.H. Hamilton Library		
U.H. Hilo Moʻokini Library		
U.H. Kauaʻi Community College Library		
University of Hawaiʻi-Maui College Library		
Waialua Public Library		
News Media		
Honolulu Star Advertiser		
Hawaiʻi Tribune Herald		
West Hawaiʻi Today		
The Garden Island		
Maui News		
Molokaʻi Dispatch		

Table 11-1 Agencies and Organizations Notified of Draft EIS Availability (continued)

Agency/Organization	Written Comments	Substantive Comments
Honolulu Civil Beat		
Elected Officials		
City and County Council Chair Ernie Martin		
North Shore Neighborhood Chair Kathleen Pahinui	X	X
State Representative, Lauren Matsumoto	X	X
State Senator, Gil Riviere	X	X
U.S. Representative, Tulsi Gabbard		
U.S. Senator, Mazie K. Hirono		
Utilities/Organizations		
Charter Communications	X	
Hawaiian Electric Company	X	
Hawaiian Telcom		
Camp Mokulēiʻa	X	X
Mokulē'ia Beach Colony	X	x
Sierra Club	X	X
Individuals		
Thomas Shirai, Jr.		

Individuals who provided written comments on the Draft EIS are included in Table 11-2. Those who had been notified of the availability of the Draft EIS are noted in the table. All the written comments were considered substantive and each commenter was provided with a written response.

Table 11-2 Individuals Who Commented on Draft EIS

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Abrigo	Ryan		X	X
Adair	Charles		X	X
Adric	Hanalei		X	X
Aina-Chaves	Jovin		X	X
Anae	Hannah		X	X
Anhalt	Katharina		X	X
Kane-Bailey	Ka`ua		X	X
Barnfield	Angela		X	
Berwick	Lydia		X	X
Boisvert	Denise		X	X
Boland	Francie		X	X
Bolles	Laura		X	X
Born	Jacquelyn		X	X
Bradley	Carol and Peter		X	X
Brewer	Jon		X	X
Bruns	Dawn		X	X

Table 11-2: Individuals Who Commented on Draft EIS (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Charnin	Lara		X	X
Chun	Mary and Herbert		X	X
Chun	Samson		X	X
Clark	Jennifer		X	X
Cole	Andrew		X	X
Danner Kalili	Thomas Helen		X	X
Dittmar	Erika		X	X
Ells	Brandon		X	X
Ells	Kathleen		X	X
Evans	Malia		X	X
Eveland	Brandon		X	
Fischer	Kay		X	
Freitas	Tony		X	
Ganal	Chloe		X	X
Ganal	Constance		X	X
Gommers	Ann		X	X
Gommers	Peter		X	X
Goodman	Heather		X	X
Grassman	Amanda		X	
Green	Andrew		X	X
Green-Nunez	Jennifer		X	X
Green	Rebecca		X	X
Hagmoc	Ashley		X	
Heffernan	John		X	X
Heffernan	Kathy		X	X
Helf	Megan		X	X
Hill	Alicia		X	X
Hill	Marc & Kathy		X	X
Jaffurs	Rosie		X	X
Kamahele	Lei		X	
Keanu	Dejah		X	X
Kilborn	Chevelle		X	
King	Chance		X	X
Latronic	Kalei		X	X
Latronic	Mike		X	
Lee	Katherine		X	X
Lee	Mary		X	X
Lundgren	Jess		X	X
Machian	George		X	X
Machian	Judith		X	X

Table 11-2 Individuals Who Commented on Draft EIS (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Marquez	Kristina		X	
Martyn	Kenneth		X	X
Mayher	Madelaine		X	X
McCaffrey	Elizabeth		X	X
Mendelson	Erin		X	X
Mosby	Mark		X	
Murada	Jenna		X	X
Nathanson	Donna		X	X
Navarro	Kylie		X	X
Noguchi	Karin		X	X
Nunez	Keala		X	X
Oury	Karen		X	
Oury	William		X	
Perry	Emilia		X	X
Perry	Tamayo		X	X
Rivera*	Shelby		X	X
Roy	Brooke		X	X
Roy	Tahnei		X	X
Schultz	Chandler		X	X
Stierman*	Morgan		X	X
Stroble	James		X	X
Tantog	Thomas		X	X
Valentine	Anita		X	X
Yamamoto	Bellodgia		X	X

Table 11-3 Individuals Who Commented on Draft EIS: Form Letter 1

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Albert	Ivana		X	X
Albrecht	Landen		X	X
Allen	Melody		X	X
Amantiad	Varina		X	X
Anderson	Asia		X	X
Annon	Makua		X	X
Baker	Paul		X	X
Baker	Stephanie		X	X
Bassett	Tara		X	X
Bautista	Jeff		X	X
Bautista	John		X	X
Bautista	Matt		X	X
Bautista	Michael		X	X

Table 11-3: Individuals Who Commented on Draft EIS: Form Letter 1 (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Beck Van Heemstra	Gillian		X	X
Bell	Brandy		X	X
Berridge	Payce		X	X
Botta	Alex		X	X
Briddell	Blake		X	X
Brighenti	Janet		X	X
Brighenti	Osvaldo		X	X
Brodkin	Jesse		X	X
Burris	Chelsea		X	X
Camacho	Naithyn		X	X
Campbell	Delores		X	X
Carney	Shamus		X	X
Carranza	Facundo		X	X
Carroll	Daniel		X	X
Chang	Jason		X	X
Cheng	Mina		X	X
Child	Blake		X	X
Clark*	India		X	X
Cole	Ashley & Ken		X	X
Collins	Kimberly		X	X
Cortés	Charlotte		X	X
Coustarakis	Tonya		X	X
Crawford	Chelsea		X	X
Crawford	Granville		X	X
Cua	Ed		X	X
Dayton	Douglas		X	X
Dias	Leaiha`aheo		X	X
Dowis	Kelcie		X	X
Ducker	Lyle		X	X
Ducosin	Shaina		X	X
Eaves	Gina		X	X
Egbert	Jaimee		X	X
Eko	Karen		X	X
Ellington	Patrick		X	X
English	Jonathan		X	X
Erickson	Melissa		X	X
Ettleman	Heather		X	X
Fletcher	Nate		X	X
Fletcher	Nicole		X	X
Foley	Denise		X	X
Fossat	Simona		X	X

Table 11-3: Individuals Who Commented on Draft EIS: Form Letter 1 (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
			X	X
Franklin	Bridgette		X	X
Franklin	Jasmine		X	X
Freitas	Leticia		X	X
Garnil	Julietta		X	X
Golden	Patti		X	X
Gombosh	Yarden		X	X
Gonzalez	William		X	X
Goodman	Bryant		X	X
Goodrich	Kainoa		X	X
Gray	Michael		X	X
Hagines	Doreen		X	X
Hallanan	Kayla		X	X
Ha`o	Jamie		X	X
Harada	Mike		X	X
Harchu	Melanie		X	X
Harney	Jan		X	X
Harvest	Charlene		X	X
Harvest	Marshall		X	X
Hayes	Keola		X	X
Helner	Alex		X	X
Hill	Alicia		X	X
Hill	Lily		X	X
Heldebrandt	Destinee		X	X
Holly	Charlene		X	X
Honan	Charlotte		X	X
Hughes	Hannah		X	X
Jeffrey	Mike		X	X
Joaquin	Christopher		X	X
Johann	Richard		X	X
Johnson	Holly		X	X
Kamakea	Maylene		X	X
Karadinow	Zoe		X	X
Kim	Napu		X	X
Kramer	Alia		X	X
Lacar	Gail		X	X
Laigo	Rio		X	X
Lanet	Aaron		X	X
Latronic	Kalei		X	X
Latronic	Wailoa		X	X

Table 11-3: Individuals Who Commented on Draft EIS: Form Letter 1 (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Lee	Charmaine		X	X
Leslie	Miki`ala		X	X
Leslie	Shelley		X	X
Loa	Broc		X	X
Lock	Tori		X	X
Loder	Davina		X	X
Long	Kristina		X	X
Luckadoo	Brett		X	X
Lum	Kurt		X	X
Lum	Nikolas		X	X
Lum	Sean		X	X
Lum	Terry		X	X
Magarro	Kristi		X	X
Magbenay	Leila		X	X
Malcolm	Jessica		X	X
Mathews	Lindsey		X	X
Mauga	Sina		X	X
Maylott	Remy		X	X
McCarthy	Bailey		X	X
McCoy	Niki		X	X
McKinney	James		X	X
McKinney	Prudence		X	X
McManis	Sandra		X	X
McMullen	Marni		X	X
McNamara	Connie		X	X
Metcalf	Dana		X	X
Miller	Madeleine		X	X
Mitchell	Leilani		X	X
Musselman*	Jane Ann		X	X
Myerscough	India		X	X
Navarro	Jason		X	X
Nitkowski	Stephen		X	X
Novak	Walt		X	X
Nozaki	Keoni		X	X
Oroyan	John		X	X
Pang	Jaden		X	X
Payet	Brianna		X	X
Pedro	MJ		X	X
Peluso	Dana		X	X
Peñaranda	Erik		X	X

Table 11-3: Individuals Who Commented on Draft EIS: Form Letter 1 (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Philips	Carol		X	X
Picollo	Keoni		X	X
Ponte	Sharon		X	X
Pope	Eryn		X	X
Pringle	Drew		X	X
Quitevis	Kalea		X	X
Real	Sabrina		X	X
Rieta	Travis		X	X
Rizkallah	Haley		X	X
Rodriguez	Olga		X	X
Rodriguez	Daniel		X	X
Sanchez	Sharon		X	X
Sanders	Iwalani		X	X
Santiago	Kawailehua		X	X
Santos*	Marcos		X	X
Santos*	Phillip		X	X
Scott	Kevan		X	X
Sherry	Janine		X	X
Shirreffs	Kara		X	X
Shormanh	David		X	X
Shormanh	Ellie		X	X
Shormanh	Karen		X	X
Smith	Jeffrey		X	X
Sollers	Ellyn		X	X
Spectre	Melissa		X	X
Stanulis	Ashley		X	X
Stewart	Sheri		X	X
Storms	Jade		X	X
Strandhagen	Colin		X	X
Strandhagen	Gunnar		X	X
Sumite	Corey		X	X
Talbogs*	Lynette		X	X
Taylor	Tiffin		X	X
Taylor	Vicki		X	X
Teramoto	Laura		X	X
Thigpen	Zara		X	X
Thomsa	Susie		X	X
Tomkins	Matt		X	X
Tseu	Cappy		X	X
S*	Daniel		X	X

Table 11-3: Individuals Who Commented on Draft EIS: Form Letter 1 (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Unknown 1			X	X
Unknown 2			X	X
Valverde	Bethaney		X	X
Venzon	Nel		X	X
Villareal	Kainoa		X	X
Vitter	Lindsay		X	X
Werthing	Amy Jessica		X	X
Whitehead	Tani		X	X
Whitehead	Tiana		X	X
Williams	Brianne		X	X
Williams	LaShonda		X	X
Williams	Sunshine		X	X
Williams	Troy		X	X
Willis*	Josiah		X	X
Winton	Sharon		X	X
Withrow	Bailey		X	X
Withrow	Jeremy		X	X

Table 11-4 Individuals Who Commented on Draft EIS: Form Letter 2

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Anderson	Dustin		X	X
Archibald	Cynthia		X	X
Arguiano	Kimberly		X	X
Asano	Aiko		X	X
Awai	Keith		X	X
Brewer	Jonathan		X	X
Broadfoot	RW		X	X
Butler	Gopal		X	X
Clark	Brian		X	X
Clarke	Amber		X	X
Clemons	Erin		X	X
Cole	Andrew		X	X
Estrella	B		X	X
Evans	Malia		X	X
Farrell*	Mahealani		X	X
Frisbie	James		X	X
Goodrich	Kainoa		X	X
Goodrich	Timothy		X	X
Hasegawa-Smitt	Hiromi		X	X
Hatter	Betsy		X	X

Table 11-4: Individuals Who Commented on Draft EIS: Form Letter 2 (continued)

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
Hertzong	Kristin		X	X
Hite	Marie		X	X
Honan*	Charlotte		X	X
Johnston	Chris		X	X
Johnston	Shayna		X	X
	Jordan		X	X
Kaulamealani*	David		X	X
Kirchbaum	Seth		X	X
Koonce	Leah		X	X
Kulberg	Krystal		X	X
Lacar	Laurine		X	X
Lindley*	Renie		X	X
Manalo	Patricia		X	X
Mathias	Zachary		X	X
Nahinu	Gloria		X	X
Nedomansky	Anandi		X	X
Noyes	Eli		X	X
Nunez Sr.	Adan		X	X
Perry*	Emilia		X	X
Peterson	Francisco		X	X
Piliaohaokalanimauka*	Mariah		X	X
Quick	Rayann		X	X
Quick	Thomas		X	X
Salisbury	Angela		X	X
Samala*	Alexis		X	X
Sanders	Iwalani		X	X
Sanders	Kimo		X	X
Smith	Lela		X	X
Stacy	Christopher		X	X
Stelle	Daniel		X	X
Suh	Christina		X	X
Taylan*	Raymond		X	X
Thompson Russo	Michelle Larry		X	X
Thomson Thomson	Judge Kawena		X	X
Thomson	Sarah Anne		X	X
Unknown 3			X	X

Table 11-5 Individuals Who Commented on Draft EIS: Form Letter 3

Last Name	First Name	Notified of Draft EIS Availability	Written Comments	Substantive Comments
LeBlond	Robert		X	X
Ruona	Matt		X	X
Titus*	G		X	X
Yamanoha	Cyrus		X	X

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com

February 1, 2018

KIRK CALDWELL, MAYOR

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ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer

Mr. Dave Eadie
Dillingham Ranch Aina, LLC
3200 Bristol Street, Suite 640
Costa Mesa, California 92626

Dear Mr. Eadie:

Subject: Your Letter Dated January 5, 2018 Requesting Comments on the Draft Environmental Impact Statement for Dillingham Ranch Agricultural Subdivision off Farrington Highway - Tax Map Key: 6-8-002: 006; 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, and 040

Thank you for the opportunity to comment on the proposed project.

The Board of Water Supply understands that the proposed Dillingham Ranch Agriculture Subdivision will be served by a private water system.

All proposed developments shall verify with the State Department of Health in regards to wastewater disposal systems that are allowable within the "No Pass Zone".

The on-site fire protection requirements should be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.

If you have any questions, please contact Robert Chun, Project Review Branch of our Water Resources Division at 748-5443.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

cc: Joette Yago, Department of Planning and Permitting
Scott Ezer, HHF Planners

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January 7, 2019

Mr. Ernest Y. W. Lau, P.E.
Manager and Chief Engineer
Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, HI 96843

Dear Mr. Lau:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 1, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *The Board of Water Supply understands that the proposed Dillingham Ranch Agriculture Subdivision will be served by a private water system*.

Response: The Proposed Project will be served by a private water system, as described in the Draft EIS. See Chapter 2 (p. 2-7), Section 4.11.2, and Appendix A (Preliminary Engineering Report).

2. *All proposed developments shall verify with the State Department of Health in regards to wastewater disposal systems that are allowable within the "No Pass Zone".*

Response: As noted in the Draft EIS (p. 4-48): "*Most of the inland portion of Dillingham Ranch is located in the No-Pass Zone…Subdivision applications in the No-Pass Zone will not be approved by the DOH's Wastewater Branch unless connection is made to a City and County WWTP or private treatment works with a total effluent reuse component. The properties in the area around Dillingham Ranch have their own private wastewater systems since no municipal wastewater mains or treatment plants are available in the region.*" The private wastewater system for the Proposed Project will be submitted to the State Department of Health's Wastewater Branch for review and approval.

3. *The on-site fire protection requirements should be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.*

Response: The design, construction, and implementation of on-site fire protection requirements will be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

Cc: Joette Yago, Department of Planning and Permitting

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 768-4567
Web site: www.honolulu.gov

KIRK CALDWELL
MAYOR

ROBERT J. KRONING, P.E.
DIRECTOR

MARK YONAMINE, P.E.
DEPUTY DIRECTOR

January 22, 2018

HHF Planners
ATTN: Scott Ezer, Principal
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Ezer,

Subject: Dillingham Ranch Agricultural Subdivision
Waialua District, Oahu

Thank you for the opportunity to review and comment. The Department of Design and Construction Facilities Division had a comment. The proposed improvements to the potable water system for the area will help the Mokuleia Beach Park water supply.

Should you have any further questions regarding the comments made by our Facilities Division please call Clifford Lau at 768-8483.

Sincerely,

Robert J. Kroning
Director

RJK:ms(714672)

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January 7, 2019

Mr. Robert J. Kroning
Director
Department of Design and Construction
City and County of Honolulu
650 South King Street, 11th Floor
Honolulu, HI 96813

Dear Mr. Kroning:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *The Department of Design and Construction Facilities Division had a comment. The proposed improvements to the potable water system for the area will help the Mokulēʻia Beach Park water supply*.

Response: Your comment that the improvements to the potable water system for the area to be made in connection with the Proposed Project will help the Mokulēʻia Beach Park water supply is acknowledged. However, it is noted that the North Shore Water Company does not provide service as far west as Mokulēʻia Beach Park.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR

KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

2017/ED-11(JY)

February 22, 2018

Mr. Scott Ezer
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Ezer:

SUBJECT: Chapter 343, Hawaii Revised Statutes
Draft Environmental Impact Statement
Dillingham Ranch Agricultural Subdivision
68-540 Farrington Highway - Waialua
Tax Map Key 6-8-002: 006, 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, and 040

We have reviewed the above Draft Environmental Impact Statement (EIS) (received December 20, 2017) for the above-mentioned Project, and offer the following comments:

1. On Page S-1, the Draft EIS should clarify that the Project proposes to create 70 agricultural lots with areas from 2.24 to 428.856 acres, and 11 other lots with areas from 2.00 acres to 1,565.214 acres.

2. On Page S-2, Natural Hazards, Seismic Activity, seismic and rockfall activities are distinct events and should be discussed separately.

3. The development shall comply with the prevailing soil erosion and storm water quality standards (i.e., "Rules Relating to Water Quality", 2017) and drainage standards (i.e., "Storm Drainage Standards", 2017).

   The Project's compliance with the Rules Relating to Water Quality and Storm Drainage Standards will be verified at the time that the grading and construction plans are submitted to DPP for review.

4. On Pages 3-22, 3-25 and 3-29 (Seismic Activity), seismic and rockfall activities are distinct events and should be discussed separately.

5. In Section 9 (References), add the following: (a) Storm Drainage Standards, 2017 and (b) Rules Relating to Water Quality, 2017.

6. In Appendix B (Phase I Rockfall Potential and Hillside Slope Evaluation dated April 21, 2017), the April 21, 2017 report shall be removed and replaced with the June 16, 2017 version.

7. On Page 4-44, Section: 4.11.1.3, revise "Traffic Management Plan (TMP)" to "Construction Management Plan" (CMP).

8. On Page 6-11, Section: Street Lighting of the document, street lighting design will be approved by the Department of Design and Construction – Mechanical Electrical Division.

9. On Page 6-11, Section: Rural Street Design, the two-foot shoulders on both sides of the street shall be paved. In addition a flat area (five-foot minimum, where applicable) with maximum two percent slope should be provided adjacent to the shoulder for pedestrian use. This flat area does not have to be paved.

10. A time line or phasing plan of the anticipated dates to obtain major building permits for demolition/construction work should be prepared by the Applicant. Dates for the submittal and approval of a CMP should be incorporated into this time line. The CMP should be approved prior to any major construction permits.

11. Construction plans for all internal roadways should be submitted for review and approval.

12. The proposed Project is generally consistent with the North Shore Sustainable Community Plan (SCP) except there is no discussion regarding the Project's impact on the public's access over the Mokuleia Trail. The Final EIS should confirm that the Project would not place restrictions on the public use of Mokuleia Trail and related trails listed in the state Department of Land and Natural Resources' Na Ala Hele Trail Program.

13. The Final EIS should describe the timeframe for processing the Special Permit for the wastewater treatment plant and also indicate the area of the plant and associated treatment fields. Should the treatment plant and associated percolation fields, if any, exceed 15 acres, the Special Use Permit will require Land Use Commission approval.

14. The North Shore SCP discourages "fake farms". The Final EIS should describe in detail how the farmers' association will enforce requirements of the covenants, conditions, and restrictions on uses provided under Chapter 205, Hawaii Revised Statutes, to prevent the proliferation of "fake farms" on the property.

15. The State Department of Agriculture's acceptance of the Project's agricultural feasibility plan should be in a more prominent location of the Final EIS.

Your receipts for the application fee are enclosed. Comments received from other agencies and community members will be sent to you separately. Should you have any questions, please contact Joette Yago, of our Urban Design Branch, at 768-8034 or via email at jyago@honolulu.gov.

Very truly yours,

Anthony X. Cliney

FOR Kathy K. Sokugawa
Acting Director

Enclosure: Receipt Nos. 114646 and 114647

Doc 1560584

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January 7, 2019

Ms. Kathy K. Sokugawa
Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Ms. Sokugawa:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031,
033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *On Page S-1, the Draft EIS should clarify that the Project proposes to create 70 agricultural lots with areas from 2.24 to 428.856 acres, and 11 other lots with areas from 2.00 acres to 1,565.214 acres.*

Response: The first paragraph of the Summary (p. S-1) currently contains a description of the lot sizes associated with the Proposed Project. The same paragraph will be revised in the Final EIS as follows (revised text shown in italics): "*The 70 agricultural lots will range in size from 2.24 acres to 428.856 acres*. Sixty-six (66) lots range from 3 to 8 acres. One lot is 478 acres, which will include a 230-acre "no build" easement. *In addition to the 70 agricultural lots, there are eleven (11) other lots, which range on size from 2 acres to 1,565.214 acres. These eleven (11) lots, which constitute* the remainder of the 2,721-acre property, will be owned in common by an Association of Lot Owners…"

2. *On Page S-2, Natural Hazards, Seismic Activity, seismic and rockfall activities are distinct events and should be discussed separately.*

Response: Under the Summary of Potential Impacts and Proposed Mitigation of the Draft EIS (p. S-2), Natural Hazards are enumerated. This discussion will be revised, with "Seismic Activity" and "Rockfall" separately discussed (revised text shown in italics):

"*Seismic Activity. This natural hazard is associated with ground shaking and includes earthquakes, ground cracks, landslides and rockfalls (discussed separately below). Mitigation measures include compliance with City and County building code requirements for earthquake resistance*.

Rockfall. A rockfall hazard evaluation identified six areas in the mauka portion of the Project Site that are subject to rockfall encroachment. Mitigation measures include barrier fencing for one lot and, building setbacks for the other areas."

3. *The development shall comply with the prevailing soil erosion and storm water quality standards (i.e., "Rules Relating to Water Quality", 2017) and drainage standards (i.e., "Storm Drainage Standards", 2017).*

   The Project's compliance with the Rules Relating to Water Quality and Storm Drainage Standards will be verified at the time that the grading and construction plans are submitted to DPP for review.

Response: The Proposed Project will comply with the *Rules Relating to Water Quality (2017) and Storm Damage Standards (2017)*. The Draft EIS currently contains a mitigation measure in Section 3.2, Topography and Soils, (p. 3-11) to minimize soil erosion. That mitigation measure requires compliance with Chapter 14, Article 13 of the Revised Ordinances of Honolulu pertaining to *General Provisions for Grading, Soil Erosion, and Sediment Control.*

The Draft EIS currently contains a mitigation measure in Section 3.4, Water Resources, (p. 3-20 and 3-21) to minimize potential impacts to surface and groundwater resources during construction. Additionally, this section contains a mitigation measure related to potential changes in surface water runoff. This measure (p. 3-20) requires bioswales and bioretention basins to control runoff volumes, and associated sediment and nutrient loads. That measure will be revised in the final EIS as follows (revised text shown in italics):

"Potential Change in Surface Water Runoff. As part of the documentation for grading permit approval *and construction plan approval*, the project civil engineer *will submit plans to the Department of Planning and Permitting verifying compliance with the Rules Relating to Water Quality (2017) and Storm Drainage Standards (2017).* The project will incorporate bioswales and bioretention basins to accomplish the following objectives..."

The Draft EIS also currently contains a mitigation measure in Section 4.11.4, Drainage System, (p. 4-53) to mitigate potential drainage impacts associated with the Proposed Project, which states the following: "The design of the subdivision drainage system will comply with *C&C Rules Related to Storm Drainage Standards* (2000)." The reference to the year 2000 will be revised in the Final EIS to reference the year 2017.

4. *On Pages 3-22, 3-25 and 3-29 (Seismic Activity), seismic and rockfall activities are distinct events and should be discussed separately.*

Response: Section 3.5.1, Natural Hazards, Existing Conditions, discusses rockfall hazards under a subheading entitled "Seismic Activity" (p. 3-22). This section will be revised in the Final EIS to create two subsections. The second full paragraph (p. 3-22) will be revised as follows (revised text shown in italics):

"*Rockfall*. Various locations on the island of O'ahu are subject to occasional rockfalls…"

Section 3.5.2, Natural Hazards, Potential Impacts, discusses rockfall hazards under a subheading related to seismic activity (p. 3-25). This section will be revised in the Final EIS to create two subsections. The subsection identified as "Seismic Activity" will be retitled in the Final EIS as "Rockfall". A new subsection will be included in the Final EIS (after the subsection entitled "Volcanic Activity") as follows:

"*Seismic Activity. The seismic zone classification of 2A for the City and County of Honolulu means that the Proposed Project has the potential to be impacted by ground shaking and its associated damage*."

Section 3.5.3, Natural Hazards, Mitigation Measures, discusses rockfall hazards under a subheading related to seismic activity (p. 3-29). This section will be revised in the Final EIS to create two subsections. The second paragraph under the subsection identified as "Seismic Activity" will be retitled in the final EIS as "Rockfall".

5. *In Section 9 (References), add the following: (a) Storm Drainage Standards, 2017 and (b) Rules Relating to Water Quality, 2017.*

Response: Chapter 9.0, References, will be augmented in the Final EIS to add the following:

"City and County of Honolulu, Department of Planning and Permitting. *Rules Related to Storm Drainage Standards* (2017).

City and County of Honolulu, Department of Planning and Permitting. *Rules Related to Water Quality* (2017)."

6. *In Appendix B (Phase I Rockfall Potential and Hillside Slope Evaluation dated April 21, 2017), the April 21, 2017 report shall be removed and replaced with the June 16, 2017 version.*

Response: The Final EIS (Appendix B) will contain *Phase I Rockfall Potential and Hillside Slope Evaluation*, dated June 16, 2017.

7. *On Page 4-44, Section: 4.11.1.3, revise "Traffic Management Plan (TMP)"to "Construction Management Plan" (CMP).*

Response: Section 4.11.1.3, will be revised in the Final EIS (p. 4-44) to require a "Construction Management Plan".

8. *On Page 6-11, Section: Street Lighting of the document, street lighting design will be approved by the Department of Design and Construction — Mechanical Electrical Division.*

Response: The text provided in the Draft EIS on page 6-11 is part of the discussion of Section 6.9, Rural Infrastructure Alternative. The discussion of alternatives, including the Rural Infrastructure Alternative, does not contain information regarding agency reviews and approvals. Information regarding required or anticipated agency reviews and approvals is provided only for the Project.

9. *On Page 6-11, Section: Rural Street Design, the two-foot shoulders on both sides of the street shall be paved. In addition a flat area (five-foot minimum, where applicable) with maximum two percent slope should be provided adjacent to the shoulder for pedestrian use. This flat area does not have to be paved.*

Response: The text provided in the Draft EIS on page 6-11 is part of the discussion of alternatives to the Proposed Project, one such alternative that was assessed in Section 6.9 was the Rural Infrastructure Alternative. The Proposed Project is the Preferred Alternative, discussed in Section 6.1. The discussion of the rural street design of the Rural Infrastructure Alternative is provided to describe that particular Alternative, as analyzed. It is not intended to necessarily reflect City and County roadway standards.

10. *A time line or phasing plan of the anticipated dates to obtain major building permits for demolition/construction work should be prepared by the Applicant. Dates for the submittal and approval of a CMP should be incorporated into this time line. The CMP should be approved prior to any major construction permits.*

Response: The Final EIS will include a proposed timeline for anticipated dates to get construction permits related to the mass grading of the Project Site and the installation of major infrastructure, including the submittal of a Construction Management Plan. This language will be added to Section 2.3.6 of the Final EIS as follows: "*It is estimated that construction permits for site preparation and infrastructure improvements will occur in mid-2019*."

11. *Construction plans for all internal roadways should be submitted for review and approval.*

Response: Construction plans for the internal roadway system will be provided to DPP for review prior to approval of the final subdivision plat.

12. *The proposed Project is generally consistent with the North Shore Sustainable Community Plan (SCP) except there is no discussion regarding the Project's impact on the public's access over the Mokulēʻia Trail. The Final EIS should confirm that the Project would not place restrictions on the public use of Mokulēʻia Trail and related trails listed in the state Department of Land and Natural Resources' Na Ala Hele Trail Program.*

Response: The Final EIS will confirm that the Proposed Project will not place restrictions on the public use of Mokulēʻia Trail. Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Page 5-27 of that discussion includes information on how the Proposed Project complies with

the following policy of the NSSCP: "*Enhance opportunities for a wide range of recreational activities by providing community-based as well as natural resource-based parks, and by securing convenient public access, including public right-of-ways, bikeways, and pedestrian walkways to beaches and inland recreational areas*". A discussion of equestrian activities is provided. The final paragraph of that discussion will be amended in the Final EIS as follows (revised text shown in italics):

"The Proposed Project will enhance recreational opportunities by improving and expanding existing equestrian activities and facilities. *Further, the Proposed Project will not place restrictions on the public use of Mokulēʻia Trail and related trails listed in the state Department of Land and Natural Resources' Na Ala Hele Trail Program."*

13. *The Final EIS should describe the timeframe for processing the Special Permit for the wastewater treatment plant and also indicate the area of the plant and associated treatment fields. Should the treatment plant and associated percolation fields, if any, exceed 15 acres, the Special Use Permit will require Land Use Commission approval.*

Response: Section 4.11.3.2 of the Draft EIS identifies the preliminary footprint of the wastewater treatment plant as approximately 32 feet by 77 feet, which can easily be accommodated in the existing Dillingham Ranch Maintenance Facility, which is 256 feet by 177 feet. A preliminary layout of the system is shown in Figure 2-2 (Proposed Wastewater System) of the Preliminary Engineering Report, which is attached to the EIS as Appendix A. The primary method of effluent disposal (R-1) will be as an irrigation source for agricultural activities within the Ranch. A soil aquifer system (SAT) is recommended to dispose of any excess R-1 water. The SATs will be sized based upon percolation tests prior to design (see Section 2.3.2.10 of Appendix A). With respect to the jurisdictional entity for the State Special Use Permit for the wastewater treatment plant, Section 4.11.3.2 of the Final EIS will be amended to say that: *"…*a Special Permit for the proposed WWTP will be obtained from the State Land Use Commission prior to the start of construction*, if the area of the plant and associated percolation fields exceeds 15 acres. Otherwise the Special Permit will be processed by the County Planning Commission." (new language in italics)*

14. *The North Shore SCP discourages "fake farms". The Final EIS should describe in detail how the farmers' association will enforce requirements of the covenants, conditions, and restrictions on uses provided under Chapter 205, Hawaiʻi Revised Statutes, to prevent the proliferation of "fake farms" on the property.*

Response: The future Lot Owners Association will enforce the CC&Rs of the Proposed Project. Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) to be adopted for the Lot Owners Association will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. The Agricultural Plan (as Appendix H to the

Draft EIS) contains information on Chapter 205, Hawai‘i Revised Statutes, to prevent the “fake farms” on the Subject Property. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

15. *The State Department of Agriculture's acceptance of the Project's agricultural feasibility plan should be in a more prominent location of the Final EIS.*

Response: The State Department of Agriculture’s acceptance of the Proposed Project’s Agricultural Plan will be provided in Appendix H of the final EIS.

16. *Your receipts for the application fee are enclosed. Comments received from other agencies and community members will be sent to you separately.*

Response: It is acknowledged that application fees have been received and that the comments from other agencies and community members will be separately provided.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

HONOLULU FIRE DEPARTMENT

CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL
MAYOR

MANUEL P. NEVES
FIRE CHIEF

LIONEL CAMARA JR.
DEPUTY FIRE CHIEF

January 29, 2018

Mr. Dave Eadie, Vice President
Dillingham Ranch Aina, LLC
3200 Bristol Street, Suite 640
Costa Mesa, California 92626

Dear Mr. Eadie:

Subject: Draft Environmental Impact Statement
Dillingham Ranch Agricultural Subdivsion
Waialua, Hawaii
Tax Map Keys: 6-8-002: 006
6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, and 040

In response to your letter dated January 5, 2018, regarding the abovementioned subject, the Honolulu Fire Department (HFD) requires that the following be complied with:

1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet from fire department access roads as measured by an approved route around the exterior of the building or facility. (National Fire Protection Association [NFPA] 1; Uniform Fire Code [UFC]™, 2012 Edition, Sections 18.2.3.2.2 and 18.2.3.2.2.1.)

   A fire department access road shall extend to within 50 feet of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (NFPA 1; UFC™, 2012 Edition, Section 18.2.3.2.1.)

2. A water supply approved by the county, capable of supplying the required fire flow for fire protection, shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter

constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ [Authority Having Jurisdiction]. (NFPA 1; UFC™, 2012 Edition, Section 18.3.1, as amended.)

3. The unobstructed width and unobstructed vertical clearance of a fire apparatus access road shall meet county requirements. (NFPA 1; UFC™, 2012 Edition, Sections 18.2.3.4.1.1 and 18.2.3.4.1.2, as amended.)

4. Submit civil drawings to the HFD for review and approval.

Should you have questions, please contact Battalion Chief Wayne Masuda of our Fire Prevention Bureau at 723-7151 or wmasuda@honolulu.gov.

Sincerely,

SOCRATES D. BRATAKOS
Assistant Chief

SDB/TC:bh

cc: Ms. Joette Yago, Department of Planning and Permitting
Mr. Scott Ezer, HHF Planners

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January 7, 2019

Mr. Socrates D. Bratakos
Assistant Chief
Honolulu Fire Department
City and County of Honolulu
636 South Street
Honolulu, HI 96813-5007

Dear Mr. Bratakos:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 29, 2018 providing comments on the Draft Environmental Impact Statement (DEIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet from fire department access roads as measured by an approved route around the exterior of the building or facility. (National Fire Protection Association [NFPA] 1; Uniform Fire Code [UFC]™, 2012 Edition, Sections 18.2.3.2.2 and 18.2.3.2.2.1.)*

   A fire department access road shall extend to within 50 feet of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (NFPA 1; UFC™, 2012 Edition, Section 18.2.3.2.1.)

Response: The Proposed Project is being designed to comply with applicable provisions of the Uniform Fire Code regarding fire access, including location of fire access road(s) in relation to project buildings.

2. *A water supply approved by the county, capable of supplying the required fire flow for fire protection, shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ [Authority Having Jurisdiction]. (NFPA 1; UFC™ 2012 Edition, Section 18.3.1, as amended.)*

Response: The Proposed Project is being designed to comply with applicable provisions of the Uniform Fire Code regarding required fire flow for fire protection.

3. *The unobstructed width and unobstructed vertical clearance of a fire apparatus access road shall meet county requirements. (NFPA 1; UFC™, 2012 Edition, Sections 18.2.3.4.1.1 and 18.2.3.4.1.2, as amended.)*

Response: The Proposed Project is being designed to comply with applicable provisions of the Uniform Fire Code regarding fire access, including vertical clearance of fire apparatus access roads.

4. *Submit civil drawings to the HFD for review and approval.*

Response: The final subdivision map for the Proposed Project is currently being prepared. The accompanying civil drawings, when available, will be submitted to the Honolulu Fire Department for review and approval.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE MT-AL

January 31, 2018

Mr. Dave Eadie, Vice President
Dillingham Ranch Aina, LLC
3200 Bristol Street, Suite 640
Costa Mesa, California 92626

Dear Mr. Eadie:

This is in response to a letter from HHF Planners, dated January 5, 2018, requesting comments on a Draft Environmental Assessment for a proposed agricultural subdivision on the Dillingham Ranch land at Mokuleia, Oahu.

Based on the information provided, this project should have no significant impact on the services or operations of the Honolulu Police Department at this time.

If there are any questions, please call Major Gregory Osbun Jr. of District 2 (Wahiawa) at 723-8703.

Thank you for the opportunity to review this project.

Sincerely,

MARK TSUYEMURA
Management Analyst VI
Office of the Chief

cc: Ms. Joette Yago
Department of Planning and Permitting
City and County of Honolulu

Mr. Scott Ezer, Principal
HHF Planners

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January 7, 2019

Mr. Mark Tsuyemura
Management Analyst VI
Office of the Chief
Police Department
City and County of Honolulu
801 South Beretania Street
Honolulu, HI 96813

Dear Mr. Tsuyemura:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 31, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Based on the information provided, this project should have no significant impact on the services or operations of the Honolulu Police Department at this time.*

Response: Your comment that the Dillingham Ranch agricultural subdivision should have no significant impact on the services or operations of the Honolulu Police Department is acknowledged.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Pacific Islands Water Science Center
1845 Wasp Boulevard, Building 176
Honolulu, Hawaii 96818

Phone: (808) 690-9600/Fax: (808) 690-9599

February 6, 2018

Mr. Scott Ezer, Principal
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Ezer:

Subject: Dillingham Ranch Agricultural Subdivision
Waialua District, Island of Oahu
TMKs: 6-8-2: 6; 6-8-3: 5, 6, 15, 19, 30, 31, 33, 35, and 40

Thank you for forwarding the Draft Environmental Impact Statement for a proposed agricultural subdivision on Dillingham Ranch land at Mokulēia, O'ahu to the U.S. Geological Survey Pacific Islands Water Science Center for review and comment. We regret however, that due to prior commitments and lack of available staff, we are unable to review the document.

We appreciate the opportunity to participate in the review process.

Sincerely,

Stephen S. Anthony
Center Director

cc: Mr. Dave Eadie, Vice President
Dillingham Ranch Aina, LLC
3200 Bristol Street, Suite 640
Costa Mesa, CA 92626

Ms. Joette Yago
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

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January 7, 2019

Mr. Stephen S. Anthony
Center Director
United States Department of the Interior
U. S. Geological Survey
Pacific Islands Water Science Center
1845 Wasp Boulevard, Building 176
Honolulu, HI 96818

Dear Mr. Anthony:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 6, 2018 providing comments on the Draft Environmental Impact Statement (DEIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Thank you for forwarding the Draft Environmental Impact Statement for the proposed agricultural subdivision on Dillingham Rach land at Mokulēʻia, Oʻahu to the U. S. Geological Survey Pacific Islands Water Science Center for review and comment. We regret however, that due to prior commitments and lack of available staff, we are unable to review the document.*

Response: It is our understanding that you have no comments on the Draft EIS.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners
Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

DAVID Y. IGE
GOVERNOR

RODERICK K. BECKER
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

(P)1011.8

JAN 16 2018

Mr. Scott Ezer, Principal
HHF Planners
Pacific Guardian Center
733 Bishop Street, Suite2590
Honolulu, Hawaii 96813

Dear Mr. Ezer:

Subject: Draft Environmental Impact Statement
Dillingham Ranch Agricultural Subdivision
Waialua District, Oahu, Hawaii
TMK: (1) 6-8-002: 006, 6-8-003: 5, 6, 15, 19, 30, 31, 33, 35 and 40

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

If you have any questions, your staff may call Ms. Gayle Takasaki of the Planning Branch at 586-0584.

Sincerely,

KEITH S. KOGACHI
Acting Public Works Administrator

GT:mo
c: Ms. Joette Yago, C&C Department of Planning and Permitting
Mr. Dave Eadie, Dillingham Ranch Aina, LLC

HHF PLANNERS
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January 7, 2019

Mr. Roderick Becker
Comptroller
State of Hawai‘i
Department of Accounting and General Services
P. O. Box 119
Honolulu, HI 96810-0119

Dear Mr. Becker:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulē‘ia, O‘ahu, Hawai‘i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 16, 2018 providing comments on the Draft Environmental Impact Statement (DEIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Based on the information provided we have no comments to offer at this time as the proposed project does not impact any of the Department of Accounting and General Services' projects or existing facilities.*

Response: Your comment that the Proposed Project does not impact any of the Department’s projects or existing facilities is acknowledged.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawai‘i 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

DAVID Y. IGE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 20, 2018

Dillingham Ranch Aina, LLC
Attention: Mr. Dave Eadie, Vice President via email: deadie@kennedywilson.com
3200 Bristol Street, Suite 640
Costa Mesa, CA 92626

Dear Mr. Eadie:

SUBJECT: Draft Environmental Impact Statement (DEIS) for **Dillingham Ranch Agricultural Subdivision**

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

At this time, enclosed are comments from the (a) Engineering Division and (b) Land Division – Oahu District on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Enclosure(s)

cc: J. Yago, Department of Planning and Permitting via email: jyago@honolulu.gov
S. Ezer, HHF Planners via email: sezer@hhf.com
Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

'18 JAN 11 PM12:15 ENGINEERING

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
LAND DIVISION
2018 JAN 19 AM 11:04
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

January 10, 2018

MEMORANDUM

~~TO:~~ FROM

DLNR Agencies:
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
X Engineering Division
X Div. of Forestry & Wildlife
___Div. of State Parks
X Commission on Water Resource Management
___Office of Conservation & Coastal Lands
X Land Division – Oahu District
X Historic Preservation

~~FROM:~~ TO
Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environmental Impact Statement (DEIS) for **Dillingham Ranch Agricultural Subdivision**
LOCATION: Waialua, Island of Oahu; TMK No. (1) various
APPLICANT: Dillingham Ranch Aina, LLC

Transmitted for your review and comment is information on the above-referenced project. Please submit any comments by **February 20, 2018.**

The DEA can be found on-line at: http://health.hawaii.gov/oeqc/ (Click on the Current Environmental Notice in the middle of the page.)

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

( ) We have no objections.
( ) We have no comments.
(✓) Comments are attached.

Signed: _____

Print Name: Carty S. Chang, Chief Engineer
Date: 1/18/18

Attachments
cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji
Ref: Draft Environmental Impact Statement (DEIS) for Dillingham Ranch Agricultural Subdivision, Waialua, Island of Oahu; TMK No. (1) various

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (http://gis.hawaiinfip.org/FHAT).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

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

Signed: _____
CARTY S. CHANG, CHIEF ENGINEER

Date: 1/18/18

DAVID Y. IGE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 10, 2018

MEMORANDUM

RECEIVED
LAND DIVISION
2018 JAN 16 PM 12: 38
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
X Engineering Division
X Div. of Forestry & Wildlife
___Div. of State Parks
X Commission on Water Resource Management
___Office of Conservation & Coastal Lands
X Land Division – Oahu District
X Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environmental Impact Statement (DEIS) for **Dillingham Ranch Agricultural Subdivision**
LOCATION: Waialua, Island of Oahu; TMK No. (1) various
APPLICANT: Dillingham Ranch Aina, LLC

Transmitted for your review and comment is information on the above-referenced project. Please submit any comments by **February 20, 2018.**

The DEA can be found on-line at: http://health.hawaii.gov/oeqc/ (Click on the Current Environmental Notice in the middle of the page.)

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

At its meeting of September 25, 2015, under agenda item D-14, the Board of Land and Natural Resources approved issuance of two (2) easements pertaining to the subject subdivision.

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed: Barry Cheung

Print Name: BARRY CHEUNG
Date: 1/16/2018

Attachments
cc: Central Files

HHF PLANNERS
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January 7, 2019

Mr. Russell Y. Tsuji, Land Administrator
Land Division
State of Hawai'i
P. O. Box 621
Honolulu, HI 96809

Dear Mr. Tsuji:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulē'ia, O'ahu, Hawai'i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letters dated February 20 and 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses, organized by the responses for each of the divisions providing comments.

Engineering Division

1. *The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.*

Response: Your comment that 44CFR reflects the minimum standards as set forth by the NFIP is acknowledged. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

2. *The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on the Flood Hazard Assessment Tool (FHAT) (http://gis.hawaiinfip.org/FHAT).*

Response: Flood hazard areas are discussed in Section 3.5, Natural Hazards, of the Draft EIS. Page 3-23 of that document identifies that a Letter of Map Revision (LOMR) Determination Document was officially accepted by the Federal Emergency Management Agency (FEMA) in a letter dated March 21, 2011. As part of the Proposed Project, a flood determination study was prepared (and is contained in Appendix A, Preliminary Engineering Study, of the draft EIS). That Study performed a hydrologic analysis to determine peak flows, develop a hydraulic model, define floodplain and floodway areas, and address the suitability of developing lots within the limits of flooding.

Although the results of the LOMR for the 2016 floodplain and floodway mapping is pending submittal to FEMA, the results of the 2016 flood determination study reflect the current flood hazard conditions at the Project Site, including areas not covered by the 2011 LOMR Determination Document.

Figure 15 of the Draft EIS, Flood Hazard Map, reflects the configuration of the building pads associated with the agricultural lots to avoid the 100-year floodplain and floodway.

Although the building pads are configured to be positioned outside the limits of the 100-year floodplain and floodway, the Draft EIS contains a mitigation measure (p. 3-30) requiring that the Proposed Project "*…comply with Title 44, Part 10 of the Code of Federal Regulations (44 CFR 10) pertaining to the National Flood Insurance Program for development within Special Flood Hazard Areas (SFHA), and Chapter 21A of the Revised Ordinances pertaining to Flood Hazard Areas for any actions involving development within floodplains on the Project Site*".

3. *If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:*
   <u>Oʻahu:</u> City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
   <u>Hawaiʻi Island:</u> County of Hawaiʻi, Department of Public Works (808) 961-8327.
   <u>Maui/Molokaʻi/Lānaʻi</u> County of Maui, Department of Planning (808) 270-7253.
   <u>Kauaʻi:</u> County of Kauaʻi, Department of Public Works (808) 241-4846.

Response: The applicable County NFIP coordinating agency will be contacted if there are any questions regarding the local flood ordinances.

<u>Land Division</u>

4. *At its meeting of September 25, 2015, under agenda item D-14, the Board of Land and Natural Resources approved issuance of two (2) easements pertaining to the subject subdivision.*

Response: Your comment that Board of Land and Natural Resources approved two easements pertaining to the property in 2015 is acknowledged.

<u>Division of Forestry and Wildlife</u>

5. *The State and Federally listed Hawaiian hoary bat or ʻŌpeʻapeʻa (Lasiurus cinereus semotus) has the potential to occur in the vicinity of the proposed project. DOFAW recommends to avoid using barbed wire, as bat mortalities have been documented as a result of becoming ensnared by barbed wire during flight. Hawaiian hoary bats roost in both exotic and native trees. If any trees are planned for removal during the bat breeding season there is a risk of injury or mortality to juvenile bats. To minimize the potential for impacts to this species, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed during the bat birthing and*

pup rearing season (June 1 through September 15). Site clearing should be timed to avoid disturbance to breeding Hawaiian hoary bats.

Response: Your recommendations concerning the Hawaiian hoary bat are acknowledged. The Draft EIS contains a mitigation measure to restrict removal of woody vegetation taller than 15 feet between June 1 and September 15 in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."*. With respect to your recommendation to avoid the use of barbed wire; the material is already in place at Dillingham Ranch, and is ubiquitous in the ranching industry. There are no other feasible material to use for cattle fencing.

6. *The State endangered Hawaiian short-eared owl or Pueo (Asio flammeus sandwichensis) has the potential to occur in the project vicinity site. Pueo are a crepuscular species, most active during dawn and dusk twilights. DOFAW recommends twilight pre-construction surveys prior to clearing vegetation. If Pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases and notify DOFAW staff.*

Response: A mitigation measure has been added to Section 3.7.3 pertaining to the Construction Phase as follows: *Twilight pre-construction surveys will be conducted prior to clearing vegetation to determine if Pueo nests are present. If any nests are located, DOFAW will be notified, and a buffer zone will be established where no clearing can occur until nesting ceases*.

7. *State and Federally listed waterbirds such as the Hawaiian duck (Anas wyvilliana), Hawaiian stilt (Himantopus mexicanus knudseni), Hawaiian coot (Fulica alai), and Hawaiian moorhen (Gallinula chloropus sandvicensis) are known to occur in the vicinity of the proposed project site. If a nest is discovered at any point, please contact DOFAW staff. If a bird is present during ongoing construction activities, then all activities within 100 feet (30 m) of the bird should cease, and the bird should also not be approached. Work may continue after the bird leaves the area of its own accord.*

Response: With respect to state and federally listed waterbirds, Section 3.7.3 contains a full listing of mitigation measures designed to protect endangered waterbirds within the Ranch, although their habitat is not located within the area that will be disturbed for construction activities. Section 3.7.3 of the Draft EIS states that, "*Prior to the initiation of clearing and grubbing, a nesting waterbird survey will be conducted by a qualified biologist. If nesting locations are found, a 100 foot buffer will be placed around the site and construction work in the area will halt until nesting is completed*."

8. *DOFAW notes that artificial lighting can adversely impact seabirds that may pass through the area at night causing disorientation which could result in collision with manmade artifacts or grounding of birds. If nighttime lighting is required DOFAW recommends that any lights used be fully shielded and downward facing to minimize impacts.*

Response: The Draft EIS contains a mitigation measure regarding artificial lighting in Section 3.7.3 that requires all exterior lighting to be full cut-off downward pointing luminaries. Section 3.7.3 of the Draft EIS currently states that, *"No nighttime construction will be permitted. Any lights that may needed to service construction equipment after dark during the construction phase will have 100 percent cutoff, fully shielded luminaires and be mounted high enough above the ground so are directly perpendicular to the ground."*

9. *Pursuant to the Land Fire Protection Law, Chapter 185, Hawaii Revised Statutes, the Department of Land and Natural Resources is mandated to take measures for the prevention, control and extinguishment of wildland fires on Division of Forestry and Wildlife (DOFAW) managed lands and is also required to cooperate with established fire control agencies of the counties and the federal government in developing plans and programs and mutual aid agreements for assistance for the prevention, control, and extinguishment of wildland fires on lands not managed by DOFAW.*

   While underpublicized, the percentage of land areas burned per year in Hawaii exceeds the national average, and in some years surpasses the western states. Over 98% of wildfires in Hawaii are human caused, which means [they] are preventable. Besides communities being at risk, wildfires threaten native forests, including watersheds and threatened and endangered species.

Response: The fire risk associated with open lands is acknowledged. There was a fire that spread to lands in the mauka regions of the Dillingham Ranch in 2017, although it originated off-property. Ranch employees provided invaluable assistance to state and county staff, including logistical support for equipment and fire fighters, in addition to making on-site water sources available for fire fighting. In addition, Ranch employees participated in the establishment of a fire break, which helped to contain the fire. The Ranch will continue to be an energetic partner in this regard. It is noted that the continuation of cattle grazing as anticipated under the Proposed Project provides fire protection benefits.

10. *The project site is located in the Wildland Urban Interface (WUI), where developed areas, including communities, roads, and other infrastructure abut undeveloped land. The majority of Hawai'i's wildfire ignitions occur in the WUI, thereby putting property, life, and natural resource and agricultural assets at risk in these areas. Along this interface are Communities At Risk (CAR) from wildfires (refer to Hawai'i's CAR map: http://www.hawaiiwildfire.org/fire-resource-libraryblog/communities-at-risk-state-map), including at least one CAR that is High Risk. Once invasive, fire prone grasses and shrubs ignite in the WUI, wildfire can spread to residential areas and ignite homes. Wildfires also have the potential to spread from the WUI to higher elevations, threatening valuable conservation areas.*

Response: See Response to #9, above.

11. *To minimize the impacts of fires to built and natural environments, prevention and mitigation measures should be taken, including:*

- *Clearing areas of combustible vegetation within 10 feet on each side of roadways (refer to 17.3.5.3 in Chapter 17 Wildland Urban Interface of the City and County of Honolulu's Fire Code) to prevent ignitions by motor vehicles and to maintain these roadways to provide access for firefighters.*
- *Hardening farm dwellings with ignition resistant building materials and landscaping that supports vegetation removal and replacement with fire resistant plants to prevent structure ignition (refer to Hawai'i's Ready, Set, Go! Wildland Fire Action Guide: http://www.hawaiiwildfire.org/fire-resource-library-blog/rsg-your-personal-wildland-fireaction-guide).*
- *Reducing invasive, fire prone grasses and shrubs, such as Guinea grass, in open areas not being actively farmed and along property boundaries*
- *Fire hydrants should be installed at regular intervals on streets*
- *Open spaces for helicopter landing zones and space for helicopter ponds for fire suppression use should be incorporated into the project design. DOFAW recommends no planned power lines or large trees near these open areas of at least one acre*

Response: One of the main reasons the Ranch intends to continue cattle grazing activities is because it assists with fire control. Project engineers are fully cognizant of the requirements for clearing areas adjacent to roadways. All future construction within the Project Site will compy with Uniform Building Code requirements. Fire protection will comply with the requirements of the City and County Fired Department. The property will continue to maintain open spaces suitable for helicopter land zones.

12. *DOFAW notes that all vehicles and equipment coming from Big Island should be washed down due to avoid the spread of Rapid Ohia Death (ROD), and other invasive species such as miconia (Miconia calvescens) and coqui frogs (Eleutherodactylus coqui).*

Response: With regard to measures taken to prevent the spread of ROD and other invasive species from the Big Island, no vehicles or equipment from the Big Island will be utilized during the construction process.

13. *DOFAW also notes that all cattle should remain outside of the neighboring Mokulēʻia Forest Reserve, and will be removed if found on the Reserve. Residents of the subdivision will not have privileged access to the Forest Reserve through the DLNR Mokulēʻia Forest Reserve Access Road.*

Response: Cattle grazing areas will be fenced well below the Mokulēʻia Forest Reserve. Your comment that any cattle found in the Forest Reserve should be removed is acknowledged. Your comment that residents of the Proposed Project will not have privileged access to the Forest Reserve through the DLNR Mokulēʻia Forest Reserve Access Road is acknowledged.

The Recreational Resource Section (4.10.3.1) of the Draft EIS (p. 4-39) does mention that the existing "*…Peacock Flats Trail follows the DLNR Access Road to provide access to the Peacock Flats area in the Mokulēʻia Forest Reserve."*

14. *The Draft EIS did not mention any trail or public access. Pursuant to Hawai'i Revised Status Section 46-6.5 and Honolulu Ordinance Chapter 22 Article 6, the land owner shall provide public access to the historically recognized Peacock Flat trail. The land owner shall acknowledge and implement the requirements of the law by not blocking or impeding public access.*

Response: The Recreational Resource Section (4.10.3.1) of the Draft EIS (p. 4-39) does mention that the existing "…*Peacock Flats Trail follows the DLNR Access Road to provide access to the Peacock Flats area in the Mokulē'ia Forest Reserve*." The Final EIS will be revised to add an additional sentence that states the following: "*Pursuant to Hawai'i Revised Statutes Section 46-6.5 and Honolulu Ordinance Chapter 22, Article 6, public access to the historically recognized Peacock Flat trail shall not be impeded or blocked]*".

15. *The historic Peacock Flat Trail traverses over TMKs 6-8-002:006 and 6-8-003:006. To document the trail and acknowledge State ownership of the feature via the Highways Act of 1893, DOFAW requests access to survey the trail alignment so that we may properly record this feature. After surveying, it may be appropriate to process a subsequent subdivision action to formally establish the trail as its own parcel (appropriate disposition to be determined by the DLNR Land Division). DLNR would grant access over the parcel or easement to the owners of the ranch property, as long as the access did not impede public access. In addition, at the extreme mauka edge of the Ranch Property, there is a small length of jeep road (approximately 100-200 feet) that is used for access to the Peacock Flats campground and Mokulē'ia trail. DLNR would like a non-exclusive easement over this portion of the road to assure continued public access to mauka recreational features. DOFAW would be willing, at their own expense, to survey this portion of the road to establish the metes and bounds description for the easement.*

Response: With regard to the Peacock Flats Trail which traverses over TMKs 6-8-002:006 and 6-8-003:006, the landowner has already acknowledged State ownership of the feature and would be willing to grant access to DOFAW to survey the trail alignment, and allow DOFAW to take action to establish the trail as its own parcel, after determination by the DLNR. It is acknowledged that should the Trail be conveyed to DLNR, owners within the Proposed Project would be granted rights of access and utility within the Trail alignment. All surveying, subdivision and permitting efforts and costs would be at the expense of DLNR. It is also recognized that DOFAW would like to survey at its own expense the portion of a jeep road (approximately 100-200 feet in length) at the mauka end of the property to establish a metes and bounds description of this portion of the road for future recordation of a non-exclusive easement. Please reach out to the landowner regarding the possibility of recording a non-exclusive easement over the jeep road.

16. *One end of the historic Mokulē'ia Trail has become land locked by Dole Foods and Pioneer Foods. The Department is interested in working with Dillingham Ranch to establish an easement across the project area to access the Pahole Natural Area Reserve and Mokulē'ia Forest Reserve in order to better provide recreational access to the public and*

for staff management of State lands. The easement would be approximately a half mile long in Kapuna Gulch or on the adjacent ridge, per existing social trails.

Response: The Applicant acknowledges DOFAW's interest in working with the Applicant, Dillingham Ranch Aina, LLC, to establish an easement to access the Pahole Natural Area Reserve and Mokulēʻia Forest Reserve for better recreational access for the public and DLNR management options. The Applicant supports this proposal and is ready and willing to discuss this with DOFAW, should the Proposed Project go forward as described in the EIS.

17. *Wherever appropriate (along Farrington Hwy), public facilities, including a parking area and bathrooms should be made available in a manner that mitigates the adverse impacts, environmental, social or otherwise of public access.*

Response: You request that the landowner provide public facilities (bathroom parking) on Ranch property that mitigates adverse impacts related to public access. We do not concur that there are adverse impacts to public access as a result of the Proposed Project. This issue was discussed in July of 2017 with Mr. David Smith in his capacity as DOFAW Administrator in regard to the review of the subdivision application for the Proposed Project under review by the City and County Department of Planning and Permitting. Mr. Smith agreed that this request was not appropriate and removed any reference to the request in subsequent correspondence with the City and County.

18. *The developers of the site should provide for "defensible access". Ten foot wide access easements between private parcels from the multiple dead-ends or cul-de-sacs from within the subdivision will be assured for public safety purposes, i.e. search and rescue/wildland fire suppression by the City & County of Honolulu Fire Department and/or assistance by other agencies. These easements will also allow for potential future public recreation as warranted.*

Response: Defensible access is provided on all cul-de-sacs in the Proposed Project, with the exception of one road (Road C). Access for this area is provided via the existing DLNR Access Road.

19. *It is recommended that signs be installed along the DLNR access road delineating the route to public access. Also signage notifying the public and land owners that the route is shared use and to proceed with caution. Speed humps along the access road are recommended.*

Response: Your recommendation for appropriate signage along the DLNR Access Road is acknowledged. The Applicant is ready and willing to cooperate with DLNR to ensure that appropriate signage is installed.

20. *We appreciate your efforts to work with our office for the conservation of native species. Should the scope of the project change significantly, or should it become apparent that*

threatened or endangered species may be impacted, please contact our staff as soon as possible.

Response: We appreciate your comment and acknowledge our responsibility to protect and conserve native species and will contact DLNR should the scope of the Proposed Project change significantly, or should it become apparent that threatened or endangered species may be impacted. As currently planned, the Proposed Project is not expected to have any impacts on any threatened or endangered species.

Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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

February 22, 2018

Ms. Kathy K. Sokugawa
Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Attention: Ms. Joette Yago

Subject: Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Dillingham Ranch Aina, LLC
TMK: 6-8-03: 5, 6, 15, 19, 30, 31, 33, 35, and 40
6-8-02: 6
Area: 2,721 acres

The Department of Agriculture has reviewed the subject document (dated December 2017) and offers the following comments.

As part of the City Department of Planning and Permitting's subdivision rules, the Department of Agriculture reviewed the "Agricultural Plan, Feasibility and Impacts" (September 2017, attached as Appendix H in the Draft EIS) for the subject project and submitted our comments and recommendations in a letter dated October 13, 2017. Based on the information and representations made in the Plan, the Department of Agriculture believes that agriculture activities will be established on the property in compliance with State and City laws, ordinances, and plans. A copy of our letter is attached.

The Draft EIS references the Agricultural Plan and its elements in Section 4.7 (Agriculture) from page 4-26 to -27; Subsection 5.1.1 (Hawaii Land Use Law, Chapter 205 and the Hawaii State Plan, Chapter 226, HRS) from page 5-1 to 5-19; and Subsection 5.2.1 (General Plan) and the North Shore Sustainable Communities Plan, the Land Use Ordinance, and the Subdivision Rules; from page 5-20 to 5-33. As mentioned earlier, Appendix H contains the entire Agricultural Plan.

With respect to our letter in response to the EIS Preparation Notice (Section 10.3 (EISPN Comment and Response Letters, page 10-3) dated October 21 2016), we find that the Draft EIS addresses most of our concerns. We note that the agricultural proposal referenced in the Preparation Notice was based on an earlier version that we had expressed concern about the likelihood of agricultural activity being established in the proposed subdivision.

We were not able to find a specific statement in the Draft EIS to the application of Chapter 165, HRS (Hawaii Right-to-Farm Law) that limits the circumstances under which agricultural activities may be considered a nuisance. An appropriate place to make this citation as part of the Covenants, Conditions, and Restrictions is within the "Guidelines for Agricultural Lands (North Shore Sustainable Communities Plan), page 5-29, and other places as necessary.

We recommend that the following voluntary action with respect to the primary source for non-potable water be held off until all agricultural uses within the proposed subdivision are established and mature, and the quantity of irrigation water needed to sustain the agricultural uses during the dry months is better known.

"Well 3410-03 (Shop Well) will be the primary source for the non-potable water system. The NSWC will voluntarily reduce its permitted use under WUP No. 779 from 1.50 MGD to 1.00 MGD." (Subsection 3.4.2 Potential Impacts – Increase in Groundwater Use, page 3-20)

Should you have any questions, please contact Earl Yamamoto at 973-9466 or by email at earl.j.yamamoto@hawaii.gov.

Sincerely,

Scott E. Enright
Chairperson, Board of Agriculture

Attachment:
Letter to Mr. Dave Eadie from Department of Agriculture

c: Dillingham Ranch Aina, LLC
Mr. Dave Eadie

HHF Planners
Mr. Scot Ezer

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

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October 13, 2017

Mr. Dave Eadie
Kennedy Wilson
Senior Vice President – Entitlement and Development
3200 Bristol Street Suite 640
Costa Mesa, California 92626
Email: deadie@kennedywilson.com

Dear Mr. Eadie:

Subject: Dillingham Ranch
Agricultural Plan, Feasibility and Impacts
(September, 2017)

The Department of Agriculture (DOA) has reviewed the subject document (Plan) and offers the following comments and recommendations for your consideration.

Project Summary:
The Plan describes opportunities for new agricultural activity to be established and existing agricultural activities to be formalized on about 694 acres of the 2,721-acre property. The 694 acres are said to be suited to agricultural use. The project includes the creation of 70 subdivided lots with average size of 5.1 acres (median is 4.4 acres) and limited to one farm dwelling per lot. The Plan proposes a unique approach to cause the establishment of agricultural activities on the subdivided lots and the five agricultural operations to be located on the common areas.

Of the 694 acres that will be put into agricultural production, 300 acres (including up to 90 acres that may be irrigated) are for grazing up to 160 head of cattle; 217 acres are for equestrian and horse boarding with up to 175 horses; 49 acres are for the existing coconut orchard and other trees farm; 10 acres for a mango orchard farm; 5 acres for

hydroponic vegetable growing (including a farm training program). These five existing and proposed agricultural activities will be located on 11 subdivided lots that will not be allowed farm dwellings. Approximately 110 acres of new fruit orchard trees on minimum one-acre portions of each of the proposed 70 subdivided lots.

The existing Dillingham Lodge, office buildings, base yard, roads, utilities and other non-agricultural development will occupy 43 acres. There will be 4 dwellings for the "ranch manager for the equestrian facilities", and 3 homes for "higher level employees of the AMF (Agricultural Management Firm) who will help the LOA (Lot Owners' Association) manage its agricultural leases and common lands." (Plan, ES-5 and page 22)

The remaining 1,980 acres situated primarily in the mountainous portion of the project site, will be left as open space and not used for agricultural activities. (Plan, ES-7 and page 24)

At full buildout, 14 to 23 full-time equivalent jobs are expected. There are currently 6 part-time (3 full-time equivalent) employees. (Plan, ES-8 and page 25)

Land Management, General Statement:
The current version of the Agricultural Plan (September 2017) substantially improves upon the June, 2017 version on which we provided comments (letter dated July 20, 2017). The current Plan specifies and clarifies the responsibilities of and relationship between the Dillingham Ranch Aina (DRA), the Agricultural Management Firm (AMF), and the Lot Owners' Association (LOA).

Of particular significance is the firm commitment by DRA to undertake the following activities (not all inclusive):

1. Lease portions of the 11 subdivided lots to establish and improve the cattle ranch, working/riding horses, palm plantation, mango orchard, and hydroponic farm. Each of these leasehold agricultural activities will have "affordable rents", leases of 10-20 years, and dedications to agricultural activity established with the City Real Property Assessment Division;
2. Provide water infrastructure for irrigating crops and watering animals and fencing to separate the cattle ranch from farm dwellings;
3. Construct other improvements specific to each of the five leasehold agricultural activities;

4. Employ the AMF to manage the common areas, farm and ranch leases and agricultural water system, and to hire service providers to maintain the commons areas as necessary;
5. Transfer ownership and management of the common areas and the established leases to the LOA upon sale of the majority (36th) of the 70 subdivided lots.
6. Provide irrigation water lines to the 70 subdivided lots; market the lots in publications/websites catering to farmers; require and provide education/experience in commercial farming; provide lot owners reports on agronomic conditions and alternative crop assessments; contact information for purchasing orchard seedlings; provide information on farm consultants and service providers to assist lot owners development of their required orchards, horticultural practices, harvesting and selling of crops; and provide an orchard-development subsidy averaging $12,000 per lot for land preparation and seedling purchase (Plan, pages 17-19).

Responsibilities of the Individual Parties:
The 70 fee subdivided lot owners will comprise the LOA. Upon transfer from DRA, the LOA will own and with the assistance of the AMF, be responsible for the maintenance and operation of all common areas within the subdivision. The common areas include about 71 percent of the entire project area, the irrigation source and distribution system, roadways, and so forth, with the exclusion of the 779 acres owned in fee by the 70 lot owners. (Plan, Table 1, pages 41-42)

As described earlier, the DRA will substantially contribute to the eventual establishment of agricultural activities on 694 acres (25.5 percent) of the total project area of 2,721 acres.

Responsibilities Specific to Dillingham Ranch Aina and the Leasehold Agricultural Operations:
The DOA understands that the DRA will carry out the following tasks as described in the Plan and are in addition to that summarized on page 2.

<u>Cattle Ranching</u>
The proposed ranching operation modifies the existing operation by reducing the pasture acreage from 360 acres to 300. Current herd size is not stated but estimated based on carrying capacity at 160 head. (Plan, page 12). The DRA will provide

drinking water for cattle and "allow" at least 90 acres of pasture to be irrigated during drought. (Plan, page 12)

The lessee rancher will be responsible for fencing on the mauka side and the paddocks, irrigation water lines/sprinklers within the pastures to be irrigated during drought, water troughs, gates, corrals, chutes, and so forth.

The cattle ranch may experience periods of unprofitability. During these periods, operating subsidies that are financed with the LOA fees may be necessary. (Plan, page 13)

Riding and Working Horses

Existing equestrian activities and horse boarding to expand from the existing 185 acres to 217. The horse population is to increase from 150 to 175 head. There are 2 part-time ranch hands (page 11). The DRA will have these lands dedicated to agriculture. DRA or the equestrian operator will pay for new fencing, trail development, and accessory structures. (Plan, page 14)

The 217 acres set aside for horses comprise about 31 percent of the proposed 694 acres to be put into agricultural production.

Palm Plantation

The 68-acre plantation is currently not managed. The DRA will have the plantation area dedicated, initial rent discounted, and an irrigation system installed. Like the mango orchard, the DRA is responsible for leasing the plantation to a farmer. (Plan, page 15)

Mango Orchard

The existing 5-acre mango orchard is also not managed. The DRA will clear an additional 5 acres, install irrigation lines, and discount initial rent to the farmer lessee. The DRA is responsible for leasing the orchard to a farmer who, in turn, is responsible for planting the additional 5 acres of mango. (Plan, pages 15-16)

Both the palm and mango operations appear to have existing markets. (Plan, pages 15-16)

Hydroponic Farm

The 5-acre lessee hydroponic vegetable farm includes a training program with an instructor for a period of 10 years to be paid by the DRA ($500,000 total). (Plan, page

21) There could be educational tie-ins to area public schools and University of Hawaii campuses on Oahu. (Plan, page ES-5) The DRA will "make the arrangements" with public schools and/or the University of Hawaii. (Plan, page 21)

As with the other agricultural activities to be located on the common areas, the farm site will be dedicated to agricultural activity, initial land rent will be discounted, a concrete foundation supplied, a greenhouse built, and water supply provided. (Plan, page 20-21) The farmer is responsible for equipping the hydroponic farm, manage it, and sell the produce.

Furthermore, the proposal for a hydroponic training program is unique and the DOA encourages its realization.

Other Improvements
The DRA will also set aside a base yard for shared agricultural equipment, a structure to share agricultural expertise. (Plan, page 9) The structure would perhaps be useful for the LOA should they decide to form a cooperative.

Comments About the Existing/Proposed Lessee Agricultural Activities
For each of the five agricultural activities that will occur on the common areas, the DRA and the AMF are responsible finding the farmer lessees, providing certain improvements such as irrigation water, fencing, filing of tax dedication, and discounted initial rent to the farmer lessees. (Plan, pages 9-10) Upon the transfer of the common areas and the 5 established lessee farming operation, the LOA, with the assistance of the AMF, will be responsible for maintaining the land which they will own, and manage the lessee farmers. (Plan, page 10) The transfer of the common areas will occur when the farm leases are issued. (Plan, page 10) The DOA believes that the LOA and the AMF together will greatly benefit the five agricultural activities by providing a stable management environment.

Agricultural/Farm Dwelling Lots:
The 70 fee-simple subdivided lots will occupy 779 acres or about 29 percent of the 2,721-acre project site. The subdivided lots will occupy about 92 acres of flatlands that are subject to flooding and the foothill area that separates the flatlands from the upper portion of the project site. Part of the 779 acres is a 429-acre lot that is mostly unusable due to steep slopes. The median lot size is about 4.4 acres (Plan, page 11). This is more than double the minimum 2-acre lots that the existing zoning (AG-2, General

Agricultural) requires. Each of the 70 lots will be limited to a single a farm dwelling and full development is anticipated within 10 years. (Plan, page 11)

Subdivided lot owners are responsible for developing their farm dwellings, clearing and preparing the land for planting, installation of agricultural improvements, planting and managing their crops, harvesting and selling their crops, and possibly managing livestock. (Plan, pages 12-13 and 18) The LOA will own equipment, some of which will be available for rent to help develop and manage lot owners' farms. Equipment owned by DRA will be transferred to the LOA (Plan, page 19). Additional equipment can be bought by the LOA for use by the AMF to support agricultural activities.

Upon full development, each of the 70 subdivided lots is expected to have an orchard planted of no less than one acre or 30 percent of the lot area, whichever is greater. (Plan, page 16) The DRA will provide irrigation water lines to the subdivided lots, provide a one-time credit averaging $12,000 to each owner to purchase services from approved providers to help them develop their farms and to purchase orchard trees to plant on their property. (Plan, pages 17-18) The cost for an acre of orchard trees seedlings such as mango, avocado, and citrus range from $2,000 to $6,000. It appears that the $12,000 credit will be financed by the returns generated from selling the subdivision lots. (Plan, pages ES-6 and 23)

The Plan states that "The farm dwellings will be single-family homes located on and used in connection with farm operations on the lots." (Plan, page 11) This is similar to the definition of "farm dwelling" as described in Section 205-4.5(a)(4), Hawaii Revised Statutes. Further, the location of the dwellings will be specified by the DRA to reduce infrastructure costs.

The Plan contains a list of agronomically-suited orchard tree crops. (Plan, page 17). The DRA will require each lot purchaser to have appropriate education and/or experience in commercial farming, or agree to participate in a course arranged by DRA on cultivating orchard trees and selling crops. (Plan, page 18)

<u>Comments About the Agricultural/Farm Dwelling Lots</u>
The role of the DRA in ensuring the establishment of agricultural activity on the subdivided lots is substantial and impressive. The proposed orchard operations on each of the 70 lots would ensure that the farm dwelling to be built will be in compliance with State law. Assigning the management responsibility of the 5 farm leases, the water system, and the remaining common areas to the AMF will help with their full

establishment and not distract the lot owners from the establishment of their respective orchard farms.

Non-Agricultural Land Uses:
Existing non-agricultural uses cover 29 acres. This is to be increased by 14 acres to a total of 43 acres to accommodate "ranch homes" (not employee housing) and roadways/utilities (Plan, Table 1, page 42)

Restrictions On Agricultural Use:
There will be no restrictions on agricultural uses on the fee-simple subdivided lots (Plan, page 11). The declaration of restrictive covenants should include reference to Section 205-4.6, Hawaii Revised Statutes that prohibits such restrictions in private agreements recorded after July 8, 2003.

Irrigation Water
According to the information provided in the Plan and other documents, there appears to be a sufficient supply of irrigation water for all the proposed agricultural activities.

A supply of irrigation water in sufficient quantity, quality, and distribution to all proposed agricultural production areas within the project area is critical to the establishment and maintenance of the proposed agricultural crops and livestock in conformance with applicable State and City laws, ordinances and regulations. We note that the single source of irrigation water for the lower portion of the subdivision area will be an existing well owned and operated by the DRA (Plan, page 22). This well will be transferred to and owned and operated by the LOA with the assistance of the AMF (Plan, page 22). Two higher elevation wells will supply potable water where necessary and irrigation water for the 70 subdivided lots and their orchard activities (Plan, page 22) These two wells will continue to be managed by DRA through its subsidiary North Shore Water Company.

The DRA will be providing irrigation lines to each of the subdivided lots for orchard irrigation (Plan, pages 12 and 19); water lines to the 300-acre cattle grazing operation for drinking water and to at least 90 acres of irrigated pasture (Plan, page 12); install irrigation systems for the 49-acre palm operation and proposed 10-acre mango

operation (Plan, page 15); a water line to the proposed hydroponic farm of unstated size (Plan, page 20). Most of the equestrian-related area will also be irrigated.

Estimated irrigation demand for the proposed crops, pasture, and equestrian fields were calculated in part from data found in the "Assessment of Potential Impacts on Water Resources of the Proposed Dillingham Ranch Agricultural Subdivision in Mokuleia" report (Tom Nance Water Resource Engineering, March, 2017), as well as data provided in the Plan (Water Requirements, Dillingham Ranch, unpaged), and also factors in crop usage, crop spacing and irrigation efficiency (Plan, Water Requirements, by Crop (g/a/d), unpaged).

Table 2 of the Plan estimates a daily irrigation demand of 616,650 gallons per day (gpd) average of non-potable water for agricultural activities, with an estimated "maximum" demand of 925,055 gpd. Total non-potable and potable water demand is estimated to be 1,071,450 gpd, with a maximum demand of 1,618,255 gpd.

The applicant currently has a total permitted allocation by the Commission of Water Resources Management (CWRM) for 2.85 million gallons per day (mgd) split over three existing wells. (Water Report, p. 21).

According to the Water Report, the applicant may voluntarily surrender a portion of its 2.85 mgd allocation, with the intention of increasing the Mokuleia aquifer system's unallocated supply, claiming that this would be "a significant benefit to other land owners and water users located in the aquifer system." (Water Report, p. 21). The Department recommends that any voluntary reduction of the existing 2.85 mgd water allocation permitted by CWRM should wait until all agricultural uses within the proposed subdivision are established and mature, and the quantity of irrigation water needed to sustain the agricultural uses during the dry months is better known.

Restrictive Covenants:

The covenants, conditions, and restrictions will address the establishment of orchard farms on each of the 70 subdivided lots. The intent is for the lot owners to establish within 3 years of purchase, commercial scale orchards with a minimum of one acre or 30 percent of the lot area planted in seedlings, whichever is greater. (Plan, page 16) Planted orchard area per lot will average 1.55 acres. Each subdivided lot will be allowed one farm dwelling

As mentioned on page 7, the Plan makes reference to Section 205-4.6, Hawaii Revised Statutes that prohibits the imposition of private restrictions on agricultural uses or activities on agricultural lots by covenant, easements, or other means. (Plan, page 11) This reference must be written into the restrictive covenants.

We recommend that a copy of the Plan along with the restrictive covenants should be made available to prospective lot purchasers.

CONCLUSION:

Based on the information and representations made in the Plan, the Department of Agriculture believes that agriculture activities will be established on the property in compliance with State and City laws, ordinances, and plans.

The DOA notes the significant commitment by Dillingham Ranch Aina to undertake improvements, reduce rents, and cause tax dedication for the cattle ranch, equestrian and horse boarding facilities, palm plantation, mango orchard and hydroponic farm. We also note the average $12,000 credit for each owner of the 70 subdivided lots to prepare their lands and purchase orchard trees with the assistance of farm consultants and service providers, and the proposed hydroponic training program with a tie-in with area public schools and the University of Hawaii. The anticipated 110 acres of orchard trees on the 70 subdivided lots represents the most significant new agricultural activity on the property. Its establishment and maintenance will be the primary measure of success for the entire project. We recognize Dillingham Ranch Aina's commitment to larger subdivided lot sizes and limitation on the number of farm dwellings than what would otherwise be allowed under existing zoning.

The declaration of restrictive covenants should be used to delineate the responsibilities of the Dillingham Ranch Aina, Lot Owners' Association, the five farmer lessees, and the Agricultural Management Firm with respect to establishing the proposed agricultural activities on the property.

The lot owners will expect the income generated from their efforts to be commensurate with their respective investments. The Plan makes evident what efforts are needed to establish their farms. In the long run, profitable farming will ensure continued agricultural activity on the proposed lots. We would encourage the Lot Owners' Association to commit to cooperative engagement.

The full implementation of the proposed agricultural activities described in the Plan would be in consonance with the City's North Shore Sustainable Communities Plan (May, 2011):

"Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other nonagricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land." (Section 3.2.1, page 3-22)

Sincerely,

Scott E. Enright
Chairperson, Board of Agriculture

c: Scott Ezer
Bruch Plasch

Dillingham Ranch Ag Report September 2017 FINAL

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January 7, 2019

Mr. Scott E. Enright
Chairperson
Board of Agriculture
State of Hawai‘i
Department of Agriculture
1428 South King Street
Honolulu, HI 96814-2512

Dear Mr. Enright:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, O‘ahu, Hawai‘i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed the comments on your February 22, 2018 letter and offer the following responses.

1. *As part of the City Department of Planning and Permitting's subdivision rules, the Department of Agriculture reviewed the "Agricultural Plan, Feasibility and Impacts" (September 2017, attached as Appendix H in the Draft EIS) for the subject project and submitted our comments and recommendations in a letter dated October 13, 2017. Based on the information and representations made in the Plan, the Department of Agriculture believes that agriculture activities will be established on the property in compliance with State and City laws, ordinances, and plans. A copy of our letter is attached.*

   With respect to our letter in response to the EIS Preparation Notice (Section 10.3 (EISPN Comment and Response Letters, page 10-3) dated October 21 2016), we find that the Draft EIS addresses most of our concerns. We note that the agricultural proposal referenced in the Preparation Notice was based on an earlier version that we had expressed concern about the likelihood of agricultural activity being established in the proposed subdivision.

Response: It is noted that "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*." It is also noted that DOA finds "*that the Draft EIS addresses most of our concerns."* The Applicant sincerely appreciates the time and effort you and your staff spent meeting with us to discuss the Proposed Project's Agricultural Plan, which resulted in a more thoughtful approach to the agricultural use of the property.

2. *We were not able to find a specific statement in the Draft EIS to the application of Chapter 165, HRS (Hawai‘i Right-to-Farm Law) that limits the circumstances under which*

agricultural activities may be considered a nuisance. An appropriate place to make this citation as part of the Covenants, Conditions, and Restrictions is within the "Guidelines for Agricultural Lands (North Shore Sustainable Communities Plan), page 5-29, and other places as necessary.

Response: The language from page 5-29, the Draft EIS will be amended as follows (revised text shown in italics): "Additionally, the association of lot owners will be responsible for ensuring that farm dwellings and accessory structures comply with the CC&Rs for the Proposed Project and do not result in any *adverse* visual impacts. *The CC&Rs will also contain a citation on the application of Chapter 165, HRS (Hawai'i Right-to-Farm Act) that limits the circumstances under which agricultural activities may be considered a nuisance*."

3. *We recommend that the following voluntary action with respect to the primary source for non-potable water be held off until all agricultural uses within the proposed subdivision are established and mature, and the quantity of irrigation water needed to sustain the agricultural uses during the dry months is better known.*

   "Well 3410-03 (Shop Well) will be the primary source for the non-potable water system. The NSWC will voluntarily reduce its permitted use under WUP No. 779 from 1.50 MGD to 1.00 MGD." (Subsection 3.4.2 Potential Impacts — Increase in Groundwater Use, page 3-20)

Response: Section 3.4.2 of the Draft EIS discusses potential impacts of the Proposed Project with respect to water resources. Potential impacts related specifically to an increase in groundwater use are also discussed in this Section. Starting on Page 3-19, the Draft EIS states the ways the use of wells, groundwater, and water use permits could change as a result of the Proposed Project. The third bullet on Page 3-20 will be amended as follows (revised text shown in italics): "Well 3410-03 (Shop Well) will be the primary source for the non-potable water system. *Dillingham Ranch Aina, LLC (the owner of the well) will review agricultural water use when all agricultural uses are established and mature, and will determine if the use of WUP No. 779 might be reduced from 1.50 MGD to 1.0 MGD at that time.*"

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal
C: Joette Yago, Department of Planning and Permitting

DAVID Y. IGE
GOVERNOR

DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

STATE OF HAWAI`I
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAI`I 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

January 12, 2018

Mr. Dave Eadie, Vice President
Dillingham Ranch Aina, LLC
3200 Bristol Street, Suite 640
Costa Mesa, California 92626

Re: Draft Environmental Impact Statement for Dillingham Ranch Agricultural Subdivision, Waialua, Oahu

Dear Mr. Eadie:

The Department of Education (DOE) has reviewed the Draft Environmental Impact Statement (DEIS) for the redevelopment of the Dillingham Ranch Agricultural Subdivision (project).

The DOE has only one concern about contents of the DEIS. We note that in two different parts of the document there is reference to the number of DOE students estimated to be generated by the project. In none of these specific sections is there a direct description of the number of homes estimated to be in the project. There were references in other sections to four existing dwellings on site and 70 new agricultural lots that will permit just one dwelling per lot. It would be useful to state whether the estimated student count is based on 70 new units or some other count.

The DEIS states the estimated number of students was generated by utilizing "DOE Multipliers for single-family housing". The DOE multipliers are estimates based on location or project. We do not have generic statewide "DOE Multipliers". We are not sure of the source of the multipliers used.

It is correct that the DOE does not currently project any new schools in the North Shore region. We question how the City and County of Honolulu can explain how the DOE would handle future enrollment growth. The DOE would have a variety of methods for handling enrollment growth which could include new schools, new facilities, and additional programs.

We appreciate the opportunity to offer comments on the DEIS. If you have any questions, please call Heidi Meeker of the Planning Section, Facilities Development Branch, at (808) 784-5095.

Respectfully,

Kenneth G. Masden II
Public Works Manager
Planning Section

KGM:jmb

c: Joette Yago, Department of Planning and Permitting
Scott Ezer, HHF Planners
Robert Davis, Complex Area Superintendent, Leilehua/Mililani/Waialua Complex

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January 7, 2019

Mr. Kenneth G. Masden II
Public Works Manager, Planning Section
State of Hawai'i
Department of Education
P. O. Box 2360
Honolulu, HI 96804

Dear Mr. Masden:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēiʻa, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 12, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *The DOE has only one concern about contents of the DEIS. We note that in two different parts of the document there is reference to the number of DOE students estimated to be generated by the project. In none of these specific sections is there a direct description of the number of homes estimated to be in the project. There were references in other sections to four existing dwellings on site and 70 new agricultural lots that will permit just one dwelling per lot. It would be useful to state whether the estimated student count is based on 70 new units or some other count.*

Response: The calculation of additional student enrollments generated by the Proposed Project is set forth on P. 4-38 of the Draft EIS. This language will be amended to include the four employee dwellings that are part of the proposed project. Section 4.10.2.2 of FEIS will be revised as follows, with new material italicized, and deleted material with a strikethrough, as follows. "the Proposed Project is estimated to generate a total of ~~31~~ *33* school age children, including ~~17.0~~ *18.5* elementary school age students (~~70~~ *74* x .25 = ~~17~~ *18.5* students); ~~6.3~~ *6.7* intermediate school age students (~~70~~ *74* x .09 = ~~6.3~~ *6.7* students*);* and ~~7.0~~ *7.4* high school age students (~~70~~ *74* x .10 = ~~7~~ *7.4* students). *This represents a "worst-case" scenario for projected additions to student enrollment generated by the Proposed Project*. (personal communication, R. Loudermilk, May 2018)."

Based on the change in calculations, the Summary (page S-5), will also be amended, as follows: *"The estimated ~~31~~ 33 school age children generated by the Proposed Project is less than 2.5 percent of the total 2016-2017 enrollment for Waialua Elementary School…..*"

2. *The DEIS states the estimated number of students was generated by utilizing "DOE Multipliers for single-family housing". The DOE multipliers are estimates based on location or project. We do not have generic statewide "DOE Multipliers". We are not sure of the source of the multipliers used.*

Response: The source of the DOE multipliers used in the above student generation calculations was based on a project in Windward O'ahu. Pursuant to telephone conversations and email correspondence with your staff, these multipliers will be used as a "worst-case scenario," and Section 4.10.2 of Final EIS will be revised accordingly (see response to #1, above.

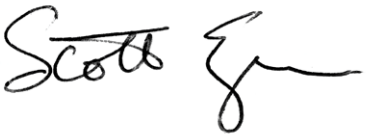
3. *It is correct that the DOE does not currently project any new schools in the North Shore region. We question how the City and County of Honolulu can explain how the DOE would handle future enrollment growth. The DOE would have a variety of methods for handling enrollment growth which could include new schools, new facilities, and additional programs.*

Response: The Draft EIS discusses projections for new schools (p. 4-38). That discussion cites the ability to utilize temporary classrooms if warranted by future enrollment increases. That citation is based on City & County of Honolulu Department of Planning Permitting information from 2011. In the final EIS, the text will be amended as follows (revised text shown in italics): "The DOE does not project any new schools for the North Shore region. ~~Temporary classrooms may be used to handle future enrollment increases at North Shore public schools, if necessary (DPP, April 2011).~~ *The DOE would have a variety of methods for handling enrollment growth which could include new schools, new facilities, and additional programs (DOE, January 2018)*. *However, t*he Proposed Project will not generate a need for new or additional educational programs." It is also understood from your staff that Waialua Elementary School and the Waialua High/Intermediate complex have capacity to accommodate 30 and 300 students, respectively.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

EPO 18-004

January 29, 2018

Mr. Scott Ezer
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813
Email: sezer@hhf.com

Dear Mr. Ezer:

SUBJECT: Draft Environmental Impact Statement (DEIS) for Dillingham Ranch Agricultural Subdivision TMK: ((1) 6-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, and 6-8-002: 006

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your DEIS to our office via the OEQC link:
http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2018-01-08-OA-DEIS-Dillingham-Ranch-Agricultural-Subdivision.pdf

We understand from the OEQC publication form project summary that *"The Proposed Project (Project) involves the subdivision of 2,721 acres of Dillingham Ranch land at Mokulēʻia. Agricultural uses on the Ranch have occurred since the 1880s, with present land uses including a mango orchard, palm tree plantation, cattle ranching, equestrian facilities, and special events at the Dillingham Lodge. Under the Project, Lodge and palm tree operations will continue; the mango orchard will be increased (5 to 10 acres); five acres for hydroponic farming will be provided; cattle ranching will be expanded; equestrian facilities will be improved (exercise trials, barns, paddocks); and a maintenance complex for the Ranch will be built. Four employee housing units and 70 agricultural lots will also be provided. The farm lots will range from 3 to 428 acres, with each lot containing a 5,000 square foot developable footprint for a farm dwelling and accessory structures as allowed by agricultural district zoning. The remaining area on each lot will be used for crop cultivation and open space. As part of the Proposed Action, the private water system serving the Ranch and Mokule'ia area will be upgraded; a private wastewater system and treatment plant will be constructed; internal roadways and drainage improvements will be built; and electrical and communication systems will be extended to service the Project."*

Hawaii's environmental review laws require Environmental Assessments (EAs) and Environmental Impact Statements (EISs) to consider health in the discussion and the mitigation measures to reduce negative impacts. In its definition of 'impacts,' §11-200-2, Hawaii Administrative Rules (HAR) includes health effects, whether primary (direct), secondary (indirect), or cumulative. Further, §11-200-12(b)(5), HAR, lists public health as one of the criteria for determining whether an action may have a significant impact on the environment.

We advocate that you consider health from a broad perspective; one that accounts for the social, economic, and environmental determinants of health and wellbeing. Community well-being can be impacted by access to physical activity, health care, feelings of social connectedness and safety. Design solutions that take these factors into consideration positively contribute to the social determinants of health in a community, improving the well-being of those who live there by influencing health promoting behaviors. Social determinants contribute to preventable chronic diseases such as asthma, diabetes, obesity, and cardiovascular disease.

An example of social influences include access to safe pedestrian corridors such as pathways, sidewalks, bike lanes, greenways and open space. §11-200-17(h), HAR, says EISs must discuss how proposed actions may conform or conflict with any policies for the affected area. This includes Hawaii's 2009 Complete Streets law, which requires the state and counties to establish policies to accommodate all users of the road, no matter age, ability, or mode of transportation. In 2015, Hawaii passed Act 97 which amended Hawaii's Renewable Portfolio Standards by setting a goal for Hawaii to become one hundred percent renewable by the year 2045. To reach this goal Hawaii should transform its transportation sector from the use of fossil fuels to renewable fuel, electric vehicles (EV)s, and public transit systems including bikeshare programs. To address "range anxiety" and facilitate the adoption of EVs, it is essential that EV charging stations be added to any planned parking areas open to the EV driving public. Plans should strive to encourage the use of personal bicycles though the development of designated bike lanes and class A bike trails. All efforts should be made to reduce harmful vehicle emissions, reduce vehicle miles travelled (VMT's), encourage alternative modes of transport and increase physical activity.

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

If you haven't already, EPO recommends that you review the new Healthy Communities Policy Guide: https://planning-org-uploaded-media.s3.amazonaws.com/document/Healthy-Communities-Policy-Guide.pdf, Plan4health website: http://plan4health.us and the free, on-demand, six part Plan4Health webinar series available on the American Planning Association website.

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

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

Please note that all wastewater plans must conform to applicable provisions (HAR, Chapter 11-62, "Wastewater Systems"). We reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please review online guidance at: http://health.hawaii.gov/wastewater and contact the Planning and Design Section of the Wastewater Branch (WWB) at (808) 586-4294.

If temporary fugitive dust emissions could be emitted when the project site is prepared for construction and/or when construction activities occur, we recommend you review the need and/or requirements for a Clean Air Branch (CAB) permit (HAR, Chapter 11-60.1 "Air Pollution Control"). Effective air pollution control measures need to be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures could include, but are not limited to, the use of water wagons, sprinkler systems, and dust fences. For questions contact the Clean Air Branch via e-mail at: Cab.General@doh.hawaii.gov or call (808) 586-4200.

Any waste generated by the project (that is not a hazardous waste as defined in state hazardous waste laws and regulations), needs to be disposed of at a solid waste management facility that complies with the applicable provisions (HAR, Chapter 11-58.1 "Solid Waste Management Control"). The open burning of any of these wastes, on or off site, is strictly prohibited. You may wish you review the Minimizing Construction & Demolition Waste Management Guide at: http://health.hawaii.gov/shwb/files/2016/05/constdem16.pdf Additional information is accessible at: http://health.hawaii.gov/shwb. For specific questions call (808) 586-4226.

If noise created during the construction phase of the project may exceed the maximum allowable levels (HAR, Chapter 11-46, "Community Noise Control") then a noise permit may be required and needs to be obtained before the commencement of work. Relevant information is online at: http://health.hawaii.gov/irhb/noise EPO recommends you contact the Indoor and Radiological Health Branch (IRHB) at (808) 586-4700 with any specific questions.

A phase I Environmental Site Assessment (ESA) and site investigation should be conducted for residential development or redevelopment projects in current or formerly used industrial areas and on formerly and currently zoned agricultural land used for growing sugar, pineapple or other agricultural products. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants may have occurred at the site, the site should be properly characterized through an approved Hawaii State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and/or groundwater sampling plan. Please refer to Sections 3 and 4 of the HEER Office Technical Guidance Manual http://www.hawaiidoh.org.

If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with State Law (HRS, Chapter 128D, "Environmental Response Law", Chapter 451, "State Contingency Plan"). To identify HEER records related to the property, visit http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/public-records. For information on site assessment and cleanup programs review: http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/site-assessment-and-cleanup-programs. Any specific questions should be directed to the HEER office at (808) 586-4249.

The property may harbor vectors which may disperse to the surrounding areas when the site is cleared. In accordance with Title 11, HAR, Chapter 11-26, "Vector Control", the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of vectors be determined, the applicant shall eradicate the vectors prior to clearing the site.

The Hawaii Disability and Communication Access Board (DCAB) recommends the inclusion of access for persons with disabilities through all phases of design and construction. New construction and alteration work shall comply with all applicable accessibility requirements. Projects covered by §103-50, Hawaii Revised Statutes, and HAR Title 11 Chapter 216 shall seek advice and recommendations from DCAB on any construction plans prior to commencing with construction. If you have any questions please contact DCAB at (808) 586-8121 or dcab@doh.hawaii.gov.

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

To better protect public health and the environment, the U.S. Environmental Protection Agency (EPA) has developed an environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you to explore, launch and utilize this powerful tool in planning your project. The EPA EJSCREEN tool is available at: http://www.epa.gov/ejscreen.

We hope this information is helpful. If you have any questions please contact us at DOH.epo@doh.hawaii.gov or call us at (808) 586-4337. Thank you for the opportunity to comment.

Mahalo nui loa,

Laura Leialoha Phillips McIntyre, AICP
Environmental Planning Office

LM:nn

c: Dave Eadie, Dillingham Ranch Aina, LLC (via email: deadie@kenedywilson.com)
Joette Yago, C&C Dept. of Planning & Permitting (via email: jyago@honolulu.gov)
DOH: DDEH, EMD, CWB, WWB, SDWB, CAB, SHWB, HEER, IRHB, SAN, Vector, PHP, DCAB {via email only}

Attachment 1: Office of Environmental Quality Control (OEQC) viewer (of some past EA's, EIS's in area)
Attachment 2: U.S. EPA EJSCREEN Report for Project Area

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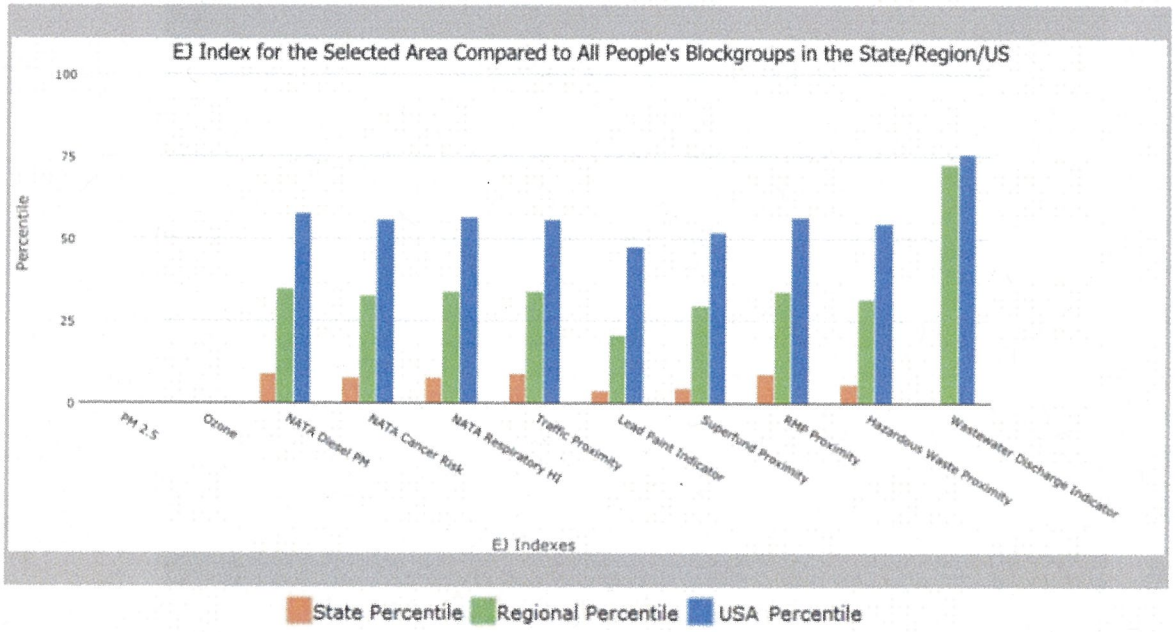
EJSCREEN Report (Version 2017)

1 mile Ring Centered at 21.577352,-158.176664, HAWAII, EPA Region 9

Approximate Population: 153

Input Area (sq. miles): 3.14

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	N/A	N/A	N/A
EJ Index for Ozone	N/A	N/A	N/A
EJ Index for NATA* Diesel PM	9	35	58
EJ Index for NATA* Air Toxics Cancer Risk	8	33	56
EJ Index for NATA* Respiratory Hazard Index	8	34	57
EJ Index for Traffic Proximity and Volume	9	34	56
EJ Index for Lead Paint Indicator	4	21	48
EJ Index for Superfund Proximity	5	30	52
EJ Index for RMP Proximity	9	34	57
EJ Index for Hazardous Waste Proximity	6	32	55
EJ Index for Wastewater Discharge Indicator	N/A	73	76



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJSCREEN Report (Version 2017)

1 mile Ring Centered at 21.577352,-158.176664, HAWAII, EPA Region 9

Approximate Population: 153

Input Area (sq. miles): 3.14

January 29, 2018

Digitized Point

1:4,514

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0

EJSCREEN Report (Version 2017)

1 mile Ring Centered at 21.577352,-158.176664, HAWAII, EPA Region 9

Approximate Population: 153

Input Area (sq. miles): 3.14

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in µg/m³)	N/A	N/A	N/A	9.9	N/A	9.14	N/A
Ozone (ppb)	N/A	N/A	N/A	41.8	N/A	38.4	N/A
NATA* Diesel PM (µg/m³)	0.0145	0.149	10	0.978	<50th	0.938	<50th
NATA* Cancer Risk (lifetime risk per million)	26	34	18	43	<50th	40	<50th
NATA* Respiratory Hazard Index	0.55	1	16	2	<50th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	0.47	1000	5	1100	3	590	4
Lead Paint Indicator (% Pre-1960 Housing)	0.14	0.16	56	0.24	50	0.29	42
Superfund Proximity (site count/km distance)	0.064	0.1	56	0.15	46	0.13	51
RMP Proximity (facility count/km distance)	0.064	0.39	11	0.98	4	0.73	7
Hazardous Waste Proximity (facility count/km distance)	0.031	0.1	31	0.12	25	0.093	33
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0	0.04	N/A	13	59	30	40
Demographic Indicators							
Demographic Index	35%	51%	8	47%	33	36%	56
Minority Population	45%	77%	8	59%	35	38%	64
Low Income Population	24%	26%	52	36%	36	34%	37
Linguistically Isolated Population	0%	6%	23	9%	19	5%	44
Population With Less Than High School Education	3%	9%	24	17%	16	13%	18
Population Under 5 years of age	7%	6%	59	7%	54	6%	58
Population over 64 years of age	11%	16%	28	13%	50	14%	40

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: https://www.epa.gov/national-air-toxics-assessment.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

HHF PLANNERS
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January 7, 2019

Laura Leialoha Phillips McIntyre
Environmental Planning Office
State of Hawai‘i
Department of Health
P. O Box 3378
Honolulu, HI 96801-3378

Dear Ms. McIntyre:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, O‘ahu, Hawai‘i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 29, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch ("Proposed Project"). We have reviewed your comments and offer the following responses.

1. *We understand from the OEQC publication form project summary that "The Proposed Project (Project) involves the subdivision of 2,721 acres of Dillingham Ranch land at Mokulē‘ia. Agricultural uses on the Ranch have occurred since the 1880s, with present land uses including a mango orchard, palm tree plantation, cattle ranching, equestrian facilities, and special events at the Dillingham Lodge. Under the Project, Lodge and palm tree operations will continue; the mango orchard will be increased (5 to 10 acres); five acres for hydroponic farming will be provided; cattle ranching will be expanded; equestrian facilities will be improved (exercise trials, barns, paddocks); and a maintenance complex for the Ranch will be built. Four employee housing units and 70 agricultural lots will also be provided. The farm lots will range from 3 to 428 acres, with each lot containing a 5,000 square foot developable footprint for a farm dwelling and accessory structures as allowed by agricultural district zoning. The remaining area on each lot will be used for crop cultivation and open space. As part of the Proposed Action, the private water system serving the Ranch and Mokulē‘ia area will be upgraded; a private wastewater system and treatment plant will be constructed; internal roadways and drainage improvements will be built; and electrical and communication systems will be extended to service the Project."*

Response: Your comment that the Proposed Project is accurately described in the above comments from the State Department of Health, Environmental Planning Office is acknowledged.

2. *Hawai‘i's environmental review laws require Environmental Assessments (EAs) and Environmental Impact Statements (EISs) to consider health in the discussion and the mitigation measures to reduce negative impacts. In its definition of 'impacts,' §11-200-2, Hawai‘i Administrative Rules (HAR) includes health effects, whether*

primary (direct), secondary (indirect), or cumulative. Further, §11-200-12(b)(5), HAR, lists public health as one of the criteria for determining whether an action may have a significant impact on the environment.

We advocate that you consider health from a broad perspective; one that accounts for the social, economic, and environmental determinants of health and wellbeing. Community well-being can be impacted by access to physical activity, health care, feelings of social connectedness and safety. Design solutions that take these factors into consideration positively contribute to the social determinants of health in a community, improving the well-being of those who live there by influencing health promoting behaviors. Social determinants contribute to preventable chronic diseases such as asthma, diabetes, obesity, and cardiovascular disease.

Response: Your comments on public health considerations are acknowledged. One criteria for analyzing whether a proposed action may have a significant effect thereby requiring the preparation of an EIS rather than an EA is whether the proposed action may substantially affect public health. All potential adverse effects associated with the Proposed Project (including direct, indirect and cumulative) are mitigated to less than significant levels. Chapter 5, Relationship to Land Use Plans, Policies, and Controls, discusses compliance by the Proposed Project with State of Hawaiʻi governing planning documents including Hawaiʻi Land Use Law (Chapter 205, HRS), the Hawaiʻi Coastal Zone Management Act (Chapter 205A, HRS), the Hawaiʻi State Plan (Chapter 226, HRS), and the Hawaiʻi Environmental Policy (Chapter 344, HRS), with the City and County of Honolulu's governing planning documents, in particular the General Plan and the North Shore Sustainable Communities Plan. These State and City/County planning documents address a range of issues, including economic, environmental, cultural, energy resources and climate change, among others. With respect to promoting healthy behavior, the Proposed Project will continue to support equestrian activities, farming, and pedestrian activities within the property, all of which contribute to a healthy lifestyle.

3. *An example of social influences include access to safe pedestrian corridors such as pathways, sidewalks, bike lanes, greenways and open space. §11-200-17(h), HAR, says EISs must discuss how proposed actions may conform or conflict with any policies for the affected area. This includes Hawaiʻi's 2009 Complete Streets law, which requires the state and counties to establish policies to accommodate all users of the road, no matter age, ability, or mode of transportation.*

Response: The proposed action is consistent with access to greenways, pathways and open space. Currently, the DLNR Access Road provides bicyclists, hikers and walkers a pleasant experience, offering scenic views and open space. The road is gated at Farrington Highway, but allows for pedestrian and bicycle access, and winds through the Dillingham Ranch. This will continue. In addition, Dillingham Ranch is one of a few locations on Oʻahu where individuals can board horses. There are approximately 175 horses now boarding at Dillingham Ranch, and the acreage allotted for this use will increase as part of the proposed project. A full range of equestrian activities are found at the Ranch.

The City and County of Honolulu adopted Ordinance 12-15, relating to Complete Streets, on May 25, 2012. The law does provide consideration for street design, but it also addresses other aspects of transportation modality as follows:

> *Apply a context sensitive solution process that integrates community context and the surrounding environment, including land use;*
> *Protect and promote accessibility and mobility for all;*
>
> *Encourage opportunities for physical activity and recognize the health benefits of an active lifestyle;*

Also, although not explicitly stated, it can be inferred that the policies are geared toward integrating multi-modal transportation alternatives in projects affecting public streets, highways and even private developments.

The Proposed Project is an agricultural subdivision and therefore is low density and is geared toward increasing the agricultural use of Dillingham Ranch. In this context, many of the policies identified for complete streets are not applicable. The Proposed Project's street system will be privately owned, although street design must comply with pertinent City and County design standards. Roadways will be of sufficient width to encourage walking and bicycling within the Proposed Project, as well as providing for walking and equestrian trails, which are consistent with the complete streets principles cited above.

4. *In 2015, Hawaiʻi passed Act 97 which amended Hawaiʻi's Renewable Portfolio Standards by setting a goal for Hawaiʻi to become one hundred percent renewable by the year 2045. To reach this goal Hawaiʻi should transform its transportation sector from the use of fossil fuels to renewable fuel, electric vehicles (EV)s, and public transit systems including bikeshare programs. To address "range anxiety" and facilitate the adoption of EVs, it is essential that EV charging stations be added to any planned parking areas open to the EV driving public. Plans should strive to encourage the use of personal bicycles though the development of designated bike lanes and class A bike trails. All efforts should be made to reduce harmful vehicle emissions, reduce vehicle miles travelled (VMT's), encourage alternative modes of transport and increase physical activity.*

Response: There are no planned parking areas within the Proposed Project that will be open to the public. As such, policies related to charging stations open to the EV driving public are inapplicable. However, as noted in Section 4.115.2 (p. 4-57), "(i)ndividual lot owners may choose to utilize alternative energy systems (i.e., solar water heating, photovoltaic panels) when developing their lots in the future . . . ." The Proposed Project will be a bicycle friendly environment due to street design and low internal traffic volume.

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

Response: Thank you for providing reference to the State standard comments for Environmental Health programs. The Proposed Project will be developed consistent with all applicable regulatory requirements provided in the standard comments. In addition to increasing the food products produced at Dillingham Ranch, the Proposed Project itself promotes a healthy lifestyle through equestrian activities, hiking, biking, and farming.

6. *If you haven't already, EPO recommends that you review the new Healthy Communities Policy Guide: https://planning-org-uploaded-media.s3.amazonaws.com/document/Healthy-Communities-Policy-Guide.pdf, Plan4health website: http://plan4health.us and the free, on-demand, six part Plan4Health webinar series available on the American Planning Association website.*

Response: Thank you for providing these references, which will be reviewed**.**

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

Response: Thank you for providing a link to the Hawaii Environmental Health Portal**.**

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

Response: In the Summary Section of the Draft EIS (p. S-9) a table entitled "List of Permits and Approvals" is provided. This Table (which is again provided in Chapter 5, Relationship to Land Use Plans, Policies, and Controls) identifies a range of approvals associated with the Proposed Project, including: National Pollution Discharge Elimination System Permit (NPDES) from the State Department of Health, Clean Water Branch. These tables also reference approval from the United States Army Corps of Engineers of a Section 404 Permit. NDPES requirements are further discussed in Section 3.2, Topography and Soil (p. 3-11).

9. *Please note that all wastewater plans must conform to applicable provisions (HAR, Chapter 11-62, "Wastewater Systems"). We reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please review online guidance at: http://health.hawaii.gov/wastewater and contact the Planning and Design Section of the Wastewater Branch (WWB) at (808) 586-4294.*

Response: Section 4.11.3 of the Draft EIS, Wastewater System, discusses in detail the new wastewater collection and treatment facilities that will be provided as part of the Proposed Project. As stated on Page 4-48, the system will be "…designed, built and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*".

10. *If temporary fugitive dust emissions could be emitted when the project site is prepared for construction and/or when construction activities occur, we recommend you review the need and/or requirements for a Clean Air Branch (CAB) permit (HAR, Chapter 11-60.1 "Air Pollution Control"). Effective air pollution control measures need to be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures could include, but are not limited to, the use of water wagons, sprinkler systems, and dust fences. For questions contact the Clean Air Branch via e-mail at: Cab.General@doh.hawaii.gov or call (808) 586-4200.*

Response: Section 4.2, Air Quality, of the Draft EIS identifies and analyzes potential adverse air quality impacts associated with the Proposed Project. As a result of identified short-term construction-related air quality impacts, Page 4-3 includes mitigation measures with respect to fugitive dust that will be implemented in accordance with Chapter 11.60.1, HAR (*Pollution Control*) and Section 11.60.1-33, HAR (*Fugitive Dust*).

11. *Any waste generated by the project (that is not a hazardous waste as defined in state hazardous waste laws and regulations), needs to be disposed of at a solid waste management facility that complies with the applicable provisions (HAR, Chapter 11-58.1 "Solid Waste Management Control"). The open burning of any of these wastes, on or off site, is strictly prohibited. You may wish you review the Minimizing Construction & Demolition Waste Management Guide at: http://health.hawaii.gov/shwb/files/2016/05/constdem16.pdf Additional information is accessible at: http://health.hawaii.gov/shwb. For specific questions call (808) 586-4226.*

Response: Section 4.10, Public Services, of the Draft EIS identifies and analyzes potential adverse impacts associated with solid waste disposal (Section 4.10.4). As discussed in this Section, during construction the contractor will implement a solid waste management plan to dispose of construction-related waste material. Once the Proposed Project is operational (p. 4-40), the solid waste produced will be hauled away by a private contractor (for disposal of solid waste produced by Dillingham Lodge, Ranch operations and agricultural cultivation). Refuse collection service for the farm dwellings will be provided by the City and County of Honolulu. All solid waste generated by the Proposed Project will be disposed of at a solid waste management facility that complies with the applicable provisions of Chapter 11-58.1, HAR.

12. *If noise created during the construction phase of the project may exceed the maximum allowable levels (HAR, Chapter 11-46, "Community Noise Control") then a noise permit may be required and needs to be obtained before the commencement of work. Relevant information is online at: http://health.hawaii.gov/irhb/noise EPO recommends you contact the Indoor and Radiological Health Branch (IRHB) at (808) 586-4700 with any specific questions.*

Response: Section 4.3, Noise, of the Draft EIS identifies and analyzes potential adverse impacts associated with short-term construction-related noise. Section 4.3.3, Mitigation Measures, notes that the Proposed Project will comply with all applicable regulations pertaining to noise, including Chapter 11-46, HAR (Community Noise Control). Additionally, the tables referenced in Response No. 8, above, note that a Community Noise Permit from the State Department of Health may be required.

13. *A Phase 1 Environmental Site Assessment (ESA) and site investigation should be conducted for residential development or redevelopment projects in current or formerly used industrial areas and on formerly and currently zoned agricultural land used for growing sugar, pineapple or other agricultural products. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants may have occurred at the site, the site should be properly characterized through an approved Hawai'i State Department of Health (DOH)/Hazard Evaluation and Emergency Response Office (HEER) soil and/or groundwater sampling plan. Please refer to Sections 3 and 4 of the HEER Office Technical Guidance Manual http://www.hawaiidoh.org.*

Response: Section 4.8, Hazardous Materials, of the Draft EIS discusses the historical uses of Dillingham Ranch, including activities related to agricultural cultivation and ranching. Based on these historic uses, the Draft EIS identifies Recognized Environmental Conditions (RECs) with respect to the maintenance shop, lead-based paint, historic agricultural use and stockpiled soil. A number of mitigation measures are set forth in Section 4.8.3 (p. 4-30) to mitigate potential adverse hazardous effects from the identified RECSs.

14. *If the site is found to be contaminated, then all removal and remedial actions to clean up hazardous substance or oil releases by past and present owners/tenants must comply with State Law (HRS, Chapter 128D, "Environmental Response Law", Chapter 451, "State Contingency Plan"). To identify HEER records related to the property, visit http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/public-records. For information on site assessment and cleanup programs review: http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/site-assessment-and-cleanupprograms. Any specific questions should be directed to the HEER office at (808) 586-4249.*

Response: Your comment that the requirements to clean up any hazardous substances or oil releases pursuant to Chapters 128 and 451, HRS is acknowledged.

15. *The property may harbor vectors which may disperse to the surrounding areas when the site is cleared. In accordance with Title 11, HAR, Chapter 11-26, "Vector Control", the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of vectors be determined, the applicant shall eradicate the vectors prior to clearing the site.*

Response: All appropriate steps related to vector control (specifically rodents) will be taken prior to the demolition of structures and the clearing of the land in connection with the initial development of the Proposed Project, consistent with the requirements of Section 11-26-35 of Title 11, Chapter 26 of the Hawai'i Administrative Rules.

16. *The Hawai'i Disability and Communication Access Board (DCAB) recommends the inclusion of access for persons with disabilities through all phases of design and construction. New construction and alteration work shall comply with all applicable accessibility requirements. Projects covered by §103-50, Hawai'i Revised Statutes, and HAR Title 11 Chapter 216 shall seek advice and recommendations from DCAB on any construction plans prior to commencing with construction. If you have any questions please contact DCAB at (808) 586-8121 or dcab@doh.hawaii.gov.*

Response: The Proposed Project does not fall under the definition of a public building, facility or site, as defined by Chapter 103-50, HRS, is not publicly-funded, and, therefore, does not require DCAB review. Further, as a private subdivision, the Proposed Project does not fall under the purview of the Americans with Disabilities Act.

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

    To better protect public health and the environment, the U.S. Environmental Protection Agency (EPA) has developed an environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you to explore, launch and utilize this powerful tool in planning your project. The EPA EJSCREEN tool is available at: http://www.epa.gov/eiscreen.

Response: Thank you for providing the above links to a resource offered by the Office of Environmental Quality. Thank you for the link to the United States Environmental Protection Agency tool. It is acknowledged that this tool provides data on environmental indicators, demographic indicators, and environmental justice indexes, all as shown in Attachment 2 to your letter. Some similar demographic and environmental data is provided in the Draft EIS.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

DAVID Y. IGE
Governor

LUIS P. SALAVERIA
Director
MARY ALICE EVANS
Deputy Director

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai`i

DANIEL E. ORODENKER
Executive Officer

January 22, 2018

Mr. David Eadie, Vice President
Dillingham Ranch Aina, LLC
3200 Bristol Street, Suite 640
Costa Mesa, California 92626

Dear Mr. Eadie:

Subject: Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement (DEIS)
Waialua District, Island of O`ahu
TMKs: 6-8-2: 6; 6-8-3: 5, 6, 15, 19, 30, 31, 33, 35, and 40

We are in receipt of the DEIS for the subject project forwarded by HHF Planners' letter dated January 5, 2018.

We understand that the subject project involves the consolidation and resubdivision of the 2,721 acres of agriculturally-zoned land that collectively constitute Dillingham Ranch and the development of a 70-lot agricultural subdivision on land mauka of Farrington Highway. Under the proposal, the proposed 70 agricultural lots will range in size from 3 to 478 acres, while 66 lots will range in size from 3 to 8 acres. One of the proposed lot will be 478 acres, and will include a 230-acre "no-build" easement. We further understand that the remainder of the 2,721-acre property will be owned in common by an Association of Lot Owners that will retain some agricultural existing uses, expand other uses, and establish new agricultural uses. Among the features of the project are (1) the addition of farms to all the agricultural lots; (2) the provision of a credit (average credit to be $12,000) to each lot buyer to purchase and plant orchard trees on their lot; (3) the continuance of existing cattle ranching and grazing operations and the palm tree plantation (at a reduced acreage); (4) expansion of the mango orchard from 5 to 10 acres; (5) the expansion of equestrian activities to approximately 217 acres; and (6) the addition of a 5-acre area for hydroponic farming.

According to the DEIS, a farm dwelling and accessory structures will be allowed on each lot (as permitted by County zoning) and be contained within a developable footprint no larger than 5,000 square feet. The remaining space on each lot is proposed to be set aside for open space and cultivation. The project further calls for the remaining acreage to include (1) the

235 SOUTH BERETANIA STREET • SUITE 406 • HONOLULU, HAWAI`I 96813 • TEL: (808) 587-3822 • FAX: (808) 587-3827
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MAILING ADDRESS: P. O. Box 2359, Honolulu, Hawai`i 96804

Dillingham Lodge; (2) existing manmade ponds; (3) archaeological/cultural preserves; and (4) areas for infrastructure and utilities to support the project, including a private wastewater treatment plant and wells for drinking and non-drinking water.

Based on our review of the DEIS, we have concerns that the proposed project is not in keeping with the stated vision of retaining and expanding agricultural uses on the project site. We believe that the project, in fact, undermines the spirit and intent of HRS chapter 205 by promoting gentlemen's estates within the State Land Use Agricultural District that masquerade as farm dwellings where agricultural activities represent a secondary and passive hobby rather than being actively and intensively pursued. One only needs to look to the immediate dismissal of the large-scale farming alternative from further consideration in the DEIS on the basis that it was deemed to be outweighed by the beneficial aspects of the proposed project despite increasing food production through the intensive cultivation of the land. It is not clear what these beneficial aspects include to warrant the project as the preferred alternative. As the DEIS itself states, "[t]he use of the Project Site for large-scale farming is consistent with existing State land use, [North Shore Sustainability Communities Plan], and [City and County] zoning designations for this land." We would add that use of the site for large-scale farming, such as active, intensive diversified agriculture, is consistent with the surrounding land uses in the area. On the other hand, subdividing the site into smaller lot sizes for residential uses as proposed in the project would be wholly inconsistent with the agricultural character of the area. While we acknowledge that the project would generate economic impacts through construction activities, we question rather these impacts would necessarily outweigh those of the large-scale farming alternative as there has been no economic benefit analysis prepared comparing both alternatives. As the DEIS readily admits, "[r]evenue generated by the Large-scale Farming Alternative would benefit the local economy, while food production would support sustainable agriculture and improve food security for island residents."

Moreover, we believe that the discussion of the disadvantages with the large-scale farming alternative not only fails to describe the potential mitigative measures to minimize the disadvantages,[1] which we note would also be present with the proposed project, but it also does not address the possibility of large-scale farming activities co-existing with the current equestrian uses and mango/palm tree orchards as a viable option for the site. These deficiencies should be corrected in the Final EIS.

As part of the project, we note that a private wastewater collection and treatment system is proposed on a 45,300-square-foot area. Pages S-9 and 5-36 of the DEIS indicate that a special

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[1]As you may know, the Hawai`i Right-to- Farm Law promulgated under Hawai`i Revised Statutes (HRS) chapter 165 limits the circumstances under which noise, odors, vectors, dust, fumes, spray, smoke, or vibration from farming activities may be considered a nuisance.

permit will be obtained from the Land Use Commission (LUC) prior to the start of construction. Please be advised that special permits involving land areas 15 acres or less, as is proposed here, are processed by the respective county planning commissions pursuant to HRS §205-6 and do not require approval by the LUC.

Additionally, we note that the DEIS does not include an assessment of the existing conditions, potential impacts, and mitigation measures regarding emergency management (fka civil defense). The Final EIS should include such a discussion as part of the document's section on public services.

Finally, the DEIS correctly points out that in 1973, the LUC granted a special permit to conduct sand mining operations on portions of the project site (Docket No. SP73-146/Warren Corporation). We understand that mining operations have long ceased if they were commenced at all. Until such time that the special permit is terminated, it is our position that the special permit is still valid regardless of whether there is ongoing sand mining on the permit area, and an application will need to be filed by all affected landowners with the City and County of Honolulu Planning Commission to terminate it in accordance with HRS §205-6 and Hawai`i Administrative Rules chapter 15-15, subchapter 12.

We have no further comments to offer at this time. Should you have any questions or require further clarification, please call our office at 587-3822.

Sincerely,

Daniel E. Orodenker
Executive Officer

c: DPP, Joette Yago
HHF, Scott Ezer

HHF PLANNERS
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January 7, 2019

Daniel E. Orodenker
Executive Officer
Land Use Commission
Department of Business, Economic Development and Tourism
State of Hawai'i
235 South Beretania Street, Suite 406
Honolulu, HI 96804

Dear Mr. Orodenker:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *We understand that the subject project involves the consolidation and resubdivision of the 2,721 acres of agriculturally-zoned land that collectively constitute Dillingham Ranch and the development of a 70-lot agricultural subdivision on land mauka of Farrington Highway. Under the proposal, the proposed 70 agricultural lots will range in size from 3 to 478 acres, while 66 lots will range in size from 3 to 8 acres. One of the proposed lots will be 478 acres, and will include a 230-acre "no-build" easement. We further understand that the remainder of the 2,721-acre property will be owned in common by an Association of Lot Owners that will retain some agricultural existing uses, expand other uses, and establish new agricultural uses. Among the features of the project are (1) the addition of farms to all the agricultural lots; (2) the provision of a credit (average credit to be $12,000) to each lot buyer to purchase and plant orchard trees on their lot; (3) the continuance of existing cattle ranching and grazing operations and the palm tree plantation (at a reduced acreage); (4) expansion of the mango orchard from 5 to 10 acres; (5) the expansion of equestrian activities to approximately 217 acres; and (6) the addition of a 5-acre area for hydroponic farming.*

   According to the Draft EIS, a farm dwelling and accessory structures will be allowed on each lot (as permitted by County zoning) and be contained within a developable footprint no larger than 5,000 square feet. The remaining space on each lot is proposed to be set aside for open space and cultivation. The project further calls for the remaining acreage to include (1) the Dillingham Lodge; (2) existing manmade ponds; (3) archaeological/cultural preserves; and (4) areas for infrastructure and utilities to support

the project, including a private wastewater treatment plant and wells for drinking and non-drinking water.

Response: Your comment that the Proposed Project is accurately described in the above comments from the Land Use Commission is acknowledged.

2. *Based on our review of the DEIS, we have concerns that the proposed project is not in keeping with the stated vision of retaining and expanding agricultural uses on the project site. We believe that the project, in fact, undermines the spirit and intent of HRS Chapter 205 by promoting gentlemen's estates within the State Land Use Agricultural District that masquerade as farm dwellings where agricultural activities represent a secondary and passive hobby rather than being actively and intensively pursued.*

Response: Your concerns about the Proposed Project "keeping with the stated vision of retaining and expanding agricultural uses on the project site" are noted. In its letter on the Draft EIS (dated February 22, 2018), the State of Hawai'i Department of Agriculture stated, specifically in response to the *Agricultural Plan, Feasibility and Impacts* report that was included as Appendix H in the Draft EIS, that "…the *Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans.*" HRS Chapter 205 would have been among the State laws considered by the State Department of Agriculture. Compliance with HRS Chapter 205 was also addressed in Section 5.1.1 of the Draft EIS.

To ensure that, among other things, the Proposed Project is implemented consistent with the project objectives, Section 2.3.3 states that all *"…agricultural lot owners and all activities within the Proposed Project will be subject to recorded Covenants, Conditions and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements. The CC&Rs will be administered and enforced by the Association of Lot Owners (the Association)."*

3. *One only needs to look to the immediate dismissal of the large-scale farming alternative from further consideration in the Draft EIS on the basis that it was deemed to be outweighed by the beneficial aspects of the proposed project despite increasing food production through the intensive cultivation of the land. It is not clear what these beneficial aspects include to warrant the project as the preferred alternative*.

Response: The Draft EIS includes the required analysis of the Proposed Project's economic impacts, including its economic impacts on the local community. Section 4.9, Socio-economic Characteristics, provides information on the potential economic effects of the Proposed Project. Page 4-36 states: "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities."* Further, in the short term, the *"…development of the Project Area will result in significant expenditures by the Applicant, as well as by owners of the agricultural lots"* (these expenditures are enumerated on pp, 4-36).

Chapter 5, Relationship to Land Use Plans, Policies, and Controls, discusses the compliance of the Proposed Project with applicable State and City/County documents. Chapter 5 concludes that the Proposed Project is compliant with the economic objectives of: the Hawai'i State Plan, Chapter 226, HRS (p. 5-7 and 5-8), the Hawai'i Environmental Policy, Chapter 344, HRS (p. 5-17) and the Hawaii General Plan (p. 5-21).

In addition, the Agricultural Plan includes a section on Agricultural Impacts and Benefits, including the number of agricultural jobs that will be generated by the Proposed Project. The Proposed Project has many beneficial aspects, including the retention of equestrian activities, the palm tree plantation, cattle grazing and the mango orchard. In addition, the Proposed Project will add a hydroponic farming activity to the property, increase the size of the mango orchard and add approximately 100 acres to orchard crops. Taken in whole, the Proposed Project will significantly expand the production of food crops, retain existing agricultural activities and provide employment in the agricultural sector, while maintaining the rural ambience of the property and the region.

4. *As the Draft EIS itself states, "[t]he use of the Project Site for large-scale farming is consistent with existing State land use, [North Shore Sustainability Communities Plan], and [City and County] zoning designations for this land." We would add that use of the site for large-scale farming, such as active, intensive diversified agriculture, is consistent with the surrounding land uses in the area. On the other hand, subdividing the site into smaller lot sizes for residential uses as proposed in the project would be wholly inconsistent with the agricultural character of the area.*

Response: The Proposed Project was analyzed for consistency with existing State and County land use designations. Section 5.1.1 of the Draft EIS discusses the relationship of the Proposed Project to the State land use law. Section 5.2.2 of the Draft EIS discusses the relationship of the Proposed Project to the North Shore Sustainable Communities Plan. Section 5.2.3 of the Draft EIS discusses the relationship of the Proposed Project with the applicable City and County zoning districts. As fully discussed in the Draft EIS, and elsewhere in this letter, the Proposed Project is fully consistent with the character of the region.

5. *While we acknowledge that the project would generate economic impacts through construction activities, we question whether these impacts would necessarily outweigh those of the large-scale farming alternative as there has been no economic benefit analysis prepared comparing both alternatives. As the DEIS readily admits, "revenue generated by the Large-scale Farming Alternative would benefit the local economy, while food production would support sustainable agriculture and improve food security for island residents."*

Response: The stated objective of the Proposed Project is to expand and complement the pre-existing low intensity and historical agricultural uses of the Subject Property, such as equestrian uses, cattle grazing, horse pasturing, mango orchard, and palm tree propagation activities, and not to pursue large-scale commercial ranching or crop cultivation. See Draft EIS Section 2.2.3. The opportunities for large-scale farming activities at Dillingham Ranch are limited by factors

such as topography, soils, exposure to flooding and agricultural activities already in place. See Draft EIS Section 6.6.

These limitations are acceptable under the Proposed Action, which allows 73% of the Subject Property to remain in non-agricultural open space and approximately 25.5% of the Subject Property to be used for agriculture. (Agricultural Plan, Appendix H of the Draft EIS, p. 23). The most attractive areas for intensive farming would be the lower portions of Dillingham Ranch below Cane Haul Road. However, this area already enjoys the benefit of being the location of a successful horse boarding facility that has been on the property for decades, and offers one of the few large horse boarding facilities on Oʻahu. This activity will be continued.

Another large agricultural activity is the existing palm tree plantation on the eastern portion of the property below Cane Haul Road. This plantation is a widely known source on Oʻahu for mature coconut trees for landscaping. These areas are also subject to periodic episodes of flooding, which make them unattractive for food crops. As proposed, the Agricultural Plan in the Draft EIS (Appendix H) provides a rational approach to maximizing the agricultural productivity of the Subject Property.

The Agricultural Plan explains that the Proposed Project will result in a substantial increase in food production, and will produce more food than would be produced if the land was simply made available for farming and ranching without the Applicant's investments and subsidies. The alternatives analysis in Chapter 6 compares the relevant environmental benefits, costs and risks of the stated alternatives. Several environmental risks arise under the Large-scale Farming Alternative (see Draft EIS 6-7), which risks do not arise under the Proposed Project. It is also noted that a suggested alternative to mitigate harms that arise under Large-scale farming is hydroponics. The Proposed Project includes a 5-acre hydroponic farm (the equivalent of approximately 55-acres of field farming). Under the Proposed Project, the Applicant will dedicate the land for the hydroponic farm to agriculture, discount the initial rents to allow viable operations, build a concrete slab and a greenhouse structure, and provide a water line to the farm, In addition, DRA will contribute $50,000 per year for 10 years to support hydroponic farming in the school system. See Agricultural Plan (Appendix H). This plan has been endorsed by the State Department of Agriculture.

6. *Moreover, we believe that the discussion of the disadvantages with the large-scale farming alternative not only fails to describe the potential mitigative measures to minimize the disadvantages, (as you may know, the Hawaiʻi Right-to-Farm Law promulgated under Hawaiʻi Revised Statutes (HRS) Chapter 165 limits the circumstances under which noise, odors, vectors, dust, fumes, spray, smoke, or vibration from farming activities may be considered a nuisance) which we note would also be present with the proposed project, but it also does not address the possibility of large-scale farming activities co-existing with the current equestrian uses and mango/palm tree orchards as a viable option for the site. These deficiencies should be corrected in the Final EIS.*

Response: As stated in Chapter 6, Alternatives: "*Under Section 11-200-17(f), HAR (Environmental Impact Statement Rules), a Draft EIS must contain a section discussing alternatives that could attain the project objectives, regardless of cost, in sufficient detail to*

explain why the specific alternative was rejected". The *Environmental Impact Statement Rules* do not include a requirement that the Draft EIS describe potential mitigative measures of a specific alternatives considered.

The required discussion of alternatives, including that for the Large-scale Farming Alternative, is provided in the Draft EIS. While the Hawaii Right to Farm Act, HRS chapter 165, is intended to reduce the loss to the State of agricultural resources by limiting the circumstances under which farming operations may be deemed to be a nuisance, the coverage intended to be provided by Chapter 165 does not fully address the stated disadvantages of the Large-scale Farming alternative. Although fertilizers, pesticides, and herbicides are expected to be used under the Proposed Project scenario (see Draft EIS p. 3-21), the intensity of those uses should be far less than would be used under the Large-scale Farming alternative. As noted in the Draft EIS, most commercial agriculture is intensive and relies on various methods to increase crop yield including increasing the use of fertilizers, plant growth regulators, pesticides and mechanized agriculture, and is supported by ongoing innovations including genetic technology and techniques for achieving economies of scale (Draft EIS p. 6-7). Therefore, although the disadvantageous aspects of the Proposed Project and the Large-scale Farming alternative may have some similarities in this regard, the scale and scope of those disadvantages would be far less under the Proposed Project. Advantages and disadvantages of the Large-scale Farming Alternative are provided, with the analysis concluding that (p. 6-6) "…*the Large-scale Farming Alternative was deemed impracticable and was dismissed from further consideration*".

7. *As part of the project, we note that a private wastewater collection and treatment system is proposed on a 45,300-square-foot area. Pages S-9 and 5-36 of the Draft EIS indicate that a special permit will be obtained from the Land Use Commission (LUC) prior to the start of construction. Please be advised that special permits involving land areas of 15 acres or less, as is proposed here, are processed by the respective county planning commissions pursuant to HRS §205-6 and do not require approval by the LUC.*

Response: It is acknowledged and understood that special permits involving land areas 15 acres or less, as will be sought in connection with the Proposed Project's wastewater system, are processed by the Planning Commission of the City and County of Honolulu, pursuant to HRS Section 205-6 and do not require approval by the Land Use Commission.

Therefore, the tables presented on pages S-9 and 5-36 (referenced above) will be amended in the Final EIS as follows (revised text shown in italics):

Special Permit (for Wastewater Treatment Plant in State Agricultural District)	State Department of Business, Economic Development and Tourism, Land Use Commission *involving land areas of greater than 15 acres* *City and County of Honolulu Planning Commission involving land areas of 15 acres or less*

8. *Additionally, we note that the DEIS does not include an assessment of the existing conditions, potential impacts, and mitigation measures regarding emergency management (fka civil defense). The Final EIS should include such a discussion as part of the document's section on public services.*

Response: A discussion of emergency management (fka civil defense) will be included in Section 4.10 of the final EIS. Following is language added to the final EIS:

4.10.6 "Emergency Management

4.10.6.1 Existing Conditions

The State Department of Hawai`i Emergency Management Agency (HEMA) is the emergency management agency for the State and coordinates with the City Department of Emergency Management on disaster warnings for O`ahu. Warning sirens are located throughout the island primarily along the coastlines and within urban developed areas such as subdivisions. The closest warning sirens to the Proposed Project are located approximately 0.2 miles to the east at Kalahilo Drive and 0.8 miles to the west near Dillingham Airfield."

9. *Finally, the DEIS correctly points out that in 1973, the LUC granted a special permit to conduct sand mining operations on portions of the project site (Docket No. SP73-146/Warren Corporation). We understand that mining operations have long ceased if they were commenced at all. Until such time that the special permit is terminated, it is our position that the special permit is still valid regardless of whether there is ongoing sand mining on the permit area, and an application will need to be filed by all affected landowners with the City and County of Honolulu Planning Commission to terminate it in accordance with HRS §205-6 and Hawai'i Administrative Rules Chapter 15-15, subchapter 12.*

Response: The Applicant understands that the City Department of Planning and Permitting wishes to terminate this permit and is in active discussions with the Department on how best to achieve this goal. The Applicant understands that it is the position of the Land Use Commission that the permit remains valid until it is terminated.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Plannners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

OFFICE OF PLANNING
STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

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

Telephone: (808) 587-2846
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Web: http://planning.hawaii.gov/

DTS201802211520BE

February 22, 2018

Joette Yago, Planner
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Ms. Yago:

Subject: Draft Environmental Impact Statement for the Dillingham Ranch Agricultural Subdivision, Mokuleia, Oahu, Hawaii
Tax Map Keys: (1) 6-8-2: 6; 6-8-003: 5, 6, 15, 19, 30, 31, 33, 35, and 40

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the proposed Dillingham Ranch Agricultural Subdivision. The DEIS was sent to our office via letter dated January 9, 2018.

Dillingham Ranch Aina, LLC proposes to develop an agricultural subdivision at Mokuleia, Oahu including the consolidation and resubdivision of 2,721 acres of agricultural land and the development of a 70-lot agricultural subdivision mauka of Farrington Highway known as Dillingham Ranch. Proposed are 68 lots ranging from 3 to 8 acres, with each lot buyer provided with $12,000 credit to plant orchard trees on their lot. An Association of Lot Owners will be retaining, expanding and establishing new agricultural uses to increase agricultural productivity of the property, including cattle ranching, palm trees, mango orchard, equestrian, and hydroponic farming. The property is within the State Agricultural District.

The Office of Planning (OP) has reviewed the DEIS and offers the following comments:

1. Relative to our EIS Preparation Notice letter of October 24, 2016, most of OP's comments relative to State Land Use and Coastal Zone Management have been satisfactorily addressed in the DEIS.

2. On Page 5-2, reference is made that Hawaii's coastal zone includes all lands "excluding those lands designated as State forest reserves." Please revise to delete this reference, as-Hawaii's coastal zone management area includes all lands in the State (HRS §205A-1).

3. We note that the State Department of Agriculture (DOA), in its letter of October 13, 2017, has endorsed the Dillingham Ranch Agricultural Plan (DEIS, Appendix H) as

being in compliance with State and City laws, ordinances and plans, including the North Shore Sustainable Communities Plan. The DOA letter should be included in the Final EIS.

4. While the Agricultural Plan and proposed restrictive covenants do appear to address some concerns related to agricultural viability and provide some assurance that agricultural uses are the primary uses of the property, we remain concerned whether this would be maintained over the long term. The Covenants, Conditions and Restrictions (CC&Rs) should include all relevant provisions of the Agricultural Plan to increase the likelihood of long term implementation of the Plan. To facilitate future enforcement of the Plan and covenants, these documents should also be made a part of the subdivision approval.

Recommendation

In conjunction with your Department's subdivision approval, OP recommends that the Dillingham Ranch Agricultural Plan dated September 2017 and the project's CC&Rs be referenced and incorporated in the Final Subdivision Approval for the project.

If you should have any questions, please contact Rodney Funakoshi of our Land Use Division at (808) 587-2885.

Sincerely,

Leo R. Asuncion
Director

c: Dave Eadie, Dillingham Ranch Aina, LLC
Scott Ezer, HHF Planners.

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January 7, 2019

Mr. Leo R. Asuncion
Director
Office of Planning
State of Hawai'i
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

Dear Mr. Asuncion:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Dillingham Ranch Aina, LLC proposes to develop an agricultural subdivision at Mokulēʻia, Oʻahu including the consolidation and resubdivision of 2,721 acres of agricultural land and the development of a 70-lot agricultural subdivision mauka of Farrington Highway known as Dillingham Ranch. Proposed are 68 lots ranging from 3 to 8 acres, with each lot buyer provided with $12,000 credit to plant orchard trees on their lot. An Association of Lot Owners will be retaining, expanding and establishing new agricultural uses to increase agricultural productivity of the property, including cattle ranching, palm trees, mango orchard, equestrian, and hydroponic fanning. The property is within the State Agricultural District.*

Response: Your comment that the Proposed Project is accurately described in the above comments from the Office of Planning is acknowledged.

2. *Relative to our EIS Preparation Notice letter of October 24, 2016, most of OP's comments relative to State Land Use and Coastal Zone Management have been satisfactorily addressed in the DEIS.*

Response: Your comment that, relative to the EIS Preparation Notice letter sent by the Office of Planning (dated October 24, 2016), comments regarding the State Land Use and Coastal Zone Management have been satisfactorily addressed in the Draft EIS, is noted.

3. *On Page 5-2, reference is made that Hawaiʻi's coastal zone includes all lands "excluding those lands designated as State forest reserves." Please revise to delete this reference, as-Hawaiʻi's coastal zone management area includes all lands in the State (HRS §205A-1).*

Response: Chapter 5 of the Draft EIS, Relationship to Land Use, Plans, Policies and Controls, includes subsection 5.1.2, Hawaiʻi Coastal Zone Management Act, Chapter 205A, HRS. The first sentence of the second paragraph of that discussion (p. 5-2) will be revised in the Final EIS as follows (revised text shown

in italics): "Hawai'i's coastal zone *management area* includes ~~*the waters from the shoreline to the seaward limit of the State's jurisdiction and all lands excluding those lands designated as State forest reserves*~~ *all lands in the State of Hawai'i (Chapter 205A-1, HRS)."*

4. *We note that the State Department of Agriculture (DOA), in its letter of October 13, 2017, has endorsed the Dillingham Ranch Agricultural Plan (DEIS, Appendix H) as being in compliance with State and City laws, ordinances and plans, including the North Shore Sustainable Communities Plan. The DOA letter should be included in the Final EIS.*

Response: The State Department of Agriculture's acceptance of the Proposed Project's Agricultural Plan will be provided in Appendix H of the Final EIS.

5. *While the Agricultural Plan and proposed restrictive covenants do appear to address some concerns related to agricultural viability and provide some assurance that agricultural uses are the primary uses of the property, we remain concerned whether this would be maintained over the long term. The Covenants, Conditions and Restrictions (CC&Rs) should include all relevant provisions of the Agricultural Plan to increase the likelihood of long term implementation of the Plan. To facilitate future enforcement of the Plan and covenants, these documents should also be made a part of the subdivision approval.*

Response: Relevant portions of the Agricultural Plan will be included in the CC&Rs. With respect to subdivision approval, the specific documentation related to the subdivision approval will be the responsibility of the Department of Planning and Permitting, and outside the ability of the landowner to control.

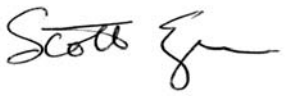
6. *Recommendation. In conjunction with your Department's (i.e., DPP's) subdivision approval, OP recommends that the Dillingham Ranch Agricultural Plan dated September 2017 and the project's CC&Rs be referenced and incorporated in the Final Subdivision Approval for the project.*

Response: See response to #5, above.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

Department of Planning and Permitting, City and County of Honolulu
Joette Yago
650 S. King Street
Honolulu, HI 96813

February 21, 2018

To the Department of Planning and Permitting,

I am writing on behalf of my constituents from State House District 45 which includes Mililani, Kunia, Schofield, Wheeler, Waialua, and Mokuleia. When development is proposed for agricultural land, it needs to be seriously scrutinized and ensure that it is the best plan moving forward for the future of our state. We have such limited land available in our islands that it is essential that any land use decisions are carefully considered. After attending many meetings for this project, talking with constituents, and reading through the proposed EIS the following questions are the concerns of the community that are most often shared with my office.

Water:

- Water not in the EIS for rest of community and Camp Mokuleia?
- No mention of how this will affect the clean and affordable water to Camp Mokuleia.
    - Will water to the community and camp continue?
    - What will the infrastructure be for water to Camp Mokuleia?
    - Where will the discharge from the wastewater treatment plant go?
    - Will the water system be improved?
    - Will water rates be raised?
    - How can you ensure that water service will continue?
    - What is the recourse if there are issues?
    - Can HOA sell water to others?

- There will be an increase the water consumptions and wastewater and where does this wastewater go?
    - How much of it will end up in the ocean?
- Is it R1 or R2 water going back into the ground?
- No fire hydrants at all in Mokuleia - is there any way to combat this situation?
- Don't the fees for the water already go to maintaining the pipes?
- When you build the other wells do you shut down the wells that are already producing
- What happens to community members in the event of a water shut down?
    - How will the water supply get fixed?
    - What will the time frame be?
    - Will fresh water be available to residents who lose water? (The Board of Water supply often brings tanks to areas when the water is shut off, will we have something similar?)

Farrington Road:

- If you make new wells, what will the construction damage be by the roads and the community?

Agriculture:

- What is the guarantee in agriculture perpetuity and conservation easement?
    - What is the discount for farmers and for how long? Additional lease discounts – how much and what is the discount and how long will the discount last and will long that be affordable
    - Are there going to guidelines on the pesticides usage and how will they affect the endangered species?
    - What is the farm sustainability plan?
    - What is the guarantee that the agricultural zoning will stay and not change in the future for more homes?

Community Questions:

- Are there any other plans for the land if the EIS does not go through?
- There are no agricultural classes right now at Waialua High school, so how would the school benefit with aquaponics?
    - And if the school doesn't want to implement a new curriculum, where then would the money go?
- Can the EIS impact include the community and the skyrocket of other prices, and land prices that go up? Will people still be able to pay rent?
- Is there a flood plan for the new houses and are houses and treatment center going to be raised above ground?
- How will you ensure these homes will not become illegal vacation rentals.
- Gated communities allow private investors to run illegal vacation rentals and no one can afford these homes so they will have no supervision - can there be some type of legal reprise?
- Gated communities also block access to hiking and hunting, how can people still access their cultural practices?
- The EIS does not include electrical issues – and doesn't address the blackout situations, can it address these issues?
- Can the EIS address the impact on Haleiwa?
    - Can it address the traffic situation and will it make it worse?

Animal and Endangered Species:

- What about the loss of activity with the horses and loss of facilities that families use.
    - Where are people going to keep their horses?
    - Will the equestrian facility stay open to the public?
- What will happen with the Oahu Tree Snail?
    - Did you survey at night?
- What about the cutting down of trees for the bat?
- There are endangered species; four plants, six birds, one mammal - does the EIS have protections for these species?

I respectfully request that you contact me so that I may report back to my constituents with an update addressing their concerns. Please do not hesitate to contact my office at 808-586- 9490 or via email at repmatsumoto@capitol.hawaii.gov

Sincerely,

Representative Lauren Cheape Matsumoto
Minority Whip, Hawaii State Legislature - State House District 45

Representative Lauren Cheape Matsumoto
House District #45 - Waialua, Mokulēʻia, Schofield, Wheeler, Kunia, and Mililani
Hawaiʻi State Capitol, Room 303
Phone: (808) 586-9490 Email: RepMatsumoto@Capitol.Hawaii.gov

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January 7, 2019

Representative Lauren Cheape Matsumoto
State House District 45
House of Representatives
State of Hawai'i
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Representative Matsumoto:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *When development is proposed for agricultural land, it needs to be seriously scrutinized and ensure that it is the best plan moving forward for the future of our state. We have such limited land available in our islands that it is essential that any land use decisions are carefully considered.*

Response. Changes to agricultural land need to be examined and considered carefully. The landowner has met several times with representatives of the Department of Agriculture in order to develop a rational agricultural plan. The product of this consultation is the acceptance of the Agricultural Plan that is attached to the Draft EIS as Appendix H. This plan includes continuation of existing agricultural uses on the property (palm tree plantation, horse boarding, cattle grazing, mango orchard), and the expansion of agricultural activities with the addition of hydroponic farming and approximately 100 acres of orchard crops throughout the Proposed Project. No changes to the State Land Use or County zoning designations will be sought in connection with the Proposed Project. The Proposed Project has been planned and designed to be fully compliant with existing agricultural requirements.

2. *Water not in the EIS for rest of community and Camp Mokulēʻia?*

Response. The water system that supplies certain residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The PUC granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by Dillingham Ranch Aina LLC (the "DRA") and not by NSWC.

This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. The NSWC's Mokulēiʻa community water system is not part of the Proposed Project. Water service for the Mokulēiʻa community is provided by NSWC and will continue to be serviced by NSWC irrespective of the development of the Proposed Project.

3. No mention of how this will affect the clean and affordable water to Camp Mokulēʻia.

Response. NSWC provides potable water service to Camp Mokulēiʻa. Water rates are determined by the State Public Utilities Commission (PUC). NSWC owns only one well and it is located within the Proposed Project. DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

4. Will water to the community and camp continue?

Response. Potable water service to this area will continue to be provided by the NSWC and is unrelated to the development of the Proposed Project. Applicant will install all water system infrastructure needed to supply water to the Proposed Project at which time the NSWC will also provide water to the Proposed Project.

5. What will the infrastructure be for water to Camp Mokulēʻia?

Response. The water system improvements proposed by Applicant will be entirely within the Project Site, but will enhance the ability of the NSWC to provide service to existing and future customers, as explained in response to Question 3 and Question 6. The Applicant does not propose any improvements outside of the Project Site and cannot respond to specific infrastructure needs of Camp Mokulēʻia.

6. Will the water system be improved?

Response. Yes, DRA's proposed improvements related to on-site water service for the Proposed Project are discussed in the response to Question 2, Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2, and 4.11.2 of the Final EIS (enclosed).

In sum, NSWC currently owns and uses only one well (Well 3410-01), which is located within the Project Site. As noted in the Assessment of Potential Impacts on Water Resources of the Proposed Dillingham Ranch Agricultural Subdivision included in Appendix A of the Draft EIS, Well 3410-01 does not have reservoir storage or sufficient fire protection pressure and the well has limited pumping capacity. As a part of the proposed improvements for the Proposed Project, DRA will improve two of its existing wells located within the Project Site and not currently in use (Wells 3310-01 and 3310-02), and transfer these improved wells to NSWC (subject to PUC approval), so that NSWC can shut down its existing well and continue its water service operations to its customers with these two improved wells.

7. Will water rates be raised?

Water rates are determined by the PUC. However, DRA's transfer of two refurbished and modernized wells and related improvements to NSWC and the addition of the Proposed Project to the service area of the utility company, is expected to have an economic impact on the operating and maintenance costs of the NSWC and potentially to rates charged to customers. However, the extent of those impacts and how they will be addressed is something to be determined by the PUC.

8. How can you ensure that water service will continue?

Response. It is the NSWC's responsibility to continue service to existing customers within its service area. The NSWC is regulated by the Hawaii Public Utilities Commission, which granted NSWC a Certificate of Public Convenience and Necessity by Decision and Order dated June 27, 2012.

9. What is the recourse if there are issues?

Response. Issues with the potable water system should be addressed to the North Shore Water Company.

10. Can the HOA sell water to others? How will the water supply be fixed?

The Lot Owners Association (LOA) for the Proposed Project will not be selling water to others. The LOA will only provide irrigation water to the members of the LOA, and the LOA will own the irrigation system and be responsible for its maintenance and operations. As explained in the Agricultural Plan, Feasibility and Impacts report included as Appendix H to the Draft EIS, the LOA will deliver irrigation water from a low elevation well to the leased farms and ranches, and to landscaped areas at the lodge. As soon as 36 lots are sold, ownership of the non-potable well and related distribution system will be transferred from DRA to the LOA.

Regarding your comment about fixing the water supply, it is assumed you are asking about the existing potable water supply provided by the North Shore Water Company and ask that you please review our responses to Questions 3 and 6 above. Supply issues related to the non-potable system will be addressed by the LOA.

11. There will be an increase the water consumptions and wastewater and where does this wastewater go?

Response: Wastewater generation associated with Proposed Project is discussed in the Draft EIS. As stated on Page 4-48, City and County (C&C) design standards and definitions were used to estimate wastewater flow for the Proposed Project. To accommodate wastewater associated with the Proposed Project, a private wastewater collection and treatment system will be designed, built and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*. The wastewater will be treated to an R-1 level. Treated effluent will be held in an above-ground steel tank and then distributed throughout the Ranch for irrigation purposes. If necessary during periods of prolonged wet weather, the R-1 effluent not used for irrigation would be disposed of in the relatively recently constructed leach field installed for the Dillingham Lodge. A soil aquifer system (SAT) is recommended to dispose any excess and treated water that does not meet R-1 standards.. The SATs will be sized based upon percolation tests prior to design (see Section 2.3.2.10 of Appendix A). The SAT will consist of an above-ground unit with 1.7 acres of floor area, a 5-foot high berm with a 3:1 (horizontal-to vertical) slope, and a chain link fence enclosure. See Draft EIS p 4-49. As determined by the Draft EIS, the Proposed Project (p. 4-47) *"…will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required."*

12. How much of it will end up in the ocean?

Response: As referenced above, wastewater will be processed by the proposed onsite private wastewater system and will be used on site for irrigation purposes. Wastewater from the Proposed Project will not be discharged into the ocean.

13. Is it R1 or R2 water going back into the ground?

Response: As stated above, all wastewater will be treated to R-1 quality by the private wastewater system, and will be recycled as irrigation water for use on-site, in accordance with guidelines adopted by the State Department of Health.

14. No fire hydrants at all in Mokulēʻia – is there any way to combat this situation?

Response: Fire hydrants will be installed within the Project Site as part of the development of the Proposed Project. The mitigation measures described in the Draft EIS are to minimize any adverse effects of the Proposed Action. Existing concerns regarding the lack of fire hydrants are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project.

15. Don't the fees for water already go to maintaining the pipes?

Response: It is assumed your comment relates to the existing distribution system for the NSWC. We understand that the rate structure adopted for the NSWC provides for a charge ($0.35 per 1,000 gallons) to be used for repairing the existing system. Over the years, these funds have been used when emergency repairs have been required**.**

16. When you build the other wells do you shut down the wells that are already producing?

Response: Please see response to #3, above.

17. What happens to community members in the event of a water shut down? How will the water supply get fixed? What will the time frame be? Will fresh water be available to residents who lose water? (The Board of Water Supply often brings tanks to areas when the water is shut off, will we have something similar?)

Response: To clarify, the DRA will not be providing water service to the nearby community. Potable water service to this area will continue to be provided by the NSWC. The NSWC will also provide water to the Proposed Project. It is anticipated that the existing practices and service from NSWC will remain consistent both before and after the development of the Proposed Project. However, the NSWC will have the potential to improve service to the offsite Mokulēʻia community pursuant to DRA's plan to upgrade and thereafter transfer two currently existing wells to NSWC and construct two water storage tanks.

18. Farrington Road. If you make new wells, what will the construction damage be by the roads and the community?

Response: No new wells will be constructed. Accordingly, there will be no construction damage to the roads and the community. The wells that will provide potable water for the agricultural subdivision already exist on the property and have been approved by the Department of Land and Natural Resources Commission on Water Resource Management. They will be uncapped and returned to service. Another existing well already provides irrigation water for the Ranch and will continue to do so as part of the proposed subdivision.

19. Agriculture. What is the guarantee in agriculture perpetuity and conservation easement?

Response: With respect your question regarding agriculture perpetuity and conservation easement, it is noted that no individual corporation, or farmer, can guarantee perpetual use of any land for farming. The Agricultural Plan that was provided in Appendix H of the Draft EIS is provided to ensure to the greatest extent possible, that future agricultural uses on the property are successful. The State Department of Agriculture approved the Agricultural Plan. The use of a conservation easement on the land is not appropriate, given the land is zoned for agricultural use. However, the developer will put language in the CC&Rs that limit each lot to no more than one farm dwelling. The land is zoned at the State and County levels for agricultural uses (and not residential or resort uses). This landowner does not intend to seek upzoning of the property.

20. Agriculture. What is the discount for farmers and for how long? Additional lease discounts – how much and what is the discount and how long will the discount last and how long that be affordable.

Response: The discount and length of said discount for farmers has not yet been determined. The Applicant intends to determine appropriate lease rent breaks and other favorable terms at the time the leases are issued. However, as explained in the Agricultural Plan, the discounts will be on the initial rents to allow viable operations. Specific elements of the lease will depend on

the circumstances at the time of lease, including market conditions and the economic capability of a potential lessee.

In addition, the credit to future farmers of the 70 agricultural lots is discussed in Appendix H and is also identified on Page 4-27 of the Draft EIS as follows: "*The Applicant will provide each lot buyer with a credit to purchase and plant orchard trees on their lot; this credit will average $12,000 per lot, based on lot size*".

21. *Agriculture. Are there going to be guidelines on pesticides usage and how will they affect the endangered species?*

Response: Future tenants of the Proposed Project will be able to lawfully use pesticides in compliance with state and local regulations. After review, endangered species are not expected to be affected by the Proposed Project.

Chapter 165, Hawai'i Revised Statutes (HRS) is known as the "Right to Farm Act." Chapter 165-4, HRS declares that: *"No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance."*

Chapter 165-2, HRS defines "farming operation" as:

> *"(1) Agricultural-based commercial operations as described in section [205-2(d)(15)];*
> *(2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;*
> *(3) Operation of machinery and irrigation pumps;*
> *(4) Ground and aerial seeding and spraying;*
> *(5)* ***The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides****; and* **(emphasis added)**
> *(6) The employment and use of labor."*

Further Title 4, Subtitle 6, Chapter 66 of the Hawai'i Administrative Rules (HAR) provide the regulatory oversight under the jurisdiction of the Hawai'i State Department of Agriculture for the use and application of pesticides. It is the right of lawful farming operations to apply pesticides to their lands as long as it done in a lawful manner. Purchasers of agricultural lots in the future Dillingham Ranch subdivision will be aware of the presence of adjoining agricultural operations at time of sale, understanding that adjoining property users might apply pesticides to their property. If these adjoining properties are using pesticides (or any other compounds) in a legal manner, their operations will not be affected.

As a footnote to the discussion on pesticides, the Governor recently signed a bill (Act 45, SLH 2018) that requires all users of restricted use pesticides to be subject to a requirement to report on their use of restricted use pesticides to the Department of Agriculture (DOA). The Act prohibits the use of a restricted use pesticide on or within 100 feet of a school during normal school hours beginning on 1/1/2019; it prohibits the use of pesticides containing chlorpyrifos as an active ingredient beginning 1/1/2019; provided that the DOA shall grant any person, upon

request, a temporary permit allowing the use of pesticides containing chlorpyrifos through 12/31/2022.

Section 4.7 of the Draft EIS discusses, among other things, the agricultural plan for the Proposed Project, which was prepared in compliance with C&C Subdivision Regulations (Section 1-115). The Agricultural Plan and Feasibility/Impact Report discusses a range of issues, including pesticide usage (and measures to ensure that there are no negative effects on wildlife) and sustainability. That report is included in its entirety in Appendix H to the Draft EIS.

Section 4.8 of the Draft EIS contains a mitigation measure to address historical agricultural use as follows (p. 4-30): "*Proposed residential lots (i.e., the 5,000-square-foot area used for residential development) located within former sugarcane cultivation areas should be characterized* for pesticides and metals in accordance with the HDOH guidance prior to development."

It is a remote likelihood that any endangered species would be affected by the agricultural activities at the Ranch. The Draft EIS did not identify any endangered species that will be affected by the Proposed Project.

22. Agriculture. What is the farm sustainability plan?

Response: Appendix H of the Draft EIS includes an Agricultural Plan for the proposed subdivision that was developed in consultation with the State Department of Agriculture, and accepted by that agency. Relevant portions of the Agricultural Plan will be incorporated into the CC&Rs to be enforced by the future Lot Owners Association of the Proposed Project.

23. Agriculture. What is the guarantee that the agricultural zoning will stay and not change in the future for more homes?

Response: The Applicant has no control over future land use decisions that might occur affecting the project area. However, the Applicant does not intend to pursue any upzoning of the existing State and County agricultural zoning designations for the Project Site. At every level of land use policy (State Land Use District, North Shore Sustainable Communities Plan, County zoning), the Project Site is designated for agricultural use. The path to change all these policies in order to accommodate a residential or resort development would take many years and require several discretionary approvals after public hearings. It should be noted that there have been several plans to develop urban-scaled projects at Dillingham Ranch since the early 1980s; none of these efforts have been successful.

24. Community Questions. Are there any other plans for the land if the EIS does not go through?

Response: The Proposed Project analyzed in the Draft EIS reflects the Applicant's plans for the Dillingham Ranch. There are no other plans currently being contemplated for the Project Site.

25. Community Questions. There are no agricultural classes right now at Waialua High School, so how would the school benefit with aquaponics?

Response: The Applicant has made a commitment to provide $50,000 a year for 10 years to the public school system in order to advance agricultural education with regard to hydroponics (not aquaponics). Participating organizations could include, but would not be limited to: Waialua High and Intermediate, UH West O‘ahu, and UH Leeward College. It is anticipated that at least one of these educational institutions will be willing to incorporate hydroponic education opportunities to its students.

26. *Community Questions. And if the school does not want to implement a new curriculum, where then would the money go?*

Response: If the Waialua Complex cannot create a program to use this money, the Applicant will work with the State Department of Education to ensure the money is used for hydroponics education within the state public school system.

27. *Community Questions. Can the EIS impact include the community and the skyrocket of other prices, and land prices that go up? Will people still be able to pay rent?*

Response: The market forces that influence the cost and price of rentals on the island of O‘ahu are complex, and involve factors such as land availability, development costs, entitlement costs, proximity to infrastructure, location, construction costs, borrowing costs, loss of housing to illegal vacation rentals, and others. This Proposed Project is not replacing existing housing with a new development and will not have an impact on housing rental costs on the North Shore. Accordingly, the discussion of the overall rising costs of housing is beyond the scope of the EIS for the Proposed Project.

28. *Community Questions. Is there a flood plan for the new houses and are houses and treatment center going to be raised above the ground?*

Response: Section 3.5 of the Draft EIS (Natural Hazards), discusses, among other things, flood hazard areas. Based on the results of a flood hazard analysis prepared in conjunction with the Draft EIS, the proposed agricultural lots and building pads were compared to the limits of the 100-year floodplain and floodway limits. As a result of that analysis (p. 3-28), "*…the proposed lots were reconfigured and building pads positioned to avoid the 100-year floodplain and floodway limits."* Likewise, the wastewater treatment plant is not located in a floodplain. Accordingly, neither the dwellings nor the wastewater treatment plant will need to be elevated as a result of potential flood hazards.

29. *Community Questions. How will you ensure these homes will not become illegal vacation rentals?*

Response: The CC&Rs for the Proposed Project will contain prohibitions regarding the use of the farm dwellings as vacation rentals. With respect to vacation rentals, the Project Description (p, 2-8) states that each "*…of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet"*. This section also states that all "*…agricultural lot owners and all activities within the Proposed Project will be subject to recorded Covenants, Conditions, and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses*

under zoning and regulatory requirements. The CC&Rs will be administered and enforced by the Association of Lot Owners (the Association)." Lot owners will not be allowed to have vacation rentals.

30. *Community Questions. Gated communities allow private investors to run illegal vacation rentals and no one can afford these homes so they will have no supervision – can there be some type of legal reprise?*

Response: As stated above, the CC&Rs for the Proposed Project will contain prohibitions regarding the use of the farm dwellings as vacation rentals. The CC&Rs will be administered and enforced by the Lot Owners Association.

31. *Community Questions. Gated communities also block access to hiking and hunting, how can people still access their cultural practices?*

Response: The Proposed Project will continue to provide existing access to hiking trails. Section 4.10.3 of the Draft EIS, Recreational Resources, discusses the existing DLNR Access Road, which traverses the Project Site (refer to Exhibit 5, Conceptual Land Use Plan for road alignment through Dillingham Ranch) and provides access to the Mokulēʻia Forest Reserve, Mount Kaʻala and the Peacock Flats Campground. The existing accesses through Dillingham Ranch for hiking and hunting will not be impeded by the Proposed Project.

32. *Community Questions. The EIS does not include electrical issues – and doesn't address the blackout situations, can it address these issues?*

Response: The Proposed Project will not negatively impact the electrical grid that serves the community. Section 4.11.5 includes analysis of the potential impacts of the Proposed Project on electrical services. The analysis in that Section concludes (p. 4-58) that "…*the Proposed Project will not have a significant effect on existing HECO resources or facilities. Therefore, no mitigation measures are required*".

With respect to power outages, the Draft EIS states the following (p. 4-57): "*In addition to transformer pads, HECO will require several switchgear pads throughout the Project Site. The switchgear acts as a protective device and sectionalizer that is used to minimize outages to an affected building and protect its main circuits.*" In a letter commenting on the Draft EIS, HECO stated they had no objections to the project, and asked the landowner to keep HECO apprised as the project moves into a design phase to better evaluate effects on HECO's system.

33. *Community Questions. Can the EIS address the impact on Haleʻiwa?*

Response: The study area includes intersections and roadways in the immediate vicinity of the proposed project that are most likely to be affected by any changes in traffic movement associated with the proposed project.

34. *Community Questions. Can it address the traffic situation and will it make it worse?*

Response: The Proposed Project will not negatively affect traffic. Draft EIS Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact report included in Appendix I to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*". Levels of service for all intersections in the vicinity of the Proposed Project will continue to operate at acceptable measurements.

35. *What about the loss of activity with the horses and loss of facilities that families use; Where are people going to keep their horses? Will the equestrian facility stay open to the public?*

Response: Equestrian activities will continue as part of the Proposed Project. The Proposed Project is described in detail in Chapter 2 of the Draft EIS. The existing uses on the Project Site are enumerated, and include the following (p. 2-1): "*an equestrian complex with facilities for paddock boarding; recreational trail riding; two dressage rings; stadium jumping course; practice polo fields; a large sand arena; and horse pasturing areas" as well as Dillingham Lodge, which can be rented for weddings, graduations, anniversaries, family gatherings, retreats, corporate events, and equestrian or polo-related events*." The Draft EIS also states (p. 2-6) that the "*Proposed Project will continue these existing uses and add...uses which are consistent with current equestrian and agricultural activities on the Ranch*". The Ranch has a history of equestrian use, and the Proposed Project will continue that legacy. In fact, the acreage devoted to equestrian facilities will be increased, and the number of horses is expected to increase from about 150 to about 175.

36. *Animal and Endangered Species. What will happen with the Oʻahu Tree Snail? Did you survey at night?*

Response: Dr. Steven Montgomery conducted an invertebrate study of the property between March and June of 2018, which included snails. This report will be included in the Final EIS, and his findings will be summarized in Section 3.7 of the Final EIS (language attached). Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property*." Dr. Montgomery further explains: "*A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." This study included several nights of survey work.

37. *Animal and Endangered Species. What about the cutting down of trees for the bat?*

Response: The endangered Hawaiian Hoary Bat or ʻōpeʻapeʻa was not observed on the Project Site during the 2014 survey, nor during the surveys that were conducted in 1992 or 2008, as described in Section 3.7 of the Draft EIS. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

38. Animal and Endangered Species. There are endangered species; four plants, six birds, one mammal – does the EIS have protections for these species?

Response: Several surveys have been done over the years, most recently in 2017, and no endangered plant species were found on the Project Site. This is described in Section 3.6 of the Draft EIS. Because no endangered species are located within the Project Site no mitigation measures to address endangered plants are recommended. Nevertheless, the Draft EIS at Section 3.6.3 provides a list of proposed mitigation measures to address potential impacts to plant life in general as a result of the Proposed Project.

Several bird surveys have been done of the Subject Property over the years, the most recent was in 2014. That survey identified four (not six) species of endangered native waterbirds (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt) within the Project Site, as described in the Draft EIS (p. 3-36). These species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. A detailed list of biological resources mitigation measures (addressing pre-construction, construction phase, and post-construction, operational phase of the Proposed Project) is contained in the Draft EIS which requires, among other things, that a nesting waterfowl survey to be conducted. This mitigation measure requires that, if nesting locations are found (p. 3-39), "*…a 100 foot buffer will be placed around the site and construction work in the area will halt until nesting is completed*."

You stated that an endangered mammal was located within the Project Site. This is not correct. The only mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). The endangered Hawaiian Hoary Bat or ʻōpeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. (p. 3-37). Nevertheless, the Applicant, in consultation with US Fish and Wildlife Service, recognizes that it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. (p. 3-38). For that reason the Applicant, in consultation with US Fish and Wildlife Service, identified mitigation

measures to avoid disturbance to the Hawaiian hoary bat, as described in Section 3.7.3 of the Draft EIS.

The Pueo, which is an endangered species, has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawai'i on the island of O'ahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

Section 3.6 of the Draft EIS discusses Botanical Resources. Based on the analysis contained in that section, which is based on the terrestrial vegetation surveys (included in Appendix C to the Draft EIS), it was determined that (p. 3-35): "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*".

39. *I respectfully request that you contact me so that I may report back to my constituents with an update addressing their concerns.*

Response: Mr. David Eadie, Project Manager for Dillingham Ranch Aina, LLC, will contact you after publication of the acceptance of the Final EIS.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

February 22, 2018 DELIVERED BY EMAIL

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RE: Comments on Dillingham Ranch Agricultural Subdivision Draft EIS

Aloha.

Please accept the following comments regarding the Dillingham Ranch Agricultural Subdivision Draft EIS.

10.4 Community Meetings
On June 17, 2017, the Applicant presented the Proposed Project to the Mokulēʻia Community Association. About 20 persons attended the meeting. Those present at the meeting unanimously approved a resolution to support the Project.

COMMENT 1: I attended that meeting and I do not believe this statement is true. As I remember the proceedings, a member of MCA moved a motion to support the project, other members were uncomfortable supporting the proposed project based solely upon the presentation given, and the motion was withdrawn without a vote. In no way was there unanimous consent of the members present. The record should be reviewed and several of the MCA members should be asked to confirm the details.

Non-Potable Water System, Page 4-46
Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area….

COMMENT 2: Is non-potable water, whether R-1 or other, appropriate for use in hydroponic systems? If so, is additional filtering or treatment required or recommended? If additional filtering or treatment is required or recommended, what will that look like and what would be the monthly cost to perform the filtering or treatment? What is the quantity of water that will be used?

Housing, Page 5-22
Four employee housing units will be provided for a small number of Ranch employees.

COMMENT 3: What will this housing look like and where will it be located? Other comments in the DEIS mention four employees. Is the intention to have four housing units for four single people, each to one unit? Could a couple be housed in one of the employee housing units?

6.1 Preferred Alternative, Page 6-3
A private water system, North Shore Water Company (NWSC), will continue to supply potable water to approximately 100 residential customers in the Mokulēi`a community.

COMMENT 4: What is the condition of the water delivery system to the 100 residential customers? Do water volume and pressure to these customers equal or exceed minimum standards for customers served by the Board of Water Supply? Are any system upgrades required or recommended now or in the foreseeable future for these customers? What obligations does NSWC have to ensure safe and reliable potable water to these customers and to support area fire hydrants and fire suppression?

COMMENT 5: I may have missed it, but I understand the applicant is committed to prohibitions against further subdivision, short term vacation renting, and additional dwellings, including ADUs. Please clarify if this is the intention of the applicant and how these prohibitions and restrictions will be implemented and enforced.

COMMENT 6: At the North Shore Neighborhood Board Special Meeting on February 14, 2018, a unified, passionate stream of opposition was expressed against this subdivision application. Many objections were not specific to the DEIS, but it appeared the applicant is willing to address each of the expressed concerns from that meeting. I appreciate this effort to answer all questions raised by members of our community.

Thank you for allowing me this opportunity to submit these comments.

Respectfully,

Gil Riviere
Senator, District 23
Oahu's North and Windward Shores

HHF PLANNERS
places for people

January 7, 2019

Senator Gil Riviere
Senate District 23
Hawai'i State Capitol, Room 217
Honolulu, HI 96813

Dear Senator Riviere:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulē'ia, O'ahu, Hawai'i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *10.4 Community Meetings. "On June 17, 2017, the Applicant presented the Proposed Project to the Mokulē'ia Community Association. About 20 persons attended the meeting. Those present at the meeting unanimously approved a resolution to support the Project."*

COMMENT 1: I attended that meeting and I do not believe this statement is true. As I remember the proceedings, a member of MCA moved a motion to support the project, other members were uncomfortable supporting the proposed project based solely upon the presentation given, and the motion was withdrawn without a vote. In no way was there unanimous consent of the members present. The record should be reviewed and several of the MCA members should be asked to confirm the details.

Response: Section 10.4 discusses community meetings that were held as part of the preparation of the draft EIS. At the June 17, 2017 Mokulēʻia Community Association meeting (MCA), a resolution was offered to support the proposed Dillingham Ranch Agricultural Subdivision. Those present voted in favor of the resolution. The Final EIS will be amended to strike the word "unanimous" as follows: "those present at that meeting (about twenty persons) *"…~~unanimously~~ approved a resolution to support the Project*". At a previous meeting of the MCA (September 10, 2016), a resolution in support of the project was offered and withdrawn because those present wanted to wait for more information before voting.

2. *Non-Potable Water System, Page 4-46. "Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area...".*

COMMENT 2: Is non-potable water, whether R-1 or other, appropriate for use in hydroponic systems? If so, is additional filtering or treatment required or recommended? If additional filtering or treatment is required or recommended, what will that look like and what would

be the monthly cost to perform the filtering or treatment? What is the quantity of water that will be used?

Response: Section 4.11.2 (Water System) discusses the non-potable water system associated with the Proposed Project as follows p. 4-46): "*The onsite non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation….*" Specific costs have not yet been determined, but will be borne by the members of the Lot Owners Association.

R-1 water is proposed to be used for irrigation on the Project Site. P. 4-49 states the following: "*As noted in the DOH Guidelines for the Treatment and Use of Recycled Water (2002), R-1 water is suitable for any form of irrigation for food crops;…residential property managed by an irrigation supervisor;…pastures;…drinking water for animals (except dairy animals)…".* Approximately an average of 40,000 gallons per day of wastewater will be generated on-site, treated by the wastewater treatment plant and recycled as irrigation water.

3. *Housing, Page 5-22. "Four employee housing units will be provided for a small number of Ranch employees."*

   COMMENT 3: What will this housing look like and where will it be located? Other comments in the DEIS mention four employees. Is the intention to have four housing units for four single people, each to one unit? Could a couple be housed in one of the employee housing units?

Response: The employee dwellings will be located on the Project Site but the design of the employee dwellings has not been finalized. Four employee dwellings are identified as being part of the Proposed Project (identified in the Project Description (p. 2-6) and in the discussion of the Proposed Project's compliance with the General Plan (p. 5-22), among other locations in the Draft EIS. Figure 5, Conceptual Land Use Plan, shows the location of the employee housing, south of the palm plantation and north of the maintenance building, east of Lodge Road. The intent is to provide four employee dwellings for occupancy by employees of the Ranch or other agricultural tenants of the Ranch. Square footage of the employee dwellings has not been determined, but must meet the requirements of the Land Use Ordinance. Occupancy would include the employees' family.

4. *6.1 Preferred Alternative, Page 6-3. "A private water system, North Shore Water Company (NWSC), will continue to supply potable water to approximately 100 residential customers in the Mokulēʻia community."*

COMMENT 4: What is the condition of the water delivery system to the 100 residential customers? Do water volume and pressure to these customers equal or exceed minimum standards for customers served by the Board of Water Supply? Are any system upgrades required or recommended now or in the foreseeable future for these customers? What obligations does NSWC have to ensure safe and reliable potable water to these customers and to support area fire hydrants and fire suppression?

Response: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

The Applicant will construct all water system improvements required to supply potable and non-potable water for the Proposed Project. As such, concerns about any deficiencies with the existing NSWC service are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the Public Utilities Commission. However, public comments submitted in response to the Draft EIS indicate that customers of NSWC have numerous concerns about the current operations and infrastructure for the NSWC. However, these existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. These concerns exist today, without the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system. However, it should be noted that the performance of the NSWC system should be improved by the water system infrastructure that Applicant will construct as part of the Proposed Project, primarily in the area of enhanced source and storage capacity.

NSWC owns only one well (Well 3410-01), which is located within the Project Site. As noted in the *Assessment of Potential Impacts on Water Resources of the Proposed Dillingham Ranch Agricultural Subdivision* included in Appendix A of the Draft EIS, Well 3410-01 does not have reservoir storage or sufficient fire protection pressure and the well has limited pumping capacity. In connection with the development of the Proposed Project, the Applicant will be making substantial improvements to two of its existing wells that are located within the Project Site and not currently in use (Wells 3310-01 and 3310-02). These two wells will be turned over to the NSWC, subject to PUC approval, so that the NSWC can shut down its existing and deficient well and continue its water service operations with these two improved wells. In addition, the Applicant will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

5. *COMMENT 5: I may have missed it, but I understand the applicant is committed to prohibitions against further subdivision, short term vacation renting, and additional dwellings, including ADUs. Please clarify if this is the intention of the applicant and how these prohibitions and restrictions will be implemented and enforced.*

Response: The Proposed Project will have prohibitions preventing lot owners from using their properties as vacation rentals. The agricultural lots are discussed in Section 2.3.3, where it states

that each "…of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet" (p. 2-8). This section also states that all "…agricultural lot owners and all activities within the Proposed Project will be subject to recorded Covenants, Conditions, and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements. The CC&Rs will be administered and enforced by the Association of Lot Owners (the Association)." The CC&Rs will contain prohibitions on vacation rentals, additional farm dwellings, and future subdivision. The CC&Rs will be enforced by the future Lot Owners Association for the Proposed Project.

6. *COMMENT 6: At the North Shore Neighborhood Board Special Meeting on February 14, 2018, a unified, passionate stream of opposition was expressed against this subdivision application. Many objections were not specific to the DEIS, but it appeared the applicant is willing to address each of the expressed concerns from that meeting. I appreciate this effort to answer all questions raised by members of our community.*

Response: At the North Shore Neighborhood Board special meeting of February 14, 2018, questions, comments and concerns were documented in the minutes from that meeting, which were provided to the Applicant. All questions and comments raised at the meeting will be addressed in a letter to Ms. Kathleen Pahinui, chair of the North Shore Neighborhood Board, and will be included in the final EIS.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

CAMP Mokuleia

808-637-6241 / fax: 808-637-5505
68-729 Farrington Hwy, Waialua, HI 96791
www.campmokuleia.com

February 9, 2018

Aloha -

Mahalo for the opportunity to review the Draft EIS for the Dillingham Ranch Agricultural Subdivision.

As a water customer of the Ranch, we were very surprised that no mention of the water system that serves about 100 customers in the Mokuleia area was mentioned. As a camp, we need to be able to provide the basic amenities to our campers, and water is a critical one for their health and safety. We need to be able to know that we will continue to have access to clean and affordable water provided by a strong and resilient infrastructure system. We would appreciate it if you would address the following concerns:

- Will water service to the community and the camp continue?
- Will the infrastructure be improved to ensure the water continues to flow safely to our homes and businesses?
- Will the rates be raised to support the new subdivision? If yes, how much?
- Why isn't the community's water system included and discussed in the EIS?
- Is this a sign that the subdivision will eventually stop providing water to the community?
- What assurances do we have that water service will continue?
- What will be the impact to our service due to the increased water usage on the property?
- What recourse will we have if service suffers? Who do we go to?
- Is it legal for an HOA to sell water to others? Are there other examples of this construct in the State of Hawaii?
- We already have issues with the current pressure levels – they drop significantly during parts of the day. Will the Dillingham project address this concern? If so, how will it be addressed?

I am certain you will receive more comments along these lines from the community that is currently served. The lack of acknowledgement in the Draft EIS is very concerning to us and we hope you will be able to adequately answer our concerns.

Mahalo,

Darrell Whitaker
Executive Director

Nara McDonald
Board Chair

HHF PLANNERS
places for people

January 7, 2019

Darrell Whitaker, Executive Director
Nara McDonald, Board Chair
Camp Mokulēʻia
68-729 Farrington Highway
Waialua, HI 96791

Dear Mr. Whitaker and Chair McDonald:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 9, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

As a water customer of the Ranch, we were very surprised that no mention of the water system that serves about 100 customers in the Mokuleia area was mentioned. As a camp, we need to be able to provide the basic amenities to our campers, and water is a critical one for their health and safety. We need to be able to know that we will continue to have access to clean and affordable water provided by a strong and resilient infrastructure system. We would appreciate it if you would address the following concerns:

1. *Will water service to the community and the camp continue?*

Response: To clarify, Camp Mokulēʻia is not a water customer of the Applicant (Dillingham Ranch Aina LLC or DRA). The water system that supplies some residential customers in the Mokulēʻia community, including the Camp, is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by DRA and not by NSWC. Water service from the NSWC to its existing customers will continue, and will be expanded to provide service to the Proposed Project.

2. *Will the infrastructure be improved to ensure the water continues to flow safely to our homes and businesses?*

Response: Concerns about any required infrastructure improvement to ensure continued water service provided by NSWC to existing customers are outside the scope of the Draft EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed

Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. Nevertheless, Applicant's development of the Proposed Project should result in improvements to NSWC's source and storage. The only well owned by NSWC and that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve an upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia.

As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

3. *Will the rates be raised to support the new subdivision? If yes, how much?*

Response: The Applicant's transfer of two refurbished and modernized wells and related improvements to NSWC and the addition of the Proposed Project to the service area of the utility company is expected to have an economic impact on the operating and maintenance costs of the NSWC and potentially to rates charged to customers. However, the extent of those impacts and how they will be addressed is something to be determined by the Public Utilities Commission.

4. *Why isn't the community's water system included and discussed in the EIS? Is this a sign that the subdivision will eventually stop providing water to the community? What assurances do we have that water service will continue?*

Response: The purpose of the Draft EIS is to focus on a description of the improvements that are included as part of the Proposed Project. There are no off-site improvements included as part of the Proposed Project. The "subdivision" will not provide potable water to the larger Mokulēʻia community. This function will continue to be provided by the NSWC. As described in response to Question #1, above, the NSWC is a privately-owned water utility regulated by the State Public Utilities Commission (PUC). The NSWC will expand its service area to include provision of potable water to the Proposed Project.

5. *What will be the impact to our service due to the increased water usage on the property?*

Response: The increase in water use within the Proposed Project will not impact Camp Mokulēʻia.

Camp Mokulēʻia receives its water from the NSWC, which obtains water from Well No. 3410-01, owned by NSWC but located within the Project Site. The Water Use Permit associated with Well No. 3410-01 authorizes the withdrawal of 0.500 MGD. Present use of Well 3410-01 is approximately 0.0856 MGD. The average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10% allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD). However, in connection with Applicant's improvements for the Proposed Project, it will upgrade two existing wells owned by Applicant (Wells 3310-01 and 3310-02), for which Applicant holds a Water Use Permit. This permit allows the withdrawal of 0.85 MGD. These wells will be added to the NSWC, pending approval by the PUC.

6. *What recourse will we have if service suffers? Who do we go to?*

Response: Issues with the potable water system should be addressed to the North Shore Water Company.

7. *Is it legal for an HOA to sell water to others? Are there other examples of this construct in the State of Hawaii?*

Response: The Lot Owners Association (LOA) for the Proposed Project will not be selling water to others. The LOA will provide irrigation water to the members of the LOA, and the LOA will own the irrigation system and be responsible for its maintenance and operations. The LOA for the Proposed Project will not be operating the potable water system. The owner of the potable water system will continue to be the North Shore Water Company.

8. *We already have issues with the current pressure levels — they drop significantly during parts of the day. Will the Dillingham project address this concern? If so, how will it be addressed?*

Response: The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in the response to Question #2, Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2, and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system regarding current pressure levels, are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system. In connection with the development of the Proposed Project, the Applicant will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive

pressure/flow into the existing NSWC infrastructure. Any other issues related to water service need to be addressed by the NSWC.

9. *I am certain you will receive more comments along these lines from the community that is currently served. The lack of acknowledgement in the Draft EIS is very concerning to us and we hope you will be able to adequately answer our concerns.*

Response: Your observation that we may receive similar comments from others regarding the water service provided by the NSWC is acknowledged.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Transmittal

Charter
COMMUNICATIONS

200 Akamainui St. Mililani, HI 96789
(808) 625 - 2100

Date: *2/1/18*

RE: PROJECT LOCATION/WORK ORDER

To: *HHF Planners*
Pacific Guardian Center
733 Bishop St, Suite 2590
Honolulu, HI 96813

Attention: *Mr. Scott Ezer*

Dillingham Ranch Agriculture Subdivision
Draft Environmental Impact Statement

We are sending you the following:

- ☐ **Pole / Conduit Application**
- ☐ **Permit Applications**
- ☐ **Copy of Letter**
- ☐ **Preliminary / Final Drawings**
- ☐ **Return Prints**
- ☐ **Other**

Copies	*Sht / Appl. #*	*Description*

The Above is transmitted:

- ☐ **For Your Approval**
- ☐ **For Review and Comment**
- ☐ **For Your Use / Records**
- ☒ **As Requested**
- ☐ **As Approved**
- ☐ **Other** _____

Comments / Remarks: *Thank-you for sending the CD of the above project.*
Our maps indicate Spectrum Cable has an aerial system along Farrington Hy on the mauka side fronting the project. There is no CATV distribution system with the project site.
Should you have any questions, please call 625-8456 and make reference to tracking# E-25052.

Thank-you,

cc: *Reference# E-25052*

Signed: Dean Yonezawa

Printed Engr/Title: **Dean Yonezawa / OSP Engineer**

HHF PLANNERS
places for people

January 7, 2019

Dean Yonezawa
OSP Engineer
Charter Communications
200 Akamainui Street
Mililani, HI 96789

Dear Mr. Yonezawa:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your transmittal memo dated February 1, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Spectrum Cable has an aerial system along Farrington Highway on the mauka side fronting the project.*

Response: It is acknowledged that Spectrum Cable has an aerial system along Farrington Highway on the mauka side fronting the Project Site.

2. *There is no CATV distribution system with the project site.*

Response: It is acknowledged that Spectrum Cable currently has no CATV distribution system within the Project Site.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

C: Joette Yago, Department of Planning and Permitting

Scott Ezer

From: Liu, Rouen <rouen.liu@hawaiianelectric.com>
Sent: Thursday, February 22, 2018 11:45 AM
To: 'deadie@kennedywilson.com'; 'jyago@honolulu.gov'; Scott Ezer
Cc: Kuwaye, Kristen
Subject: Dillingham Ranch Agricultural Subdivision Project - DEIS

Dear Mr. Dave Eadie, Ms. Joette Yago, and Mr. Scott Ezer,

Thank you for the opportunity to comment on the subject project. Hawaiian Electric Company has no objection to the project. Should Hawaiian Electric have existing easements and facilities on the subject property, we will need continued access for maintenance of our facilities. We appreciate your efforts to keep us apprised of the subject project in the planning process. As the proposed Dillingham Ranch Agricultural Subdivision project comes to fruition, please continue to keep us informed. Further along in the design, we will be better able to evaluate the effects on our system facilities.
If you have any questions, please call me at 1-808-543-7245.

Sincerely,
Rouen Q. W. Liu
Permits Engineer
Tel: (808) 543-7245
Email: Rouen.liu@hawaiianelectric.com

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HHF PLANNERS
places for people

January 7, 2019

Rouen Q. W. Liu
Permits Engineer
Hawaiian Electric Company
Via email: rouen.liu@hawaiianelectric.com

Dear Mr. Liu:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Hawaiian Electric Company (HECO) has no objection to the project.*

Response: Your comment that (HECO) has no objection to the Proposed Project is acknoweldged.

2. *Should there be existing HECO easements and facilities on the subject property, HECO will need continued access to maintain facilities.*

Response: The Proposed Project will not impede access to HECO easements and facilities on the subject property.

3. *HECO appreciates efforts to be kept appraised of the subject project in the planning process. As the proposed Dillingham Ranch Agricultural Subdivision project comes to fruition, please continue to keep HECO informed. Further along in the design, HECO will be better able to evaluate the effects on electrical system facilities.*

Response: As planning and design for the project moves forward, the Applicant's engineers will keep HECO informed on the progress of the project and look forward to further discussions regarding integrating the Proposed Project into HECO's electrical system facilities.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

19 February 2018

On August 10, 2015, at a "Briefing Session" during the meeting of the North Shore Neighborhood Board, representatives of Dillingham Ranch presented a brochure for "...a diverse agricultural subdivision" and a map/chart labeled "Dillingham Ranch Off-Site Water System", which showed a line down Farrington Highway labeled New 12" Water Line.

A May 1, 2015, letter from the North Shore Water Company to the "NSWC consumers down Farrington Highway" states that the water lines will be replaced.

On June 27, 2017, representatives of Dillingham Ranch made a presentation to the meeting of the North Shore Neighborhhood Board titled "Dillingham Ranch Environmental Impact Statement Presentation." During the following question & answer session, the representatives stated the "North Shore Water Company is the utility owned by Dillingtonham Ranch...and will provide water to the ranch and about 100 other customers." Further they assured that they will reach "every obligation for water and fire suppression."

On Wednesday, February 14, 2018, at a special meeting of the North Shore Neighborhood Board, representatives of Dillingham Ranch presented a "Dillingham Ranch Draft EIS Presentation" which did not include any of the above commitments.

As president of the Board of Directors of Mokuleia Beach Colony, I represent the owners of forty-nine residential units that rely on North Shore Water Company; my concern is what or who will assure the continued flow of water, in light of the apparent withdrawal of previous commitments.

William Fraser
68-615 Farrington Hwy 2B
waialua HI 96791-9378

HHF PLANNERS
places for people

January 7, 2019

Mr. William Fraser
68-615 Farrington Highway 32B
Waialua, HI 96791-9378

Dear Mr. Fraser:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project), with no specific comments addressed to the Draft EIS. We have reviewed your comments and offer the following responses.

1. *As president of the Board of Directors of Mokulēʻia Beach Colony, I represent the owners of forty-nine residential units that rely on North Shore Water Company; my concern is what or who will assure the continued flow of water, in light of the apparent withdrawal of previous commitments.*

Response: : As you noted, the water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC. Water service from the NSWC to its existing customers will continue, and will be expanded to provide service to the Proposed Project.

Concerns about the current water service provided by NSWC to the Mokulēʻia community and future plans NSWC had to update its services to the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, the changes in NSWC's plans regarding its water distribution system to the Mokulēʻia community are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

The NSWC's Mokulēiʻa community water system is not part of the Proposed Project. Water service for the Mokulēiʻa community is provided by NSWC and will continue to be serviced by NSWC irrespective of the development of the Proposed Project.

While the Proposed Project is unrelated to the existing service concerns with NSWC, the development of the Proposed Project will involve a substantial upgrade, at the Applicant's cost, to the existing private water owned by NSWC. The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. As a part of the Proposed Project, the Applicant will add two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC, both of which are located within the Project Site. The Applicant will uncap and outfit these wells for use, and construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC, subject to PUC approval. The addition of two new wells will allow NSWC to terminate use of its sole existing well, which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2, of the Final EIS (enclosed). Unlike an earlier and now defunct subdivision plan for the Dillingham Ranch property, the current subdivision plans for the Proposed Project do not entail any improvements outside of the Dillingham Ranch property. Although concerns regarding continued service to the area by NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project contemplates improvements to the NSWC water system.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

NORTH SHORE NEIGHBORHOOD BOARD NO. 27

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET http:///www.honolulu.gov/nco

SPECIAL MEETING MINUTES
WEDNESDAY, FEBRUARY 14, 2018
WAIALUA COMMUNITY ASSOCIATION GYM

CALL TO ORDER: Chair Kathleen Pahinui called the meeting to order at 6:30 p.m. **A quorum was established with 10 members present**. Note – This 15-member Board requires eight (8) members to establish a quorum and to take official Board action.

Board Members Present: Thomas Shirai, Andrew Green, Kathleen Pahinui, Leif Andersen, Carol Philips (arrived at 7:00 pm), Racquel Achiu, Mike Lyons, SharLyn Foo, Bob Leinau, Bob Justice (arrived at 6:45 pm), Bill Martin (arrived at 6:50 p.m.), Henry Courtenay, and Blake McElheny.

Board Members Absent: John Hirota and Jacob Ng.

Guests: Scott Ezer, Helber, Hastert; Fee, Dave Eadie, Kennedy Wilson. Attached are sign up sheets (not all signed in). There were about 200 in attendance.

BOARD BUSINESS
Presentation of the Dillingham Agricultural Subdivision Draft Environmental Impact Statement. A copy of the presentation is attached to the minutes.

Questions, comments, and concerns followed:

1. Electric. There are brown outs already in Mokuleia, this subdivision will negatively impact the electrical grid for the community. Only one line into the grid. How will the water pumps be powered if electricity goes down?
2. Taxes. The high cost of the lots will increase the property taxes for the community.
3. Education. Ag land can be used to educate our children.
4. Neighborhood Board. The Board should say no to development. Is this a done deal? Who needs to be called to get it stopped.
5. Roads. There is a 2-lane road going in and out of the community.
6. Sewage. Where is the sewage going? Into the ocean?
7. Treatment Plant. Where will the treatment plant go? How will the sewage be treated? It is a logistical problem.
8. Keep it Country. We need to preserve and protect the open land.
9. Ocean. Is the discharge going into the ocean?
10. Vacation Rentals. Too many homes being turned into illegal vacation rental units taking away housing from our residents. These will be high-end vacation rentals. Not for local people.
11. Houses? Are the houses even necessary? Why not do real agriculture. Lease the land and allow local families to farm and feed their families and community. Provide lease rent discounts.
12. Land Ownership. Family owned the land many years ago, taken by the military and never given back. Has the deeds. What rights do Kennedy Wilson claim to own the land. They need to talk to resident and discuss; they never called. Kennedy Wilson does not own the land. It was stolen.
13. Hawaiian People. Need to help the Hawaiian people not take more from them.
14. Endangered Species. Development will impact the Hawaiian Hoary Bat, only native land mammal per the DEIS. Given the general concerns about the bat, suggested mitigation is not robust. The Kahuli snail was not mentioned in the DEIS. Was it even looked for as part of the study? What about the Nananana maka ki‘i (Happy Face spider). Again not mentioned in the DEIS, why not?
15. Endangered Native Water Birds. What are the plans for the population of the native water birds on the property? How will they be impacted and how will the impact be mitigated?
16. Rocks. Rocks have been removed from the property without permits. Why? Who authorized? Why was this done? Where did they go? To the rock wall that was built? Was the removal documented? This is illegal.
17. Water. Several comments on the water: currently low pressure, infrastructure is poor for the 100+ users

outside of the property. KW will not fix the pipes. Who will fix the pipes if they break in the community? What happens if the Homeowners Association (HOA) decides not support the community water users? Is having an HOA manage a water system legal? What assurances are there for the community water users that they will continue to receive water from Dillingham? Why was the community water system not included in the DEIS? Having clean, reliable water is a health and safety issue for the community. What is the overall impact of the increased use of water from the new subdivision and possible agriculture?

18. Ground Water. How will this impact the ground water? How much water will be taken?
19. Fire Hydrants. Few hydrants, current system not up to fire code. Why won't Kennedy Wilson fix the water system and put in a better fire protection system?
20. Pesticides: the proposed agriculture would use pesticides that could affect the ground water. Would be a danger to pets.
21. Mainland vs Local. Catering to the rich mainland who are the only ones who can afford to buy. Will all be illegal vacation rentals.
22. Critical Habitats. The area is a critical habitat for native animal and plant species. What is being done to protect them?
23. Big Island Development. Kennedy Wilson has a luxury development on the Big Island at Pine Trees. No parking for locals. Only one local person lives there. Most of the residents are not full-time. Is that what is planned for the Dillingham subdivision? Private for the elite only – 145 members. $150,000 to buy in with $30,000 annual dues. The golf course uses much of the water and causes run-off.
24. Ag / Conservation Easements. Should work with the North Shore Community Land Trust to set up an easement. No development.
25. North Shore Community Land Trust. Works with willing owners. Would welcome the opportunity to talk with Kennedy Wilson.
26. Horse Boarding. Should remain open for horse boarding. Remain open to the public for equestrian activities.
27. Cattle. Will cattle to on the property? Why not?
28. Use of Land Use. Discrepancy in the numbers related to land use for ag.
29. Farming. The cost of the land is too high for any real farmer to make a profit. This is only for the rich. If really serious about farming, would have planted the trees 12 years ago so they can be harvested now. Doesn't trust that the tenants will actually farm.
30. Families. What will the impact be to the rural families? Land will be too expensive. Use of Land. Highest and best use of the land is to put houses on it. Is there another way to value the land? What will be the value to the culture in the coming years? Children need green space.
31. Show of Hands. Asked for a show of hands against the project – most of the audience raised their hands.
32. Mokuleia. Asked if the developer knew the meaning of Mokuleia. It means abundance. Keiki need the aina.
33. Waialua Hawaiian Civic Club. Opposes this development. Need to aloha the aina or no more aina to aloha.
34. People. Developer needs to understand the importance of the people. Landowners can work with the people.
35. Ag Land. Ag land is important. The ag land behind the high school is up for sale. Dole has 18,000 acres for sale. We need to change our laws to protect ag land. Important to contact your legislators. DPP has no teath.
36. Infrastructure. What about the infrastructure? Can you back up the plans?
37. HRS226-104 b 4. Per the Hawaii State Revised Statutes: *Encourage restriction of new urban development in areas where water is insufficient from any source for both agriculture and domestic use.* This statute would prohibit this development. You can't build per this Statute.
38. Flooding. Flood assessment not done by FEMA. Why?
39. Albatross. What will be the effect on the albatross in the area? What will happen to their breeding and nesting areas.
40. Community Benefits. How will the community benefit from this project? What will the impact to the culture be? Public values should be reflected. No benefits to the community – must benefit the community.
41. Gated Communities. Opportunities for illegal activities such as vacation rentals. Inspectors can't get in. Need proof of living in Hawaii in order to own one of the lots. Need laws to protect the people – in New Zealand, can't buy land if you are not a resident. Must live in Hawaii 10 years before buying. Gated communities all over now, blocking access to the ocean. This is segregation of the community.
42. Lots / Houses /Cost. What will the cost of the lots be? Will accessory dwellings be allowed? 5000 sq ft house footprint?
43. Fire and Police. What about fire and police impacts?

44. Development / Developers. This opens the door for more development. May need to sue the developers, the laws we have are good, they need to be enforced.
45. Subdivision. Change the subdivision laws. Bring passion to the legislature. Do not upzone any ag land.
46. Stopping the Project. What will it take to stop the project? Ezer: DPP accepts DEIS if it meets all the laws, rules and regulations for the City and County and State of Hawaii.
47. DEIS. Need to ensure sending in substantive comments regarding the DEIS to the DPP, consultant and developer.
48. Culture. Need to protect the Hawaiian culture. Area is culturally important. Start digging and you will find iwi and cultural artifacts.
49. Iwa Birds. Saw 42 iwa birds that day flying toward Mokuleia.
50. Traffic. The traffic assessment does not take into impacts to Waialua and Haleiwa. What will the impacts to these two communities be? The traffic assessment is old – needs to be redone.
51. Homeowners Association. A homeowners Association (HOA) is no guarantee that what is planned today will continue into the future. There are significant variables/changes that could occur if the owners decide to change the original plan.
52. Polo Field. The Polo Field across the street is also owner by Kennedy Wilson but is not mentioned in the DEIS. Originally it was to be developed into an area of beach amenities for the owners of the lots at the ranch. What will it be used for now? Why was it not included in the DEIS? What impact will the Polo Field have or not have on the equestrian facilities on the ranch.

McElheny moved and Shirai seconded the motion to oppose the Dillingham Agriculture Subdivision project and sumit the minutes as part of the public record and for a response from the consultant and developer as part of the EIS process. A roll call vote was carried out, the motion PASSED unanimously, 13-0-0; (**AYE**: Pahinui, Shirai, Green, Courtney, Lyons, Achiu, Andersen, Phillips, Justice, Leinau, Martin, McElheny, Foo).

ADJOURNMENT: The meeting adjourned at 8:45 p.m.

Submitted by: Kathleen M. Pahinui, Chair
Reviewed by:
Finalized By:

HHF PLANNERS
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January 7, 2019

Kathleen M. Pahinui, Chair
North Shore Neighborhood Board No. 27
Neighborhood Commission
925 Dillingham Boulevard, Suite 160
Honolulu, HI 96817

Dear Chair Pahinui:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for the minutes of the February 14, 2018 special meeting of the North Shore Neighborhood Board, at which the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project) was discussed. Those minutes include questions, as well as comments, on the Proposed Project. Each of the items identified in the minutes have been reviewed, and the following responses are offered.

1. *Electric. There are brown outs already in Mokulēʻia, this subdivision will negatively impact the electrical grid for the community. Only one line into the grid. How will the water pumps be powered if electricity goes down?*

Response: The Proposed Project will not negatively impact the electrical grid that serves the community. Section 4.11.5 of the Draft EIS includes analysis of the potential impacts of the Proposed Project on electrical services. The analysis in that Section concludes (p. 4-58) that "*…the Proposed Project will not have a significant effect on existing HECO resources or facilities. Therefore, no mitigation measures are required.*"

With respect to power outages, the Draft EIS states the following (p. 4-57): "*In addition to transformer pads, HECO will require several switchgear pads throughout the Project Site. The switchgear acts as a protective device and sectionalizer that is used to minimize outages to an affected building and protect its main circuits.*" HECO previously informed the Applicant that no off-site improvements to its system will be required in order to provide service to the Proposed Project.

The provision of water service is the responsibility of the North Shore Water Company (NSWC), a private utility company regulated by the Hawaii Public Utilities Commission. The responsibilities of NSWC include repairs to the system over time and the provision of water to NSWC customers in the event of a loss of water due to a planned or unplanned water shutdown. Each of NSWC's wells will be provided with emergency back-up power.

2. *Taxes. The high cost of the lots will increase the property taxes for the community.*

Response: The comment on property taxes is acknowledged. Section 4.9, Socio-economic Characteristics, provides information on the potential economic effects of the Proposed Project. Page 4-36 states: "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities*." There are many factors which affect the valuations utilized for property tax assessment purposes, including the land value, building and improvement value, building age and condition, and use of the land. The Proposed Project is not anticipated to cause a significant increase in regional property values affecting the ability of farmers to operate.

3. *Education. Ag land can be used to educate our children.*

Response: The comment on agricultural land as an educational tool to the children of the community is acknowledged. One component of the Agricultural Plan prepared for the Proposed Project (attached to the Draft EIS as Appendix H), is the Applicant's provision of $50,000 per year for 10 years, to the public school system for education related to hydroponic agriculture. The Agricultural Plan has been approved by the State Department of Agriculture. Such a program is needed in Hawai'i given the economic promise of hydroponic farming and its advantages over field farming. The Proposed Project includes a 5-acre (equivalent to about 55 acres of field farming), commercial low-tech hydroponic farm for growing vegetables.

4. *Neighborhood Board. The Board should say no to development. Is this a done deal? Who needs to be called to get it stopped.*

Response: The North Shore Neighborhood Board's position on the Proposed Project is acknowledged. The Department of Planning and Permitting (the accepting authority for the EIS) is the agency to make a final decision on the proposed subdivision.

5. *Roads. There is a 2-lane road going in and out of the community.*

Response: The comment regarding the 2-lane road is acknowledged. Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix I to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

6. *Sewage. Where is the sewage going? Into the ocean?*

Response: The proposed wastewater treatment plant will handle all sewage generated on-site and the sewage will not be discharged into the ocean. The product of the treatment system will be R-1 quality, which is discussed in the Draft EIS. Page 4-49 states the following: "*As noted in the DOH Guidelines for the Treatment and Use of Recycled Water (2002), R-1 water is suitable*

for any form of irrigation for food crops;…residential property managed by an irrigation supervisor;…pastures;…drinking water for animals (except dairy animals)…". This method of wastewater treatment is more environmentally sound than reliance on individual wastewater systems such as cesspools and septic systems, which are the primary methods of wastewater treatment for residences on the North Shore.

7. *Treatment Plant. Where will the treatment plant go? How will the sewage be treated? It is a logistical problem.*

Response: The wastewater treatment plant will be constructed on-site at the current location of Dillingham Ranch's maintenance yard. Section 4.11.3 of the Draft EIS, Wastewater System, discusses in detail the new wastewater collection and treatment facilities that will be provided as part of the Proposed Project, including discussing the location of the wastewater treatment plant/facilities. As stated on Page 4-48, the system will be "…designed, built and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems."* Because the wastewater treatment plant will be located on-site, and designed and operated in accordance with all applicable State and County laws, there are no foreseeable logistical problems associated with the plant.

8. *Keep it Country. We need to preserve and protect the open land.*

Response: The comment regarding "preserv[ing] and protect[ing] the open land" and general character of the area is acknowledged. The vast majority of Dillingham Ranch will continue to be in open space or agricultural use. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2): *"It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property."*

9. *Ocean. Is the discharge going into the ocean?*

Response: No, there will be no discharge into the ocean**.** Wastewater generation associated with Proposed Project is discussed in the Draft EIS. As stated on Page 4-48, City and County (C&C) design standards and definitions were used to estimate wastewater flow for the Proposed Project. To accommodate wastewater associated with the Proposed Project, a private wastewater collection and treatment system will be designed, built and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*. The wastewater will be treated to an R-1 level. Treated effluent will be held in an above-ground steel tank and then distributed throughout the Ranch for irrigation purposes. If necessary during periods of prolonged wet weather, the R-1 effluent not used for irrigation would be disposed of in the relatively recently constructed leach field installed for the Dillingham Lodge. A soil aquifer system (SAT) is recommended to dispose of any excess treated water that does not meet R-1 standards. The SATs will be sized based upon percolation tests prior to design (see Section 2.3.2.10 of Appendix A). The SAT will consist of an above-ground unit with 1.7 acres of floor

area, a 5-foot high berm with a 3:1 (horizontal-to vertical) slope, and a chain link fence enclosure. See Draft EIS p 4-49.

10. *<u>Vacation Rentals</u>. Too many homes being turned into illegal vacation rental units taking away housing from our residents. These will be high-end vacation rentals. Not for local people.*

Response: Section 2.3.3 discusses the agricultural lots where the farm dwellings will be constructed and includes the following discussion: *"…agricultural lot owners and all activities within the Proposed Project will be subject to recorded Covenants, Conditions, and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements. The CC&Rs will be administered and enforced by the Association of Lot Owners (the Association)."* These restrictions will include prohibition of use of any facilities for vacation rentals.

Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion include an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the CC&Rs will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

11. *<u>Houses</u>. Are the houses even necessary? Why not do real agriculture. Lease the land and allow local families to farm and feed their families and community. Provide lease rent discounts.*

Response: The stated objective of the Proposed Project is to expand and complement the pre-existing low intensity and historical agricultural uses of the Subject Property, such as equestrian uses, cattle grazing, horse pasturing, mango orchard, and palm tree propagation activities, and not to pursue large-scale commercial ranching or crop cultivation. With regard to the proposed farm dwellings, the zoning code allows the subdivision of land zoned "AG-2" into 2-acre lots, and each lot is allowed to have one farm dwelling. The proposed subdivision has much larger lots and retains most of the entire Dillingham Ranch property in agricultural use or open space.

As part of its review of the Draft EIS (including Appendix H), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans.*"

Section 4.7, Agriculture, of the Draft EIS discusses potential impacts of the Proposed Project, and, analyzes the Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): *"…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/*

rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity."

The Agricultural Plan also notes that "[*t*]*he Applicant will provide each lot buyer with a credit to purchase and plant orchard trees on their lot; this credit will average $12,000 per lot, based on lot size*" (p. 4-27).

12. *L<u>and Ownership</u>. Family owned the land many years ago, taken by the military and never given back. Has the deeds. What rights do Kennedy Wilson claim to own the land. They need to talk to resident and discuss; they never called. Kennedy Wilson does not own the land. It was stolen.*

Response: The Applicant, Dillingham Ranch Aina, LLC, acquired the Subject Property by deed dated May 19, 2006, recorded in the Bureau of Conveyance of the State of Hawaii and with the Office of the Assistant Registrar of the Land Court. Dillingham Ranch was previously under the ownership of the Dillingham family going back to 1897. Prior to that, it was owned by Gaspar Silva. The Applicant is not aware of any portions of Dillingham Ranch being taken and never returned by the military, although there are two out-parcels surrounded by the Dillingham Ranch that were previously owned by the U.S. government, and have been sold to other private interests .

13. *<u>Hawaiian People</u>. Need to help the Hawaiian people not take more from them.*

Response: The comment on the needs of the Hawaiian population is acknowledged.

14. *<u>Endangered Species</u>. Development will impact the Hawaiian Hoary Bat, only native land mammal per the DEIS. Given the general concerns about the bat, suggested mitigation is not robust. The Kahuli snail was not mentioned in the DEIS. Was it even looked for as part of the study? What about the Nananana maka ki'i (Happy Face spider). Again, not mentioned in the DEIS, why not?*

Response: Biological resources for the project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. The 'ōpe'ape'a (Hoary bat) was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide the following discussion of this species:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups*

in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."

Section 7.3 of the Draft EIS includes the following mitigation measure to minimize potential impacts to the ʻōpeʻapeʻa: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached). No specimens of the Happy-faced spider were found during the survey.

15. *<u>Endangered Native Water Birds</u>. What are the plans for the population of the native water birds on the property? How will they be impacted and how will the impact be mitigated?*

Response: During the most recent biological resources survey of the project site conducted in 2014, the endangered Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck and Black-necked stilt were all observed on the project site (p. 3-36 of the Draft EIS). The habitat for these birds is a man-made pond near Farrington Highway, which is a remnant of sand mining activities conducted on the property in the 1970s and 1980s. This pond is now home to numerous endangered water birds. A detailed biological resources mitigation measure is contained in the Draft EIS which requires, among other things, that a nesting waterfowl survey to be conducted. If any nests are found, this mitigation measure requires that "…*a 100 foot buffer will be placed around the site and construction work in the area will halt until nesting is completed*." (p. 3-39). There are no development activities planned for any areas near this pond and this mitigation measure ensures that the bird population will be minimally impacted.

16. *<u>Rocks</u>. Rocks have been removed from the property without permits. Why? Who authorized? Why was this done? Where did they go? To the rock wall that was built? Was the removal documented? This is illegal.*

Response: No commercial rock removal activities are taking place within the Subject Property. There have been a small number of occurrences in the last few years when neighbors of Dillingham Ranch who live along the ocean were being affected by seasonal severe shoreline erosion events and approached employees of the Ranch to request rocks to be used to protect their property. The rocks were taken from an existing stockpile of rocks on the property that were left over from sugar cane operations. Any suggestion that Dillingham Ranch is selling rocks on a commercial basis are misinformed.

17. *<u>Water</u>. Several comments on the water: currently low pressure, infrastructure is poor for the 100+ users outside of the property. KW will not fix the pipes. Who will fix the pipes if they break in the community? What happens if the Homeowners Association (HOA) decides not to support the community water users? Is having an HOA manage a water system legal? What assurances are there for the community water users that they will continue to receive water from Dillingham? Why was the community water system not included in the DEIS? Having clean, reliable water is a health and safety issue for the community. What is the overall impact of the increased use of water from the new subdivision and possible agriculture?*

Response: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC. NSWC will continue to serve the Mokulēʻia community irrespective of the development of the Proposed Project. There is no homeowners association that is or will be providing water to the Mokulēʻia community.

Concerns about low water pressure and deficient infrastructure provided by NSWC to the Mokulēʻia community, and expenses related to any required improvements to address the pipes that serve the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, the concerns with the NSWC exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both

tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system outdated pipes, low water pressure, expenses related to repairs for currently existing concerns, are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

NSWC, and not the Proposed Project's Lot Owners Association, supplies, and will continue to supply, water to the Mokulēiʻa Community. Therefore, the LOA will not be in a position to support or not support the community water users. The LOA will provide non-potable water solely within the Project Site. That water will come from the existing Well 3410-03 owned by Applicant, and will be used to irrigate the roadway landscaping, the paddocks, equestrian facilities, farm-to-table agriculture, palm plantation, lodge ornamentals and other common areas.

The average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).The projected average daily non-potable water use is 704,150 gallons a day (0.70 MGD). The combined water use of the three wells that will supply the Proposed Project is projected to be 1.163 MGD, an increase of 1.02 MGD over the current use by wells on the Property (see Draft EIS p.3-19). The total amount of water currently authorized to be withdrawn by NSWC (as to Well 3410-01) under its Water Use Permit, and by Applicant under its existing Water Use Permits, is 2.85 MGD. In connection with the development of the Proposed Project, the Applicant will evaluate water consumption on the Project Site after development has occurred and will consider a voluntary reduction of permitted water use, as appropriate, thereby increasing the amount of unallocated water within the Mokulēiʻa Aquifer System.

18. *<u>Ground Water</u>. How will this impact the ground water? How much water will be taken?*

Response: Please see answer to #17, above. It should also be noted that Section 3.4, Water Resources, of the Draft EIS discusses, among other things, groundwater. Page 3-17 notes, "*The State Commission on Water Resources Management (CWRM) regulates well construction, pump installation, and groundwater use…A total of 2.85 MGD has been allocated among the three existing wells on the Project Site*." By granting well permits for 2.85 MGD, CWRM has determined that the overall health and viability of the aquifer can be sustained within the limits of existing permits.

19. *<u>Fire Hydrants</u>. Few hydrants, current system not up to fire code. Why won't Kennedy Wilson fix the water system and put in a better fire protection system?*

Response: The Proposed Project is being designed to comply with applicable provisions of the Uniform Fire Code regarding fire access, including location of fire access road(s) in relation to project buildings and the provision of unobstructed width and vertical clearance of fire apparatus access roads. Further, the Proposed Project is being designed to comply with applicable provisions of the Uniform Fire Code regarding required fire flow for fire protection. The final subdivision map and related civil engineering drawings for the Proposed Project will be submitted to the Honolulu Fire Department for review and approval. The Proposed Project will not be providing fire hydrants for areas outside the Project Site.

To the extent your comments are addressed to existing conditions present irrespective of the Proposed Project, the EIS was prepared to disclose and assess the impacts of the Proposed Project on the environment and identify measures to minimize potentially adverse effects arising from the Proposed Project. Existing conditions within the Mokulēiʻa community for water storage or transmission facilities that may be required to provide fire flow protection outside of the Proposed Project is not an effect (primary, secondary or cumulative) of the Proposed Project and was not assessed in the EIS.

20. *<u>Pesticides</u>: the proposed agriculture would use pesticides that could affect the ground water. Would be a danger to pets.*

Response: Future tenants of the Proposed Project will be able to lawfully use pesticides while conforming to all local, state, and federal laws. Section 4.7 of the Draft EIS discusses, among other things, the Agricultural Plan for the Proposed Project, which was prepared in compliance with C&C Subdivision Regulations (Section 1-115). The Agricultural Plan and Feasibility/Impact Report discusses a range of issues, including pesticide usage (and measures to ensure that there are no negative effects on wildlife). That report is included in its entirety in Appendix H of the Draft EIS.

The use of pesticides is not forbidden, as long they are applied in compliance with applicable State regulations.

Chapter 165, Hawaiʻi Revised Statutes (HRS) is known as the "Right to Farm Act." Chapter 165-4, HRS declares that: *"No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance."*

Chapter 165-2, HRS defines "farming operation as:

"(1) Agricultural-based commercial operations as described in section [205-2(d)(15)];
(2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;
(3) Operation of machinery and irrigation pumps;
(4) Ground and aerial seeding and spraying;

(5) ***The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides****; and*
(6) *The employment and use of labor."* **(emphasis added)**

Further Title 4, Subtitle 6, Chapter 66 of the Hawai'i Administrative Rules (HAR) provide the regulatory oversight under the jurisdiction of the Hawai'i State Department of Agriculture for the use and application of pesticides. It is the right of lawful farming operations to apply pesticides to their lands as long as it done in a lawful manner.

21. *Mainland vs Local. Catering to the rich mainland who are the only ones who can afford to buy. Will all be illegal vacation rentals.*

Response: The CC&Rs for the Proposed Project will contain prohibitions for the use of dwellings as vacation rentals. The comment on ownership of the Proposed Project is acknowledged. Please refer also to # 10, regarding the Proposed Projects' restriction of vacation rentals, above.

22. *Critical Habitats. The area is a critical habitat for native animal and plant species. What is being done to protect them?*

Response: Section 3.6 of the Draft EIS discusses Botanical Resources. Approximately 53 acres in the western part of Dillingham Ranch was designated as critical habitat by the U.S. Fish and Wildlife Service. According to the Federal Register the area is occupied by four endangered plant species, *Bidens amplectens*, *Hibiscus brackenridgei*, *Nototrichium humile*, and *Schiedea kealiae*. Additionally, it has been designated as suitable habitat for species that do not currently reside in the area, including; *Achyranthes splendens* var. *rotundata*, *Bonamia menziesii*, *Chamaesyce celastroides* var. *kaenana*, *Euphobia haeleeleana*, *Gouania meyenii*, *G. vitifolia*, *Isodendrion pyrifolium*, *Melanthera tenuifolia*, *Neraudia angulate*, *Pleomele forbesii*, *Schiedea hookeri*, and *Spermolepis hawaiiensis*. The critical habitat area is over a mile removed from any development activity within the Project Site and will not be affected. Based on the analysis contained in Section 3.6, which is based on botanical surveys of the property (included in Appendix C to the Draft EIS), it was determined that (p. 3-35): "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*".

23. *Big Island Development. Kennedy Wilson has a luxury development on the Big Island at Pine Trees. No parking for locals. Only one local person lives there. Most of the residents are not full-time. Is that what is planned for the Dillingham subdivision? Private for the elite only — 145 members. $150,000 to buy in with $30,000 annual dues. The golf course uses much of the water and causes run-off.*

Response: The impacts of Kennedy Wilson's other developments in the State of Hawai'i are not within the scope of the EIS. Your comment on Kennedy Wilson's development on the Big Island is acknowledged. That project is oceanfront, includes an oceanfront golf course, Beach Club, 1.5 miles of shoreline, and a variety of luxury housing options. That project is significantly different from the Proposed Project, which is located in an area zoned at the State and County levels for agricultural use. The Proposed Project is consistent with those zoning designations. No golf

courses are planned as part of the Proposed Project. The Resort/Residential Development Alternative described in Section 6.8 of the Draft EIS reviewed a prior development proposal that included a golf course. However, that is not the development planned by the Applicant.

24. *Ag/Conservation Easements. Should work with the North Shore Community Land Trust to set up an easement. No development.*

Response: The use of a conservation easement on the land is not appropriate, given the land is zoned for agricultural use.

25. *North Shore Community Land Trust. Works with willing owners. Would welcome the opportunity to talk with Kennedy Wilson.*

Response: Your comment on the North Shore Land Trust is acknowledged and if the Trust is interested in discussing this matter they can contact the Applicant.

26. *Horse Boarding. Should remain open for horse boarding. Remain open to the public for equestrian activities.*

Response: The Proposed Project is described in detail in Chapter 2 of the Draft EIS. The existing uses on the Project Site are enumerated, and include the following (p. 2-1): "…*an equestrian complex with facilities for paddock boarding; recreational trail riding; two dressage rings; stadium jumping course; practice polo fields; a large sand arena; and horse pasturing areas*."

The Draft EIS also states (p. 2-6) that the "*Proposed Project will continue these existing uses and add...uses which are consistent with current equestrian and agricultural activities on the Ranch*". Equestrian activities are an integral part of the history of the Ranch and are intended to be continued and expanded and open to anyone interested in boarding their horses.

27. *Cattle. Will cattle be on the property? Why not?*

Response: Cattle ranching will continue as part of the Proposed Project. The Proposed Project is described in detail in Chapter 2 of the Draft EIS. The existing uses on the Project Site are enumerated and include cattle grazing (p. 2-1). As part of the Proposed Project (p. 2-6), "*cattle ranching and grazing will be expanded*".

28. *Use of Land Use. Discrepancy in the numbers related to land use for ag.*

Response: It is unclear from the comment to what is being referenced regarding a discrepancy in the numbers related to land use for agriculture.

29. *Farming. The cost of the land is too high for any real farmer to make a profit. This is only for the rich. If really serious about farming, would have planted the trees 12 years ago so they can be harvested now. Doesn't trust that the tenants will actually farm.*

Response: The Applicant has taken a deliberate approach to determine the best combination of uses for the Project Site. It has taken several years to arrive at the proposed agricultural subdivision that is the subject of the Draft EIS. It would have been premature to commit use of the property prior to establishing an overall plan. The Covenants, Conditions and Restrictions (CC&Rs) that will be adopted for the agricultural subdivision will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

30. *Families. What will the impact be to the rural families? Land will be too expensive. Use of Land. Highest and best use of the land is to put houses on it. Is there another way to value the land? What will be the value to the culture in the coming years? Children need green space.*

Response: The comments on rural families and green space is acknowledged. The socio-economic aspects of the Proposed Project are addressed in Section 4.9 (Socio-economic Characteristics) of the Draft EIS. The Proposed Project will add 70 farm dwellings to the island's existing housing inventory. You indicated that the highest and best use of the land is to build more housing. Although the existing zoning (AG-2, General Agricultural District) allows a farm dwelling for each two acres of lot area, all agricultural lot owners will be subject to recorded CC&Rs which would run with the land and specify no more than one farm dwelling for each lot. The determination in the Draft EIS, as set forth in Section 4.9.3, is that the Proposed Project will not have an adverse impact upon socio-economic conditions. With respect to the value to the culture, the Applicant had a Cultural Impact Assessment prepared, which was included as Appendix G of the Draft EIS. The community articulated a concern regarding the access to, and preservation of cultural sites within the Proposed Project. Mitigation measures, including preservation plans and interim protection plans, and the incorporation of preservation plans into the CC&Rs, and the identification of an on-site cultural monitor should burials (or other cultural finds) be encountered during construction and ground-altering activities, are described in Section 4.5.3 of the Draft EIS.

31. *Show of Hands. Asked for a show of hands against the project — most of the audience raised their hands.*

Response: The comment on audience opinions regarding the Proposed Project is acknowledged.

32. *Mokulēʻia. Asked if the developer knew the meaning of Mokulēʻia. It means abundance. Keiki need the ʻāina.*

Response: We acknowledge that neither the Applicant nor its consultant were able to respond accurately when asked for the literal translation of "Mokulēʻia" at the Neighborhood Board meeting. We respect the significance of Hawaiian names and their role in recognizing and preserving the history and culture of a region, an ahupuaʻa, a stream, a hill, a pōhaku or any other manifestation of the physical environment. Section 4.5 of the Draft EIS describes the cultural resources of the property and the region, based on a Cultural Impact Assessment that is included in its entirety in Appendix G of the EIS.

33. *<u>Waialua Hawaiian Civic Club</u>. Opposes this development. Need to aloha the ʻāina or no more ʻāina to aloha.*

Response: The Waialua Hawaiian Civic Club's view of the Proposed Project is acknowledged.

34. *<u>People</u>. Developer needs to understand the importance of the people. Landowners can work with the people.*

Response: The Applicant acknowledges the comment.

35. *<u>Ag Land</u>. Ag land is important. The ag land behind the high school is up for sale. Dole has 18,000 acres for sale. We need to change our laws to protect ag land. Important to contact your legislators. DPP has no teeth.*

Response: This comment does not appear to be directed to the Proposed Project, but seems instead to be a generalized grievance about laws in the State of Hawaii. The Proposed Project will continue to be used for agricultural activities and the Applicant will not seek an upzoning of the project site. This comment regarding a desire to change laws to protect agricultural land is acknowledged. It is noted that the Applicant has complied with all laws pertaining to the proposed agricultural subdivision and will continue to do so. As part of its review of the Draft EIS (including Appendix H, which contains the Agricultural Plan), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

In addition, Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

36. *<u>Infrastructure</u>. What about the infrastructure? Can you back up the plans?*

Response: The Draft EIS discusses infrastructure in Section 4.11. This Section discusses roadways/ traffic, the water system, the wastewater system, the drainage system and the electrical/ communications systems. Potential impacts associated with infrastructure are mitigated, as discussed in Section 4.11. The various infrastructure plans will be reviewed by the appropriate regulatory bodies, including the Department of Planning and Permitting, the Board of Water Supply, the State Department of Health, the State Department of Transportation, the State Department of Agriculture and the State Department of Land and Natural Resources. The subdivision will not be approved without their approval.

37. *<u>HRS 226-104 b 4</u>. Per the Hawai'i State Revised Statutes: Encourage restriction of new urban development in areas where water is insufficient from any source for both agriculture and domestic use. This statute would prohibit this development. You can't build per this Statute.*

Response: The Proposed Project does not constitute "urban development." The Project Site is and will remain in the State Land Use Agricultural District, and is zoned and will remain zoned by the City and County of Honolulu in the AG-2, General Agricultural District. The Applicant already holds water permits for wells located on the Project Site that are capable of supplying all water required for the proposed agricultural subdivision.

38. *<u>Flooding</u>. Flood assessment not done by FEMA. Why?*

Response: Flood hazard areas are discussed in Section 3.5, Natural Hazards, of the Draft EIS. Page 3-23 of that document identifies that a Letter of Map Revision (LOMR) Determination Document was officially accepted by the Federal Emergency Management Agency (FEMA) in a letter dated March 21, 2011. As part of the Proposed Project, a flood determination study was prepared (and is contained in Appendix A, Preliminary Engineering Study, of the Draft EIS). That Study performed a hydrologic analysis to determine peak flows, develop a hydraulic model, define floodplain and floodway areas, and address the suitability of developing lots within the limits of flooding, on areas not previously covered by analysis on FEMA maps. This additional flood study was required by the Department of Planning and Permitting to process the subdivision request.

39. *<u>Albatross</u>. What will be the effect on the albatross in the area? What will happen to their breeding and nesting areas.*

Response: Based upon several surveys of the Project Site, there are no albatross known to inhabit the Project Site. Albatross are known to nest at Ka'ena Point, several miles to the west of Dillingham Ranch. They will not be impacted by the Proposed Project.

40. *<u>Community Benefits</u>. How will the community benefit from this project? What will the impact to the culture be? Public values should be reflected. No benefits to the community — must benefit the community.*

Response: The comment on community benefits associated with the Proposed Project is acknowledged. As described in Section 4.9 of the Draft EIS, "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities.*" Further, in the short term, the *"…development of the Project Area will result in significant expenditures by the Applicant, as well as by owners of the agricultural lots"* (these expenditures are enumerated on pp, 4-36). In addition, as part of the Agricultural Plan approved by the State Department of Agriculture, the Applicant has committed $50,000 a year for 10 years to support agricultural education programs in public schools.

To assess the impacts on culture, the Applicant had a Cultural Impact Assessment prepared, which was included as Appendix G of the Draft EIS. The community articulated a concern regarding the access to, and preservation of cultural sites within the Proposed Project. Mitigation measures, including preservation plans and interim protection plans, and the incorporation of preservation plans into the CC&Rs, and the identification of an on-site cultural monitor should burials (or other cultural finds) be encountered during construction and ground-altering activities, are described in Section 4.5.3 of the Draft EIS. The Proposed Project is consistent with public values, as those values are expressed in the existing State and County land use designations for the Project Site.

41. *Gated Communities. Opportunities for illegal activities such as vacation rentals. Inspectors can't get in. Need proof of living in Hawai'i in order to own one of the lots. Need laws to protect the people — in New Zealand, can't buy land if, you are not a resident. Must live in Hawai'i 10 years before buying. Gated communities all over now, blocking access to the ocean. This is segregation of the community.*

Response: The CC&Rs for the Proposed Project will contain prohibitions regarding the use of dwellings as vacation rentals. Please refer to #10, which includes clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Your comments regarding a desire to change the laws in the State of Hawaii are acknowledged. Such matters are beyond the purview of the Applicant. The Proposed Project is not located on the ocean and therefore will not block access to the ocean.

42. *Lots/Houses/Cost. What will the cost of the lots be? Will accessory dwellings be allowed? 5000 sq ft house footprint?*

Response: The costs for the lots has not yet been established. As stated in the Project Description (p. 2-6), the 70 agricultural lots will provide areas for "*a farm dwelling, accessory structures, and crop cultivation*." The Applicant is committed to including provisions in the CC&Rs for the future Lot Owners Association that prohibits more than one farm dwelling on any parcel. Agricultural zoning rules allow a farm dwelling (and accessory structures) within a 5,000 square-foot footprint.

43. *Fire and Police. What about fire and police impacts?*

Response: Section 4.10, Public Services, of the Draft EIS analyzes potential impacts associated with police and fire services. That Section concludes that (p. 4-37): "*The Proposed Project will not affect areas presently served by police, fire, and EMS responders nor will it place undue demands on their ability to provide service in accordance with their service standards…The Proposed Project will not have a significant effect upon public safety care providers. Therefore, no mitigation measures are required*."

44. *Development / Developers. This opens the door for more development. May need to sue the developers, the laws we have are good, they need to be enforced.*

Response: The comment on enforcement of existing laws by the City and County of Honolulu and the State of Hawaiʻi is acknowledged. There is no reasonably foreseeable expectation that the Proposed Project will encourage additional development in the area.

45. *Subdivision. Change the subdivision laws. Bring passion to the legislature. Do not upzone any ag land.*

Response: The Proposed Project is consistent with the existing Agricultural zoning on the Project Site. The comment on the subdivision laws is acknowledged but is outside the scope of the EIS.

46. *Stopping the Project. What will it take to stop the project?*

Response: The comment is acknowledged. The Department of Planning and Permitting is the accepting authority for the EIS and will determine whether the EIS was prepared in a manner consistent with the applicable requirements of Hawaii Revised Statutes Chapter 343 and Hawaii Administrative Rules Title 11 Chapter 200. Please refer to # 37 which states that Section 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaiʻi, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls.

47. *DEIS. Need to ensure sending in substantive comments regarding the DEIS to the DPP, consultant and developer.*

Response: The comment on providing substantive comments on the Draft EIS is acknowledged. Please note that all comments received during the public review period for the Draft EIS (January 8 through February 22, 2018) have been responded to in writing and copies of those letters and our responses will be provided in the Final EIS.

48. *Culture. Need to protect the Hawaiian culture. Area is culturally important. Start digging and you will find iwi and cultural artifacts.*

Response: Section 4.5 of the Draft EIS, Cultural Resources, describes the Cultural Impact Assessment prepared for the Proposed Project (which is contained in Appendix G to the Draft EIS). Please refer to P. 4-24 and P. 4-25 of the Draft EIS which detail the measures being taken by the Proposed Project to preserve archaeological sites and the process that will be followed if human remains or cultural artifacts are discovered during construction. Thomas Shirai, Jr., a cultural and lineal descendant of Waialua, asked to be consulted and serve as the on-site cultural monitor should burials (or other cultural finds) be encountered during construction and ground-altering activities. The Applicant has acknowledged Mr. Shirai as the on-site cultural monitor should human remains or cultural artifacts be discovered during ground-disturbing activities in connection with the Proposed Project.

49. *ʻIwa Birds. Saw 42 ʻIwa birds that day flying toward Mokulēʻia.*

Response: The comment that 42 ʻiwa birds were seen that day flying towards *Mokulēʻia* is acknowledged

50. *<u>Traffic</u>. The traffic assessment does not take into impacts to Waialua and Haleʻiwa. What will the impacts to these two communities be? The traffic assessment is old -- needs to be redone.*

Response: Please refer to Response # 5, above. The "Dillingham Ranch Agricultural Subdivision Traffic Impact Analysis Report" (contained in Appendix J to the Draft EIS) was prepared in February of 2017. Traffic volume data was collected in September of 2016. This reported followed accepted professional standards appropriate for such a study, including the selection of relevant and appropriate intersections to study that could be affected directly by the Proposed Project.

51. *<u>Homeowners Association</u>. A Homeowners Association (HOA) is no guarantee that what is planned today will continue into the future. There are significant variables/changes that could occur if the owners decide to change the original plan.*

Response: No individual, corporation, or farmer can guarantee perpetual use of any land for farming. However, the proposed Agricultural Plan is provided to ensure to the greatest extent possible, that future agricultural uses on the property are successful. The Applicant will include language in the CC&Rs that limit each lot to one farm dwelling. The land is zoned for agricultural (and not residential or resort use). The Applicant does not intend to pursue upzoning for the Project Site. It is expected that obtaining any such changes would be very difficult due to the fact that the Project Site is so clearly identified for agricultural uses under State and County plans and laws. Several public hearings and discretionary approvals would be required before the Project Site could be rezoned to non-agricultural uses.

Section 5.2.2 of the draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed.

52. *<u>Polo Field</u>. The Polo Field across the street is also owned by Kennedy Wilson but is not mentioned in the DEIS. Originally it was to be developed into an area of beach amenities for the owners of the lots at the ranch. What will it be used for now? Why was it not included in the DEIS? What impact will the Polo Field have or not have on the equestrian facilities on the ranch?*

Response: The Polo Field across Farrington Highway from the Project Site is not a part of the Proposed Project; it is not a component or phase of the Proposed Project. It is entirely independent of the Proposed Project. Its current and future use were not analyzed in the Draft EIS for those reasons. The equestrian activities at the Ranch, which will continue as a part of the Proposed Project, are seen as complementary to the polo activities across the highway.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

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To whom it may concern:

On behalf of the Sierra Club O'ahu Group and our 2,800 dues-paying members on O'ahu, we would like to provide the following comments and questions regarding the Draft Environmental Impact Statement (DEIS) for the proposed Dillingham Ranch Agricultural Subdivision in Mokulē'ia, O'ahu:

Agriculture

Appendix H: Agricultural Plan, Feasibility, and Impacts contains the following sections we would like to address:

Section 4.b. Planned Ownership and Management states the following:

Before transferring management control of the common areas to the Land Owners Association (LOA), Dillingham Ranch Aina will lease all or portions of the 11 agricultural lots for (1) a cattle ranch, (2) a ranch for working and riding horses, (3) a palm plantation, (4) a mango orchard, and (5) a hydroponic farm. As discussed below, the farm and ranch leases will be set at affordable rents; the leases will be long term (10 to 20 years); and the land will be "dedicated to agriculture." In addition, Dillingham Ranch Aina will provide access to water for farm animals and irrigation.

Question 1: How does the applicant define "affordable rents" for the farm and ranch leases?

Section 4.b. Planned Ownership and Management (continued):

Upon sale of the 36th lot, DRA will transfer ownership and management control of the common areas to the LOA, subject to the existing leases. However, for those common areas that are planned for

ranching or farming but have not yet been leased, their transfers will be delayed until the leases are executed.

The DRA will employ an AMF to manage the common areas, farm leases, ranch leases and agricultural water system. After the common areas are transferred to the LOA, the Board may continue with the same AMF, or may replace it with another firm. The AMF will continue to employ various service provides as needed to maintain the common areas.

Although the LOA will inherit the farm and ranch leases, it will not be directly involved in the farm and ranch operations located on the 11 agricultural lots owned in common. After the initial long-term leases expire, the LOA will be responsible for renewing the leases or drafting new ones, possibly with new tenants. The AMF will assist the LOA with this effort.

Management and maintenance costs for the common areas will be borne by the LOA.

Question 2: How will the applicant ensure these 11 lots will continue to be farmed in perpetuity?

Question 3: How will the applicant ensure that the Agricultural Management Firm (AMF) will properly manage the common areas, farm leases, ranch leases, and agricultural water system?

Section 4.c. Agriculture/Farm-Dwelling Lots states the following:

At full development, each lot will be required to have an orchard, the development of which will be partially subsidized by Dilingham Ranch Aina (see Subsections 4.i and 4.m). In addition, some lot owners are likely to add non-orchard crops, and some may build barns and other facilities for their horses.

Question 4: Are there size limits or additional restrictions on what "other facilities for their horses" can be built on each lot?

Section 4.c. Agriculture/Farm-Dwelling Lots (continued):

In addition to the agricultural activities, each lot is expected to have a single farm dwelling, with the LOA Declaration of Covenants, Conditions and Restrictions ("CC&Rs") written to limit development to just one dwelling per lot. Also, each dwelling will be located in a developable footprint no larger than 5,000 square feet (about 0.115 acre).

These farm dwellings will be single-family homes used in connection with farm operations on the lots. The close proximity of the dwellings to the orchards and possible other agricultural activities will make it easier to manage farm operations and will also provide farm security. Theft of crops and equipment is a major problem for many farmers throughout Hawai'i.

Question 5: How will the applicant ensure that these single-family homes will not be used as vacation rentals?

Section 4.c. Agriculture/Farm-Dwelling Lots (continued):

The lots will be marketed in publications and on websites catering to farmers. For lot buyers who do not have relevant experience in commercial farming or who have not taken appropriate courses on farming, they must stipulate that, within 2 years of purchasing their lot, they will participate in a course arranged by DRA on how to cultivate orchard trees and sell crops. This could take place in a classroom setting and/or an online course. The purpose would be to ensure that the lot owners have a basic understanding of operating or managing a commercial orchard, even if many of the functions are performed by farm-service providers. Having basic knowledge of commercial farming will be in their own best interests. Once DRA transfers control to the LOA, the LOA with the help of the AMF will be expected to continue offering the course.

Question 6: To ensure that real farmers and not just wealthy individuals can afford to purchase a lot, will the applicant establish sales prices to be affordable to families according to area median income (AMI)?

Question 7: Will the applicant require that all lot owners have previous farming experience, or employ service-providers who have expertise on orchard farming to ensure the farms are viable operations? We recommend that relevant farming experience be a prerequisite to purchase one of the lots instead of offering a training course to supplement this experience.

Question 8: Will the applicant offer hands-on farm training instead of a classroom or online course in farming? Can the applicant offer a hands-on training course to all lot purchasers?

Question 9: What else will the applicant do to ensure that experienced, local farmers will be able to purchase these lots?

Section 4.h. New Orchards states the following:

The vision for the proposed Agricultural Plan is to have orchard crops planted on each of the 70 agriculture/farm-dwelling lots. In order to ensure implementation of the vision, the CC&Rs will require the following:
— Each lot owner must plant and maintain an orchard on their property at densities typical of commercial orchards.
— The minimum amount of land that must be planted and maintained will be the larger of:
- *1 acre*
- *30% the lot area, rounded to the nearest 10th acre.*

— Seedlings for an orchard must be planted within 3 years after a lot is purchased.

Question 10: Why did the applicant choose a 3 year maximum time limit to plant orchard seedlings and can this time limit be reduced?

Section 4.m. Planned Agricultural Support states the following:

Planned Agricultural Support Further to the information provided above, DRA will:

— Negotiate long-term leases (10 to 20 years) for two ranches and three farms, with initial rents discounted sufficiently to attract tenants.
— Add dedication or rededicate lands to agriculture in order to (1) insure long-term agricultural use of the land designated for ranching and farming, and (2) reduce the property taxes on these lands. (Land dedicated to agricultural for 10 years, and used for commercial crop production, is assessed at 1% of market value. If it is used for pasture, the dedication period is 5 years.)
— Provide various improvements to support ranching and farming, such as water lines for livestock and irrigation, irrigation systems for the palm plantation and mango farm, fencing to separate ranching from farm dwellings, and the slab and structure for the hydroponic farm.
— Set aside land for a baseyard for shared agricultural equipment.
— Provide subsidies to help develop the orchards.
— Assemble and provide to lot buyers contact information and expertise of farm consultants and service providers.
— Provide subsidies to support a hydroponic education program.

Question 11: How much will initial rents be discounted for the farm and ranch leases and for how long?

Question 12: Who will monitor and enforce the agricultural dedication process?

Biological Resources

The U.S. Fish and Wildlife Service offered several written comments on the EISPN in accordance with section 7 of the Endangered Species Act of 1973. These comments were to minimize potential impact to several avifaunal species, including: 1) Hawaiian Duck, 2) Hawaiian Common Moorhen, 3) Hawaiian Coot, 4) Black-necked stilt, 5) O'ahu 'Elepaio, and 6) Hawaiian hoary bat. The following mitigation measures, although recommended by the U.S. Fish and Wildlife Service, were not included in the DEIS:

Waterbirds:

- *A biological monitor should conduct Hawaiian waterbird and nest surveys at the proposed project site prior to project initiation and after any subsequently delay in work of three or more days (during which birds may attempt nesting)*
- *Any documented nests or broods within the project vicinity should be reported to the U.S. Fish and Wildlife Service within 48 hours*
- *If a listed Hawaiian waterbird is observed within the project site, or flies into the site while activities are occurring, all activities should halt within 100 feet of the individual(s). Work should not resume until the Hawaiian waterbird(s) leave the area on their own accord.*
- *A post-construction report should be submitted with 30 days on the completion of the project. The report should include the results of Hawaiian waterbird surveys, the location and outcome of documented nests, and any other relevant information.*

Hawaiian hoary bat:

- *Barbed wire not be used for fencing and that if it must be used, it is only used within two inches of the ground surface*

O'ahu 'Elepaio

- *Avoiding potentially disruptive activities, such as trenching, during the breeding season*

- *Avoid conducting activities that may spread invasive species, increase mosquito populations, increase grazing in forest habitats, or increase the threat of wildfire to montane forest habitats.*

Question 13: Why were these mitigation measures not included in the DEIS and how will the applicant sufficiently address each of these suggested mitigation measure?

Economic Impacts

Section 5.1.7 Hawai'i Environmental Impact Statement Significance Criteria states the following in relation to economic and social welfare:

The economic or social welfare of the community or State would not be substantially affected by the Proposed Action.

Discussion: Beneficial economic effects will accrue to the community from the Proposed Action. Lot owners will contribute to the economic well-being of the community through the purchase of goods and services and the payment of sales and real property taxes. The Proposed Project is not expected to result in any significant impacts to existing socio- economic characteristics of the nearby community or the North Shore.

Question 14: Will the applicant include an economic analysis of the project impacts on the local community in the Final EIS?

Question 15: If the applicant is a global real estate investment company[1] and the agricultural dedication process significantly reduces real property taxes on the lots, how will the payment of sales and real property taxes specifically "contribute to the economic well-being of the community"?

Water System

Section 4.11.2.1 Existing Conditions states the following:

Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulē'ia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

Well 3410-01 supplies potable water to Dillingham Ranch and 100 residential customers in the Mokulē'ia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Question 16: Due to the insufficient pressure and pumping capacity required for fire flow, how will the applicant put out a fire in Dillingham Ranch or the Mokulē'ia community, should one occur?

[1] https://www.kennedywilson.com/who-we-are

Dillingham Lodge

Chapter 1.0 Introduction states the following regarding Dillingham Lodge:

As allowed by a Special Use Permit (2000/SUP-3) and a zoning variance (2000/VAR-39) approved by the City and County of Honolulu ("City and County" or "C&C"), the Dillingham Lodge is used commercially for weddings, retreats, and other special events. Under the Proposed Project, existing palm tree cultivation and Dillingham Lodge operations will continue at their current locations.

Question 17: Is the City and County of Honolulu's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39) that allows special event services at Dillingham Lodge approved in perpetuity?

Question 18: Will the existing City and County of Honolulu's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39) need to be revisited and amended as a result of this project?

Question 19: What is the frequency and size of special events at Dillingham Lodge and will these events increase after completion of the project?

Question 20: How will these future special events impact agricultural production, infrastructure, and utility systems and will an analysis of these impacts be included in the Final EIS?

North Shore Sustainable Communities Plan

Section 5.2.2. Relationship to Land Use Plans, Policies, and Controls, City and County of Honolulu, North Shore Sustainable Communities Plan Agriculture Policies contains the following agricultural policy:

"Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other non agricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land."

Question 21: How is the project proposal consistent with this Agricultural Policy in the North Shore Sustainable Communities Plan which aims to prevent "token farming or ranching as a ruse to exploit agricultural land"?

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (EIS) for the proposed Dillingham Ranch Agricultural Subdivision in Mokulēʻia. THe Sierra Club Oʻahu Group looks forward to receiving your responses to the questions listed above.

Mahalo,
Jodi Malinoski

Jodi Malinoski

Sierra Club Oʻahu Group Coordinator

HHF PLANNERS
places for people

January 7, 2019

Ms. Jodi Malinoski
Oʻahu Group Coordinator
Sierra Club of Hawaiʻi
P. O. Box 2577
Honolulu, HI 96803

Dear Ms. Malinoski:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. ***Agriculture.*** *Appendix H, Agricultural Plan, Feasibility, and Impacts contains the following sections we would like to address.*

Response: Your letter includes a number of questions related to Appendix H of the Draft EIS, the Agricultural Plan. As part of its review of the Draft EIS (including Appendix H), the Department of Agriculture provided comments in a letter dated February 22, 2018. That letter, and our response thereto, will be included in the Final EIS. As stated in that letter, "*…the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

Section 4.7, Agriculture, of the Draft EIS discusses potential impacts of the Proposed Project, and analyzes the Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): *"…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/ rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity."*

Each of the specific comments with respect to agriculture are further discussed individually below.

2. *Section 4.b. Planned Ownership and Management states the following:*

   Before transferring management control of the common areas to the Land Owners Association (LOA), Dillingham Ranch Aina will lease all or portions of the 11 agricultural lots for (1) a cattle ranch, (2) a ranch for working and riding horses, (3) a palm plantation, (4) a mango orchard, and (5) a hydroponic farm. As discussed

below, the farm and ranch leases will be set at affordable rents; the leases will be long term (10 to 20 years); and the land will be "dedicated to agriculture." In addition, Dillingham Ranch Aina will provide access to water for farm animals and irrigation.

Question: How does the applicant define "affordable rents" for the farm and ranch leases?

Response: As used in the Draft EIS, "affordable rents" is intended to mean rents sufficiently low so as to (1) attract qualified farmers and ranchers, and (2) allow profitable operations by those farmers.

3. *Section 4.b. Planned Ownership and Management (continued):*

Upon sale of the 36th lot, DRA will transfer ownership and management control of the common areas to the LOA, subject to the existing leases. However, for those common areas that are planned for ranching or farming but have not yet been leased, their transfers will be delayed until the leases are executed.

The DRA will employ an AMF to manage the common areas, farm leases, ranch leases and agricultural water system. After the common areas are transferred to the LOA, the Board may continue with the same AMF, or may replace it with another firm. The AMF will continue to employ various service providers as needed to maintain the common areas.

Although the LOA will inherit the farm and ranch leases, it will not be directly involved in the farm and ranch operations located on the 11 agricultural lots owned in common. After the initial long-term leases expire, the LOA will be responsible for renewing the leases or drafting new ones, possibly with new tenants. The AMF will assist the LOA with this effort.

Management and maintenance costs for the common areas will be borne by the LOA.

Question: How will the applicant ensure these 11 lots will be farmed in perpetuity?

Response: With respect your question regarding agriculture perpetuity, it is noted that no individual or corporation, or farmer, can guarantee perpetual use of any land for farming. The agricultural history of the State of Hawaiʻi is replete with failed agricultural endeavors, large and small. The proposed Agricultural Plan is provided to ensure to the greatest extent possible, that future agricultural uses on the property are successful. In combination, the Covenants, Conditions and Restrictions (CC&Rs), State districting, and County zoning will preclude residential, commercial or industrial development on the 11 agricultural lots, thereby leaving agriculture as the sole viable economic use of these lots.

4. *Question: How will the applicant ensure that the Agricultural Management Firm (AMF) will properly manage the common areas, farm leases, ranch leases, and agricultural water system?*

Response: The Applicant will work closely with the AMF and monitor their actions to ensure proper management of the common areas, farm leases, ranch leases and agricultural water system. Upon sale of the 36th lot, the Applicant will transfer ownership and management control of the common areas to the LOA, subject to the existing leases, and the LOA will have the option to continue working with the AMF or to engage a different AMF. Some of your comments request answers to questions regarding implementation of the Agricultural Plan. The outstanding actions identified in the Agricultural Plan will be formulated as the Proposed Project is implemented.

5. *Section 4.c. Agriculture/Farm-Dwelling Lots states the following:*

   At full development, each lot will be required to have an orchard, the development of which will be partially subsidized by Dillingham Ranch Aina (see Subsections 4.i. and 4.m). In addition, some lot owners are likely to add non-orchard crops, and some may build barns and other facilities for their horses.

   Question: Are there size limits or additional restrictions on what "other facilities for their horses" can be built on each lot?

Response: As stated in the Project Description (p. 2-6), the 70 agricultural lots will provide areas for "*a farm dwelling, accessory structures, and crop cultivation*." The CC&Rs for the future Lot Owners Association will include provisions that prohibit more than one farm dwelling on any parcel. Agricultural zoning rules allow a farm dwelling (and accessory structures) within a footprint no larger than 5,000 square-foot. With respect to agricultural structures (barns, processing facilities, etc.), the zoning code limits maximum building area to 10% of any individual zoning lot, provided all other requirements of the zoning code are met.

6. *Section 4.c. Agriculture/Farm-Dwelling lots (continued):*

   In addition to the agricultural activities, each lot is expected to have a single farm dwelling, with the LOA Declaration of Covenants, Conditions and Restrictions ("CC&Rs") written to limit development to just one dwelling per lot. Also, each dwelling will be located in a development footprint no larger than 5,000 square feet (about 0.115 acre).

   These farm dwellings will be single-family homes used in connection with farm operations on the lots. The close proximity of the dwellings to the orchards and possible other agriculture activities will make it easier to manage farm operations and will also provide farm security. Theft of crops and equipment is a major problem for many farmers throughout Hawai'i.

Question: How will the applicant ensure that these single-family homes will not be used as vacation rentals?

Response: The agricultural lots are discussed in Section 2.3.3, where it states that each "…*of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet*" (p. 2-8). This section also states that all "*…agricultural lot owners and all activities within the Proposed Project will be subject to recorded Covenants, Conditions, and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements. The CC&Rs will be administered and enforced by the Association of Lot Owners (the Association)."* The CC&Rs will include prohibition of use of any facilities, including the farm dwellings, for vacation rentals purposes.

7. *Section 4.c. Agriculture/Farm-Dwelling Lots (continued):*

   The lots will be marketed in publications and on websites catering to farmers. For lot buyers who do not have relevant experience in commercial farming or who have not taken appropriate courses on farming, they must stipulate that, within 2 years of purchasing their lot, they will participate in a course arranged by DRA on how to cultivate orchard trees and sell crops. This could take place in a classroom setting and/or an online course. The purpose would be to ensure that the lot owners have a basic understanding of operating or managing a commercial orchard, even if many of the functions are performed by farm-service providers. Having basic knowledge of commercial farming will be in their own best interests. Once DRA transfers control to the LOA, the LOA with the help of the AMF will be expected to continue offering the course.

   Question: To ensure that real farmers and not just wealthy individuals can afford to purchase a lot, will the applicant establish sales prices to be affordable to area median income (AMI)?

Response: The purchase prices for the lots have not yet been established. This is not an affordable housing project, therefore purchase prices will not be tied to the AMI.

8. *Question: Will the applicant require that all owners have previous farming experience, or employ service-providers who have expertise on orchard farming to ensure that farms are viable operations? We recommend that relevant farming experience be a prerequisite to purchase of one of the lots instead of offering a training course to supplement this experience.*

Response: Relevant farming experience will not be a prerequisite for purchasing a lot. As Stated in the Agricultural Plan, "For lot buyers who do not have relevant experience in commercial farming or who have not taken appropriate courses on farming, they must stipulate that, within 2 years of purchasing their lot, they will participate in a course arranged by DRA on how to cultivate orchard trees and sell crops. This could take place in a classroom setting and/or an online course. The purpose would be to ensure that the lot owners have a basic understanding of operating or managing a commercial orchard, even if many of the functions

are performed by farm-service providers. Having basic knowledge of commercial farming will be in their own best interests." (p. 12). This requirement is modeled after the State of Hawaii guidelines for leasing land in State Agricultural Parks. Additionally, the Applicant will provide contact information of qualified service providers. Most of these service providers will deliver specialized services (e.g., irrigation systems, fertilizers, weed and pest control, pruning, marketing, etc.), with orchard crops.

9. *Question: Will the applicant offer hands-on farm training instead of a classroom or online course in farming? Can the applicant offer a hands-on training course to all lot purchasers?*

Response: If the experts who design the mandated training program recommend hands-on farm training, then it will be included as a part of the training program. It is expected that this will occur. Also, the training program will be available to all lot purchasers, including those with previous farming experience.

10. *Question: What else will the applicant do to ensure that experienced, local farmers will be able to purchase these lots?*

Response: As stated in the Agricultural Plan, "The lots will be marketed in publications and on websites catering to farmers." (p. 12). This will include Hawaii publications and websites.

11. *Section 4.h. New Orchards states the following:*

    The vision for the proposed Agricultural Plan is to have orchard crops planted on each of the 70 agriculture/farm-dwelling lots. In order to ensure implementation of the vision, the CC&Rs will require the following:
    - *Each lot owner must plant and maintain an orchard on their property at densities typical of commercial orchards.*
    - *The minimum amount of land that must be planted and maintained will be the larger of:*
      - *1 acre*
      - *30% of lot area, rounded to the nearest 10th acre.*
    - *Seedlings for an orchard must be planted within 3 years after the lot is purchased.*

    Question: Why did the applicant choose a 3 year maximum time limit to plant orchard seedlings and can this time limit be reduced?

Response: Three years was selected to allow for the lot buyer/farmer sufficient time to select an orchard crop, choose a location for the farm on his/her lot, clear the land for farming, install an irrigation system, amend the soils, lay out the spacing for the trees, plant seedlings, etc. A time period any shorter than this may be insufficient to accomplish the needed tasks and for that reason the three-year limit seemed practical.

12. *Section 4.m. Planned Agricultural Support states the following:*

Planned Agricultural Support Further to the information above, DRA will:

- *Negotiate long-term leases (10 to 20 years) for two ranches and three farms, with initial rents sufficiently discounted to attract tenants.*
- *Add dedication or rededication lands to agriculture in order to (1) insure long-term agricultural use of the land designated for ranching and farming, and (2) reduce the property taxes on these lands. (Land dedicated to agricultural for 10 years, and used for commercial crop production, is assessed at 1% of market value. If it is used for pasture, the dedication period is 5 years.)*
- *Provide various improvements to support ranching and farming, such as water lines for livestock and irrigation, irrigation systems for the palm plantation and mango farm, fencing to separate ranching from farm dwellings, and the slab and structure for the hydroponic farm.*
- *Set aside land for a baseyard for shard agricultural equipment.*
- *Provide subsidies to help develop the orchards.*
- *Assemble and provide to lot buyers contact information and expertise of farm consultants and service providers.*
- *Provide subsidies to support a hydroponic education program.*

Question: How much will initial rents be discounted for the farm and ranch leases and for how long?

Response: At this time, the amount that the rents will be discounted has not yet been determined. However; as noted in the response to Question 1, the rents will be set sufficiently low so as to (1) attract qualified farmers and ranchers, and (2) allow profitable operations. And as noted above, rents will have negotiated terms of 10 to 20 years.

13. *Question: Who will monitor and enforce the agricultural dedication process?*

Response: Agricultural dedications are monitored and enforced by the City and County of Honolulu, Department of Budget and Fiscal Services, Real Property Division.

14. ***Biological Resources**. The U.S. Fish and Wildlife Service offered several written comments on the EISPN in accordance with section 7 of the Endangered Species Act of 1973. These comments were to minimize potential impacts to several avifaunal species, including: 1) Hawaiian Duck, 2) Hawaiian Common Moorhen, 3) Hawaiian Coot, 4) Black-necked stilt, 5) O'ahu 'Elepaio and 6) Hawaiian hoary bat. The following mitigation measures, although recommended by the U. S. Fish and Wildlife Service, were not included in the DEIS:*

    Waterbirds:

    - *A biological monitor should conduct Hawaiian waterbird and nest surveys at the proposed project site prior to project initiation and after any subsequent delay in work of three or more days (during which water birds may attempt nesting)*

- *Any documented nests or broods within the project vicinity should be reported to the U. S. Fish and Wildlife Service within 48 hours.*
- *If a listed Hawaiian waterbird is observed within the project site, or flies into the site while activities are occurring, all activities should halt within 100 feet of the individual(s). Work should not resume until the Hawaiian waterbird(s) leave the area on their own accord.*
- *A post-construction report should be submitted within 30 days on the completion of the project. The report should include the results of Hawaiian waterbird surveys, the location and outcome of documented nests, and any other relevant information.*

Hawaiian hoary bat

- *Barbed wire shall not be used for fencing and that if it must be used, it is only used within two inches of the ground surface*

O'ahu 'Elepaio

- *Avoiding potentially disruptive activities, such as trenching, during the breeding season*
- *Avoiding conducting activities that may spread invasive species, increase mosquito populations, increase grazing in forest habitats, or increase the threat of wildfire to montane forest habitats.*

Question: Why were these mitigation measures not included in the DEIS and how will the applicant sufficiently address each of these suggested mitigation measures?

Response: Comments were provided on the EISPN by the U. S. Fish and Wildlife Service (which included suggested mitigation measures related to water birds, the Hawaiian hoary bat and the O'ahu 'Elepaio). Subsequent to the EISPN comments (dated October 25, 2016), and as discussed in the Draft EIS (in Section 3.7, Biological Resources), "*On March 13, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) O'ahu 'Elepaio (Chasiempis ibidis); and (6) Hawaiian hoary bat.*"

The mitigation measures included in the Draft EIS were formulated by the Proposed Project's biologists based on input received from the USFWS at the March 13, 2017 meeting to minimize potential impacts. The mitigation measures relate to all six species discussed at the above-referenced meeting, and include mitigation requirements during the pre-construction planning phase, the construction phase and the post-construction operational phase.

No further comments were received from the USFWS during the public review period for the Draft EIS.

15. ***Economic Impacts****. Section 5.1.7 Hawai'i Environmental Impact Statement Significance Criteria states the following in relation to economic and social welfare:*

The economic or social welfare of the community or State would not be substantially affected by the Proposed Action.

Discussion: Beneficial economic effects will accrue to the community from the Proposed Action. Lot owners will contribute to the economic well-being of the community through the purchase of goods and services and the payment of sales and real property taxes. The Proposed Project is not expected to result in any significant impacts to existing socio-economic characteristics of the nearby community or the North Shore.

Question: Will the applicant include an economic analysis of the project impacts on the local community in the Final EIS?

Response: The Draft EIS includes the required analysis of the Proposed Project's economic impacts, including its economic impacts on the local community. Section 4.9, Socio-economic Characteristics, provides information on the potential economic effects of the Proposed Project. Page 4-36 states: "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities.*" Further, in the short term, the *"…development of the Project Area will result in significant expenditures by the Applicant, as well as by owners of the agricultural lots"* (these expenditures are enumerated on Page 4-36). The Draft EIS also explains that at full build-out, the Proposed Project could require 12 to 20 full-time equivalent employees, with new Ranch jobs providing employment opportunities for the local labor force (p. 4-35).

Chapter 5, Relationship to Land Use Plans, Policies, and Controls, discusses the compliance of the Proposed Project with applicable State and City/County documents. Chapter 5 concludes that the Proposed Project is compliant with the economic objectives of: the Hawai'i State Plan, Chapter 226, HRS (p. 5-7 and 5-8), the Hawai'i Environmental Policy, Chapter 344, HRS (p. 5-17) and the Hawaii General Plan (p. 5-21).

In addition, the Agricultural Plan includes a section on Agricultural Impacts and Benefits, including the number of agricultural jobs that will be generated by the Proposed Project.

No further economic impact analysis of the Proposed Project is required.

16. *Question: If the applicant is a global real estate investment company and the agricultural dedication process significantly reduces real property taxes on the lots, how will the payment of sales and real property taxes specifically "contribute to the economic well-being of the community"?*

Response: Lot sales, construction expenditures, produce sales, consumption expenditures, payroll, and profits will be subject to a number of State taxes (excise, income, conveyance, etc.) These taxes are not affected by agricultural dedications. Regarding County property taxes, areas of the Ranch that are currently used for cattle grazing and farming are already dedicated to

agriculture. These areas are assessed at 1% of market value and taxed accordingly. Thus, property taxes for those areas that remain dedicated to agriculture will remain relatively low but may increase due to a small increase in assessed values. However, home sites and homes cannot be dedicated to agriculture. They will be assessed at market values and taxed accordingly. The net result will be a substantial increase in tax revenues for both the State and the County.

17. ***Water System***. *Section 4.11.2.1 Existing Conditions states the following:*

Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulē'ia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission (PUC) (DPP, April 2011).

Well 3410-01 supplies potable water to Dillingham Ranch and 100 residential customers in the Mokulē'ia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R. M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Question: Due to the insufficient pressure and pumping capacity required for fire flow, how will the applicant put out a fire in Dillingham Ranch or the Mokulē'ia community, should one occur?

Response: The Applicant will construct all water system improvements within the Proposed Project necessary to provide potable water and non-potable water in sufficient amounts, for the Proposed Project including for fire flow. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The Proposed Project is designed to comply with applicable provisions of the Uniform Fire Code regarding required fire flow for fire protection, fire access, including location of fire access road(s) in relation to project buildings, and fire hydrants. The final subdivision map and related civil engineering drawings for the Proposed Project will be submitted to the Honolulu Fire Department for review and approval.

As you noted, the Draft EIS explains that the water system that supplies some residential customers in the Mokulēʻia community is owned by NSWC and regulated by the Hawaii Public Utilities Commission (PUC). The developer of the Proposed Project is DRA, (the Applicant), and not NSWC. However, DRA's development of the Proposed Project will entail improvements to water source and storage to the benefit of NSWC.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. As noted in the Assessment of Potential Impacts on Water Resources of the Proposed Dillingham Ranch Agricultural Subdivision included in Appendix A of the Draft EIS, the NSWC well system does not have reservoir storage or sufficient fire protection and the well has limited pumping capacity. The Applicant's proposed improvements for the Proposed Project includes making substantial improvements to two of the

existing wells owned by Applicant that are located within the Project Site and for which a water use permit has been issued, but are not currently in use (Wells 3310-01 and 3310-02), and transferring those improved wells over to NSWC (subject to approval from the PUC), so that NSWC can shut down its existing and deficient well and continue water service operations with these two improved wells. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The Applicant's construction of new water storage tanks, at elevation, will improve NSWC's ability to increase fire flow pressure throughout the NSWC system.

The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system low water pressure and pumping capacity, are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

For fires that occur in the mountains above Dillingham Ranch, the Ranch has provided logistical support for fire fighters in the form of staging areas on the Ranch, and the use of the water sources on the Ranch to supply airborne water drops, and will continue to do so in the future.

18. ***Dillingham Lodge***. *Chapter 1.0 Introduction states the following regarding Dillingham Lodge:*

    As allowed by a Special Use Permit (2000/SUP-3) and a zoning variance (2000/VAR-39) approved by the City and County of Honolulu ("City and County" or "C&C"), the Dillingham Lodge is used commercially for weddings, retreats, and other special events. Under the Proposed Project, existing palm tree cultivation and Dillingham Lodge operations will continue at their current locations.

    Question: Is the City and County of Honolulu's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39) that allows special event services at Dillingham Lodge approved in perpetuity?

Response: Both the zoning variance and the special use permit are discussed in detail in Chapter 5 of the Draft EIS, Relationship to Land Use Plans, Policies and Controls (p. 5-31 and 5-32). Under the Proposed Project, the allowable uses under the special permit and variance will continue. Neither approval is per se "approved in perpetuity;" however each remains valid (subject to continued compliance with their respective conditions of approval), and the Dillingham Lodge continues to operate lawfully under the provisions of 2000/VAR-39 and 2000/SP-3 (p. 5-32).

19. *Question: Will the existing City and County of Honolulu's Special Use Permit (2000-SUP-3) and zoning variance (2000/VAR 39) need to be revisited and amended as a result of this project?*

Response: The activities associated with the Dillingham Lodge are existing uses at the Project Site, which have been on-going for years, and have been approved by the Department of Planning and Permitting in entitlement actions described above (Response to Question 18). The Project Description, contained in Chapter 2 of the Draft EIS identifies the "*Dillingham Lodge, which can be rented for weddings, graduations, anniversaries, family gatherings, retreats, corporate events, and equestrian or polo-related events*" as an existing land use on the Project Site (p. 2-1). The Proposed Project will not change the existing activities and uses of Dillingham Lodge and, therefore, 2000/VAR-39 and 2000/SP-3 will not require any amendments.

20. *Question: What is the frequency and size of special events at Dillingham Lodge and will these events increase after completion of the project?*

Response: These Dillingham Lodge activities are allowed by the City and County's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39). The Special Use Permit restricts large scale events (involving 300 attendees) to an average of two per month in any given calendar year (p. 5-32). For other events, including weddings and other gatherings, the Property averages about one event per week.

21. *Question: How will these future special events impact agricultural production, infrastructure, and utility systems and will an analysis of these impacts be included in the Final EIS?*

Response: Future events at the Dillingham Lodge will not impact agricultural production, infrastructure, or utility systems. The activities associated with the Dillingham Lodge are existing uses at the Project Site and are part of the baseline conditions for the EIS. These activities have been on-going for years, have been approved by the Department of Planning and Permitting pursuant to a special use permit (2000/SUP-3) and zoning variance (2000/VAR 39), and have been accounted for in the design of all aspects of the Proposed Project. The Project Description, contained in Chapter 2 of the Draft EIS identifies the "*Dillingham Lodge, which can be rented for weddings, graduations, anniversaries, family gatherings, retreats, corporate events, and equestrian or polo-related events*" as an existing land use on the Project Site (p. 2-1). The Lodge activities have been and will continue to be compatible with nearby agricultural activities.

22. *North Shore Sustainable Communities Plan. Section 5.2.2. Relationship to Land Use Plans, Policies, and Controls, City and County of Honolulu, North Shore Sustainable Communities Plan Agriculture Policies contains the following agricultural policy:*

    "Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other non-agricultural

> *use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land."*
>
> *Question: How is the proposed project consistent with this Agricultural Policy in the North Shore Sustainable Communities Plan which aims to prevent "token farming or ranching as a ruse to exploit agricultural land"?*

Response: The Agricultural Plan was specifically designed to significantly increase agricultural activities at the Ranch and, because of the various requirements and subsidies, result in far more agricultural activity than currently exists or would exist under pure market conditions. Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. The Agricultural Plan (Appendix H to the Draft EIS) contains information on Chapter 205, Hawaii Revised Statutes, to prevent the "*token farming or ranching as a ruse to exploit agricultural land*" on the Subject Property. The Agricultural Plan was approved by the State Department of Agriculture, and relevant portions will be included in the CC&Rs.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

CAMP Mokuleia

808-637-6241 / fax: 808-637-5505
68-729 Farrington Hwy, Waialua, HI 96791
www.campmokuleia.com

February 9, 2018

Aloha -

Mahalo for the opportunity to review the Draft EIS for the Dillingham Ranch Agricultural Subdivision.

As a water customer of the Ranch, we were very surprised that no mention of the water system that serves about 100 customers in the Mokuleia area was mentioned. As a camp, we need to be able to provide the basic amenities to our campers, and water is a critical one for their health and safety. We need to be able to know that we will continue to have access to clean and affordable water provided by a strong and resilient infrastructure system. We would appreciate it if you would address the following concerns:

- Will water service to the community and the camp continue?
- Will the infrastructure be improved to ensure the water continues to flow safely to our homes and businesses?
- Will the rates be raised to support the new subdivision? If yes, how much?
- Why isn't the community's water system included and discussed in the EIS?
- Is this a sign that the subdivision will eventually stop providing water to the community?
- What assurances do we have that water service will continue?
- What will be the impact to our service due to the increased water usage on the property?
- What recourse will we have if service suffers? Who do we go to?
- Is it legal for an HOA to sell water to others? Are there other examples of this construct in the State of Hawaii?
- We already have issues with the current pressure levels – they drop significantly during parts of the day. Will the Dillingham project address this concern? If so, how will it be addressed?

I am certain you will receive more comments along these lines from the community that is currently served. The lack of acknowledgement in the Draft EIS is very concerning to us and we hope you will be able to adequately answer our concerns.

Mahalo,

Darrell Whitaker
Executive Director

Nara McDonald
Board Chair

HHF PLANNERS
places for people

January 7, 2019

Darrell Whitaker, Executive Director
Nara McDonald, Board Chair
Camp Mokulēʻia
68-729 Farrington Highway
Waialua, HI 96791

Dear Mr. Whitaker and Chair McDonald:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 9, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

As a water customer of the Ranch, we were very surprised that no mention of the water system that serves about 100 customers in the Mokuleia area was mentioned. As a camp, we need to be able to provide the basic amenities to our campers, and water is a critical one for their health and safety. We need to be able to know that we will continue to have access to clean and affordable water provided by a strong and resilient infrastructure system. We would appreciate it if you would address the following concerns:

1. *Will water service to the community and the camp continue?*

Response: To clarify, Camp Mokulēʻia is not a water customer of the Applicant (Dillingham Ranch Aina LLC or DRA). The water system that supplies some residential customers in the Mokulēʻia community, including the Camp, is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by DRA and not by NSWC. Water service from the NSWC to its existing customers will continue, and will be expanded to provide service to the Proposed Project.

2. *Will the infrastructure be improved to ensure the water continues to flow safely to our homes and businesses?*

Response: Concerns about any required infrastructure improvement to ensure continued water service provided by NSWC to existing customers are outside the scope of the Draft EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed

Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. Nevertheless, Applicant's development of the Proposed Project should result in improvements to NSWC's source and storage. The only well owned by NSWC and that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve an upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia.

As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

3. *Will the rates be raised to support the new subdivision? If yes, how much?*

Response: The Applicant's transfer of two refurbished and modernized wells and related improvements to NSWC and the addition of the Proposed Project to the service area of the utility company is expected to have an economic impact on the operating and maintenance costs of the NSWC and potentially to rates charged to customers. However, the extent of those impacts and how they will be addressed is something to be determined by the Public Utilities Commission.

4. *Why isn't the community's water system included and discussed in the EIS? Is this a sign that the subdivision will eventually stop providing water to the community? What assurances do we have that water service will continue?*

Response: The purpose of the Draft EIS is to focus on a description of the improvements that are included as part of the Proposed Project. There are no off-site improvements included as part of the Proposed Project. The "subdivision" will not provide potable water to the larger Mokulēʻia community. This function will continue to be provided by the NSWC. As described in response to Question #1, above, the NSWC is a privately-owned water utility regulated by the State Public Utilities Commission (PUC). The NSWC will expand its service area to include provision of potable water to the Proposed Project.

5. *What will be the impact to our service due to the increased water usage on the property?*

Response: The increase in water use within the Proposed Project will not impact Camp Mokulēʻia.

Camp Mokulēʻia receives its water from the NSWC, which obtains water from Well No. 3410-01, owned by NSWC but located within the Project Site. The Water Use Permit associated with Well No. 3410-01 authorizes the withdrawal of 0.500 MGD. Present use of Well 3410-01 is approximately 0.0856 MGD. The average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10% allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD). However, in connection with Applicant's improvements for the Proposed Project, it will upgrade two existing wells owned by Applicant (Wells 3310-01 and 3310-02), for which Applicant holds a Water Use Permit. This permit allows the withdrawal of 0.85 MGD. These wells will be added to the NSWC, pending approval by the PUC.

6. *What recourse will we have if service suffers? Who do we go to?*

Response: Issues with the potable water system should be addressed to the North Shore Water Company.

7. *Is it legal for an HOA to sell water to others? Are there other examples of this construct in the State of Hawaii?*

Response: The Lot Owners Association (LOA) for the Proposed Project will not be selling water to others. The LOA will provide irrigation water to the members of the LOA, and the LOA will own the irrigation system and be responsible for its maintenance and operations. The LOA for the Proposed Project will not be operating the potable water system. The owner of the potable water system will continue to be the North Shore Water Company.

8. *We already have issues with the current pressure levels — they drop significantly during parts of the day. Will the Dillingham project address this concern? If so, how will it be addressed?*

Response: The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in the response to Question #2, Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2, and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system regarding current pressure levels, are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system. In connection with the development of the Proposed Project, the Applicant will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive

pressure/flow into the existing NSWC infrastructure. Any other issues related to water service need to be addressed by the NSWC.

9. *I am certain you will receive more comments along these lines from the community that is currently served. The lack of acknowledgement in the Draft EIS is very concerning to us and we hope you will be able to adequately answer our concerns.*

Response: Your observation that we may receive similar comments from others regarding the water service provided by the NSWC is acknowledged.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Transmittal

Charter
COMMUNICATIONS

200 Akamainui St. Mililani, HI 96789
(808) 625 - 2100

Date: *2/1/18*

RE: PROJECT LOCATION/WORK ORDER

To: *HHF Planners*
Pacific Guardian Center
733 Bishop St, Suite 2590
Honolulu, HI 96813

Attention: *Mr. Scott Ezer*

Dillingham Ranch Agriculture Subdivision
Draft Environmental Impact Statement

We are sending you the following:

- ☐ **Pole / Conduit Application**
- ☐ **Permit Applications**
- ☐ **Copy of Letter**
- ☐ **Preliminary / Final Drawings**
- ☐ **Return Prints**
- ☐ **Other**

Copies	*Sht / Appl. #*	*Description*

The Above is transmitted:

- ☐ **For Your Approval**
- ☐ **For Review and Comment**
- ☐ **For Your Use / Records**
- ☒ **As Requested**
- ☐ **As Approved**
- ☐ **Other** _____

Comments / Remarks: *Thank-you for sending the CD of the above project.*
Our maps indicate Spectrum Cable has an aerial system along Farrington Hy on the mauka side fronting the project. There is no CATV distribution system with the project site.
Should you have any questions, please call 625-8456 and make reference to tracking# E-25052.

Thank-you,

cc: *Reference# E-25052*

Signed: Dean Yonezawa

Printed Engr/Title: **Dean Yonezawa / OSP Engineer**

HHF PLANNERS
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January 7, 2019

Dean Yonezawa
OSP Engineer
Charter Communications
200 Akamainui Street
Mililani, HI 96789

Dear Mr. Yonezawa:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your transmittal memo dated February 1, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Spectrum Cable has an aerial system along Farrington Highway on the mauka side fronting the project.*

Response: It is acknowledged that Spectrum Cable has an aerial system along Farrington Highway on the mauka side fronting the Project Site.

2. *There is no CATV distribution system with the project site.*

Response: It is acknowledged that Spectrum Cable currently has no CATV distribution system within the Project Site.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

C: Joette Yago, Department of Planning and Permitting

Scott Ezer

From: Liu, Rouen <rouen.liu@hawaiianelectric.com>
Sent: Thursday, February 22, 2018 11:45 AM
To: 'deadie@kennedywilson.com'; 'jyago@honolulu.gov'; Scott Ezer
Cc: Kuwaye, Kristen
Subject: Dillingham Ranch Agricultural Subdivision Project - DEIS

Dear Mr. Dave Eadie, Ms. Joette Yago, and Mr. Scott Ezer,

Thank you for the opportunity to comment on the subject project. Hawaiian Electric Company has no objection to the project. Should Hawaiian Electric have existing easements and facilities on the subject property, we will need continued access for maintenance of our facilities. We appreciate your efforts to keep us apprised of the subject project in the planning process. As the proposed Dillingham Ranch Agricultural Subdivision project comes to fruition, please continue to keep us informed. Further along in the design, we will be better able to evaluate the effects on our system facilities.
If you have any questions, please call me at 1-808-543-7245.

Sincerely,
Rouen Q. W. Liu
Permits Engineer
Tel: (808) 543-7245
Email: Rouen.liu@hawaiianelectric.com

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately by reply e-mail and destroy the original message and all copies.

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HHF PLANNERS
places for people

January 7, 2019

Rouen Q. W. Liu
Permits Engineer
Hawaiian Electric Company
Via email: rouen.liu@hawaiianelectric.com

Dear Mr. Liu:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Hawaiian Electric Company (HECO) has no objection to the project.*

Response: Your comment that (HECO) has no objection to the Proposed Project is acknoweldged.

2. *Should there be existing HECO easements and facilities on the subject property, HECO will need continued access to maintain facilities.*

Response: The Proposed Project will not impede access to HECO easements and facilities on the subject property.

3. *HECO appreciates efforts to be kept appraised of the subject project in the planning process. As the proposed Dillingham Ranch Agricultural Subdivision project comes to fruition, please continue to keep HECO informed. Further along in the design, HECO will be better able to evaluate the effects on electrical system facilities.*

Response: As planning and design for the project moves forward, the Applicant's engineers will keep HECO informed on the progress of the project and look forward to further discussions regarding integrating the Proposed Project into HECO's electrical system facilities.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

19 February 2018

On August 10, 2015, at a "Briefing Session" during the meeting of the North Shore Neighborhood Board, representatives of Dillingham Ranch presented a brochure for "...a diverse agricultural subdivision" and a map/chart labeled "Dillingham Ranch Off-Site Water System", which showed a line down Farrington Highway labeled New 12" Water Line.

A May 1, 2015, letter from the North Shore Water Company to the "NSWC consumers down Farrington Highway" states that the water lines will be replaced.

On June 27, 2017, representatives of Dillingham Ranch made a presentation to the meeting of the North Shore Neighborhhood Board titled "Dillingham Ranch Environmental Impact Statement Presentation." During the following question & answer session, the representatives stated the "North Shore Water Company is the utility owned by Dillingtonham Ranch...and will provide water to the ranch and about 100 other customers." Further they assured that they will reach "every obligation for water and fire suppression."

On Wednesday, February 14, 2018, at a special meeting of the North Shore Neighborhood Board, representatives of Dillingham Ranch presented a "Dillingham Ranch Draft EIS Presentation" which did not include any of the above commitments.

As president of the Board of Directors of Mokuleia Beach Colony, I represent the owners of forty-nine residential units that rely on North Shore Water Company; my concern is what or who will assure the continued flow of water, in light of the apparent withdrawal of previous commitments.

William Fraser
68-615 Farrington Hwy 2B
waialua HI 96791-9378

HHF PLANNERS
places for people

January 7, 2019

Mr. William Fraser
68-615 Farrington Highway 32B
Waialua, HI 96791-9378

Dear Mr. Fraser:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project), with no specific comments addressed to the Draft EIS. We have reviewed your comments and offer the following responses.

1. *As president of the Board of Directors of Mokulēʻia Beach Colony, I represent the owners of forty-nine residential units that rely on North Shore Water Company; my concern is what or who will assure the continued flow of water, in light of the apparent withdrawal of previous commitments.*

Response: : As you noted, the water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC. Water service from the NSWC to its existing customers will continue, and will be expanded to provide service to the Proposed Project.

Concerns about the current water service provided by NSWC to the Mokulēʻia community and future plans NSWC had to update its services to the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, the changes in NSWC's plans regarding its water distribution system to the Mokulēʻia community are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

The NSWC's Mokulēiʻa community water system is not part of the Proposed Project. Water service for the Mokulēiʻa community is provided by NSWC and will continue to be serviced by NSWC irrespective of the development of the Proposed Project.

While the Proposed Project is unrelated to the existing service concerns with NSWC, the development of the Proposed Project will involve a substantial upgrade, at the Applicant's cost, to the existing private water owned by NSWC. The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. As a part of the Proposed Project, the Applicant will add two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC, both of which are located within the Project Site. The Applicant will uncap and outfit these wells for use, and construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC, subject to PUC approval. The addition of two new wells will allow NSWC to terminate use of its sole existing well, which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2, of the Final EIS (enclosed). Unlike an earlier and now defunct subdivision plan for the Dillingham Ranch property, the current subdivision plans for the Proposed Project do not entail any improvements outside of the Dillingham Ranch property. Although concerns regarding continued service to the area by NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project contemplates improvements to the NSWC water system.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

NORTH SHORE NEIGHBORHOOD BOARD NO. 27

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
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SPECIAL MEETING MINUTES
WEDNESDAY, FEBRUARY 14, 2018
WAIALUA COMMUNITY ASSOCIATION GYM

CALL TO ORDER: Chair Kathleen Pahinui called the meeting to order at 6:30 p.m. **A quorum was established with 10 members present**. Note – This 15-member Board requires eight (8) members to establish a quorum and to take official Board action.

Board Members Present: Thomas Shirai, Andrew Green, Kathleen Pahinui, Leif Andersen, Carol Philips (arrived at 7:00 pm), Racquel Achiu, Mike Lyons, SharLyn Foo, Bob Leinau, Bob Justice (arrived at 6:45 pm), Bill Martin (arrived at 6:50 p.m.), Henry Courtenay, and Blake McElheny.

Board Members Absent: John Hirota and Jacob Ng.

Guests: Scott Ezer, Helber, Hastert; Fee, Dave Eadie, Kennedy Wilson. Attached are sign up sheets (not all signed in). There were about 200 in attendance.

BOARD BUSINESS
Presentation of the Dillingham Agricultural Subdivision Draft Environmental Impact Statement. A copy of the presentation is attached to the minutes.

Questions, comments, and concerns followed:

1. Electric. There are brown outs already in Mokuleia, this subdivision will negatively impact the electrical grid for the community. Only one line into the grid. How will the water pumps be powered if electricity goes down?
2. Taxes. The high cost of the lots will increase the property taxes for the community.
3. Education. Ag land can be used to educate our children.
4. Neighborhood Board. The Board should say no to development. Is this a done deal? Who needs to be called to get it stopped.
5. Roads. There is a 2-lane road going in and out of the community.
6. Sewage. Where is the sewage going? Into the ocean?
7. Treatment Plant. Where will the treatment plant go? How will the sewage be treated? It is a logistical problem.
8. Keep it Country. We need to preserve and protect the open land.
9. Ocean. Is the discharge going into the ocean?
10. Vacation Rentals. Too many homes being turned into illegal vacation rental units taking away housing from our residents. These will be high-end vacation rentals. Not for local people.
11. Houses? Are the houses even necessary? Why not do real agriculture. Lease the land and allow local families to farm and feed their families and community. Provide lease rent discounts.
12. Land Ownership. Family owned the land many years ago, taken by the military and never given back. Has the deeds. What rights do Kennedy Wilson claim to own the land. They need to talk to resident and discuss; they never called. Kennedy Wilson does not own the land. It was stolen.
13. Hawaiian People. Need to help the Hawaiian people not take more from them.
14. Endangered Species. Development will impact the Hawaiian Hoary Bat, only native land mammal per the DEIS. Given the general concerns about the bat, suggested mitigation is not robust. The Kahuli snail was not mentioned in the DEIS. Was it even looked for as part of the study? What about the Nananana maka ki‘i (Happy Face spider). Again not mentioned in the DEIS, why not?
15. Endangered Native Water Birds. What are the plans for the population of the native water birds on the property? How will they be impacted and how will the impact be mitigated?
16. Rocks. Rocks have been removed from the property without permits. Why? Who authorized? Why was this done? Where did they go? To the rock wall that was built? Was the removal documented? This is illegal.
17. Water. Several comments on the water: currently low pressure, infrastructure is poor for the 100+ users

outside of the property. KW will not fix the pipes. Who will fix the pipes if they break in the community? What happens if the Homeowners Association (HOA) decides not support the community water users? Is having an HOA manage a water system legal? What assurances are there for the community water users that they will continue to receive water from Dillingham? Why was the community water system not included in the DEIS? Having clean, reliable water is a health and safety issue for the community. What is the overall impact of the increased use of water from the new subdivision and possible agriculture?

18. Ground Water. How will this impact the ground water? How much water will be taken?
19. Fire Hydrants. Few hydrants, current system not up to fire code. Why won't Kennedy Wilson fix the water system and put in a better fire protection system?
20. Pesticides: the proposed agriculture would use pesticides that could affect the ground water. Would be a danger to pets.
21. Mainland vs Local. Catering to the rich mainland who are the only ones who can afford to buy. Will all be illegal vacation rentals.
22. Critical Habitats. The area is a critical habitat for native animal and plant species. What is being done to protect them?
23. Big Island Development. Kennedy Wilson has a luxury development on the Big Island at Pine Trees. No parking for locals. Only one local person lives there. Most of the residents are not full-time. Is that what is planned for the Dillingham subdivision? Private for the elite only – 145 members. $150,000 to buy in with $30,000 annual dues. The golf course uses much of the water and causes run-off.
24. Ag / Conservation Easements. Should work with the North Shore Community Land Trust to set up an easement. No development.
25. North Shore Community Land Trust. Works with willing owners. Would welcome the opportunity to talk with Kennedy Wilson.
26. Horse Boarding. Should remain open for horse boarding. Remain open to the public for equestrian activities.
27. Cattle. Will cattle to on the property? Why not?
28. Use of Land Use. Discrepancy in the numbers related to land use for ag.
29. Farming. The cost of the land is too high for any real farmer to make a profit. This is only for the rich. If really serious about farming, would have planted the trees 12 years ago so they can be harvested now. Doesn't trust that the tenants will actually farm.
30. Families. What will the impact be to the rural families? Land will be too expensive. Use of Land. Highest and best use of the land is to put houses on it. Is there another way to value the land? What will be the value to the culture in the coming years? Children need green space.
31. Show of Hands. Asked for a show of hands against the project – most of the audience raised their hands.
32. Mokuleia. Asked if the developer knew the meaning of Mokuleia. It means abundance. Keiki need the aina.
33. Waialua Hawaiian Civic Club. Opposes this development. Need to aloha the aina or no more aina to aloha.
34. People. Developer needs to understand the importance of the people. Landowners can work with the people.
35. Ag Land. Ag land is important. The ag land behind the high school is up for sale. Dole has 18,000 acres for sale. We need to change our laws to protect ag land. Important to contact your legislators. DPP has no teath.
36. Infrastructure. What about the infrastructure? Can you back up the plans?
37. HRS226-104 b 4. Per the Hawaii State Revised Statutes: *Encourage restriction of new urban development in areas where water is insufficient from any source for both agriculture and domestic use.* This statute would prohibit this development. You can't build per this Statute.
38. Flooding. Flood assessment not done by FEMA. Why?
39. Albatross. What will be the effect on the albatross in the area? What will happen to their breeding and nesting areas.
40. Community Benefits. How will the community benefit from this project? What will the impact to the culture be? Public values should be reflected. No benefits to the community – must benefit the community.
41. Gated Communities. Opportunities for illegal activities such as vacation rentals. Inspectors can't get in. Need proof of living in Hawaii in order to own one of the lots. Need laws to protect the people – in New Zealand, can't buy land if you are not a resident. Must live in Hawaii 10 years before buying. Gated communities all over now, blocking access to the ocean. This is segregation of the community.
42. Lots / Houses /Cost. What will the cost of the lots be? Will accessory dwellings be allowed? 5000 sq ft house footprint?
43. Fire and Police. What about fire and police impacts?

44. Development / Developers. This opens the door for more development. May need to sue the developers, the laws we have are good, they need to be enforced.
45. Subdivision. Change the subdivision laws. Bring passion to the legislature. Do not upzone any ag land.
46. Stopping the Project. What will it take to stop the project? Ezer: DPP accepts DEIS if it meets all the laws, rules and regulations for the City and County and State of Hawaii.
47. DEIS. Need to ensure sending in substantive comments regarding the DEIS to the DPP, consultant and developer.
48. Culture. Need to protect the Hawaiian culture. Area is culturally important. Start digging and you will find iwi and cultural artifacts.
49. Iwa Birds. Saw 42 iwa birds that day flying toward Mokuleia.
50. Traffic. The traffic assessment does not take into impacts to Waialua and Haleiwa. What will the impacts to these two communities be? The traffic assessment is old – needs to be redone.
51. Homeowners Association. A homeowners Association (HOA) is no guarantee that what is planned today will continue into the future. There are significant variables/changes that could occur if the owners decide to change the original plan.
52. Polo Field. The Polo Field across the street is also owner by Kennedy Wilson but is not mentioned in the DEIS. Originally it was to be developed into an area of beach amenities for the owners of the lots at the ranch. What will it be used for now? Why was it not included in the DEIS? What impact will the Polo Field have or not have on the equestrian facilities on the ranch.

McElheny moved and Shirai seconded the motion to oppose the Dillingham Agriculture Subdivision project and sumit the minutes as part of the public record and for a response from the consultant and developer as part of the EIS process. A roll call vote was carried out, the motion PASSED unanimously, 13-0-0; (**AYE**: Pahinui, Shirai, Green, Courtney, Lyons, Achiu, Andersen, Phillips, Justice, Leinau, Martin, McElheny, Foo).

ADJOURNMENT: The meeting adjourned at 8:45 p.m.

Submitted by: Kathleen M. Pahinui, Chair
Reviewed by:
Finalized By:

HHF PLANNERS
places for people

January 7, 2019

Kathleen M. Pahinui, Chair
North Shore Neighborhood Board No. 27
Neighborhood Commission
925 Dillingham Boulevard, Suite 160
Honolulu, HI 96817

Dear Chair Pahinui:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for the minutes of the February 14, 2018 special meeting of the North Shore Neighborhood Board, at which the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project) was discussed. Those minutes include questions, as well as comments, on the Proposed Project. Each of the items identified in the minutes have been reviewed, and the following responses are offered.

1. *Electric. There are brown outs already in Mokulēʻia, this subdivision will negatively impact the electrical grid for the community. Only one line into the grid. How will the water pumps be powered if electricity goes down?*

Response: The Proposed Project will not negatively impact the electrical grid that serves the community. Section 4.11.5 of the Draft EIS includes analysis of the potential impacts of the Proposed Project on electrical services. The analysis in that Section concludes (p. 4-58) that "*…the Proposed Project will not have a significant effect on existing HECO resources or facilities. Therefore, no mitigation measures are required.*"

With respect to power outages, the Draft EIS states the following (p. 4-57): "*In addition to transformer pads, HECO will require several switchgear pads throughout the Project Site. The switchgear acts as a protective device and sectionalizer that is used to minimize outages to an affected building and protect its main circuits.*" HECO previously informed the Applicant that no off-site improvements to its system will be required in order to provide service to the Proposed Project.

The provision of water service is the responsibility of the North Shore Water Company (NSWC), a private utility company regulated by the Hawaii Public Utilities Commission. The responsibilities of NSWC include repairs to the system over time and the provision of water to NSWC customers in the event of a loss of water due to a planned or unplanned water shutdown. Each of NSWC's wells will be provided with emergency back-up power.

2. *Taxes. The high cost of the lots will increase the property taxes for the community.*

Response: The comment on property taxes is acknowledged. Section 4.9, Socio-economic Characteristics, provides information on the potential economic effects of the Proposed Project. Page 4-36 states: "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities*." There are many factors which affect the valuations utilized for property tax assessment purposes, including the land value, building and improvement value, building age and condition, and use of the land. The Proposed Project is not anticipated to cause a significant increase in regional property values affecting the ability of farmers to operate.

3. *Education. Ag land can be used to educate our children.*

Response: The comment on agricultural land as an educational tool to the children of the community is acknowledged. One component of the Agricultural Plan prepared for the Proposed Project (attached to the Draft EIS as Appendix H), is the Applicant's provision of $50,000 per year for 10 years, to the public school system for education related to hydroponic agriculture. The Agricultural Plan has been approved by the State Department of Agriculture. Such a program is needed in Hawai'i given the economic promise of hydroponic farming and its advantages over field farming. The Proposed Project includes a 5-acre (equivalent to about 55 acres of field farming), commercial low-tech hydroponic farm for growing vegetables.

4. *Neighborhood Board. The Board should say no to development. Is this a done deal? Who needs to be called to get it stopped.*

Response: The North Shore Neighborhood Board's position on the Proposed Project is acknowledged. The Department of Planning and Permitting (the accepting authority for the EIS) is the agency to make a final decision on the proposed subdivision.

5. *Roads. There is a 2-lane road going in and out of the community.*

Response: The comment regarding the 2-lane road is acknowledged. Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix I to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

6. *Sewage. Where is the sewage going? Into the ocean?*

Response: The proposed wastewater treatment plant will handle all sewage generated on-site and the sewage will not be discharged into the ocean. The product of the treatment system will be R-1 quality, which is discussed in the Draft EIS. Page 4-49 states the following: "*As noted in the DOH Guidelines for the Treatment and Use of Recycled Water (2002), R-1 water is suitable*

for any form of irrigation for food crops;…residential property managed by an irrigation supervisor;…pastures;…drinking water for animals (except dairy animals)…". This method of wastewater treatment is more environmentally sound than reliance on individual wastewater systems such as cesspools and septic systems, which are the primary methods of wastewater treatment for residences on the North Shore.

7. *Treatment Plant. Where will the treatment plant go? How will the sewage be treated? It is a logistical problem.*

Response: The wastewater treatment plant will be constructed on-site at the current location of Dillingham Ranch's maintenance yard. Section 4.11.3 of the Draft EIS, Wastewater System, discusses in detail the new wastewater collection and treatment facilities that will be provided as part of the Proposed Project, including discussing the location of the wastewater treatment plant/facilities. As stated on Page 4-48, the system will be "…designed, built and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems."* Because the wastewater treatment plant will be located on-site, and designed and operated in accordance with all applicable State and County laws, there are no foreseeable logistical problems associated with the plant.

8. *Keep it Country. We need to preserve and protect the open land.*

Response: The comment regarding "preserv[ing] and protect[ing] the open land" and general character of the area is acknowledged. The vast majority of Dillingham Ranch will continue to be in open space or agricultural use. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2): *"It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property."*

9. *Ocean. Is the discharge going into the ocean?*

Response: No, there will be no discharge into the ocean**.** Wastewater generation associated with Proposed Project is discussed in the Draft EIS. As stated on Page 4-48, City and County (C&C) design standards and definitions were used to estimate wastewater flow for the Proposed Project. To accommodate wastewater associated with the Proposed Project, a private wastewater collection and treatment system will be designed, built and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*. The wastewater will be treated to an R-1 level. Treated effluent will be held in an above-ground steel tank and then distributed throughout the Ranch for irrigation purposes. If necessary during periods of prolonged wet weather, the R-1 effluent not used for irrigation would be disposed of in the relatively recently constructed leach field installed for the Dillingham Lodge. A soil aquifer system (SAT) is recommended to dispose of any excess treated water that does not meet R-1 standards. The SATs will be sized based upon percolation tests prior to design (see Section 2.3.2.10 of Appendix A). The SAT will consist of an above-ground unit with 1.7 acres of floor

area, a 5-foot high berm with a 3:1 (horizontal-to vertical) slope, and a chain link fence enclosure. See Draft EIS p 4-49.

10. *<u>Vacation Rentals</u>. Too many homes being turned into illegal vacation rental units taking away housing from our residents. These will be high-end vacation rentals. Not for local people.*

Response: Section 2.3.3 discusses the agricultural lots where the farm dwellings will be constructed and includes the following discussion: *"…agricultural lot owners and all activities within the Proposed Project will be subject to recorded Covenants, Conditions, and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements. The CC&Rs will be administered and enforced by the Association of Lot Owners (the Association)."* These restrictions will include prohibition of use of any facilities for vacation rentals.

Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion include an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the CC&Rs will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

11. *<u>Houses</u>. Are the houses even necessary? Why not do real agriculture. Lease the land and allow local families to farm and feed their families and community. Provide lease rent discounts.*

Response: The stated objective of the Proposed Project is to expand and complement the pre-existing low intensity and historical agricultural uses of the Subject Property, such as equestrian uses, cattle grazing, horse pasturing, mango orchard, and palm tree propagation activities, and not to pursue large-scale commercial ranching or crop cultivation. With regard to the proposed farm dwellings, the zoning code allows the subdivision of land zoned "AG-2" into 2-acre lots, and each lot is allowed to have one farm dwelling. The proposed subdivision has much larger lots and retains most of the entire Dillingham Ranch property in agricultural use or open space.

As part of its review of the Draft EIS (including Appendix H), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans.*"

Section 4.7, Agriculture, of the Draft EIS discusses potential impacts of the Proposed Project, and, analyzes the Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): *"…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/*

rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity."

The Agricultural Plan also notes that "[*t*]*he Applicant will provide each lot buyer with a credit to purchase and plant orchard trees on their lot; this credit will average $12,000 per lot, based on lot size*" (p. 4-27).

12. *L<u>and Ownership</u>. Family owned the land many years ago, taken by the military and never given back. Has the deeds. What rights do Kennedy Wilson claim to own the land. They need to talk to resident and discuss; they never called. Kennedy Wilson does not own the land. It was stolen.*

Response: The Applicant, Dillingham Ranch Aina, LLC, acquired the Subject Property by deed dated May 19, 2006, recorded in the Bureau of Conveyance of the State of Hawaii and with the Office of the Assistant Registrar of the Land Court. Dillingham Ranch was previously under the ownership of the Dillingham family going back to 1897. Prior to that, it was owned by Gaspar Silva. The Applicant is not aware of any portions of Dillingham Ranch being taken and never returned by the military, although there are two out-parcels surrounded by the Dillingham Ranch that were previously owned by the U.S. government, and have been sold to other private interests .

13. *<u>Hawaiian People</u>. Need to help the Hawaiian people not take more from them.*

Response: The comment on the needs of the Hawaiian population is acknowledged.

14. *<u>Endangered Species</u>. Development will impact the Hawaiian Hoary Bat, only native land mammal per the DEIS. Given the general concerns about the bat, suggested mitigation is not robust. The Kahuli snail was not mentioned in the DEIS. Was it even looked for as part of the study? What about the Nananana maka ki'i (Happy Face spider). Again, not mentioned in the DEIS, why not?*

Response: Biological resources for the project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. The 'ōpe'ape'a (Hoary bat) was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide the following discussion of this species:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups*

in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."

Section 7.3 of the Draft EIS includes the following mitigation measure to minimize potential impacts to the ʻōpeʻapeʻa: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached). No specimens of the Happy-faced spider were found during the survey.

15. *<u>Endangered Native Water Birds</u>. What are the plans for the population of the native water birds on the property? How will they be impacted and how will the impact be mitigated?*

Response: During the most recent biological resources survey of the project site conducted in 2014, the endangered Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck and Black-necked stilt were all observed on the project site (p. 3-36 of the Draft EIS). The habitat for these birds is a man-made pond near Farrington Highway, which is a remnant of sand mining activities conducted on the property in the 1970s and 1980s. This pond is now home to numerous endangered water birds. A detailed biological resources mitigation measure is contained in the Draft EIS which requires, among other things, that a nesting waterfowl survey to be conducted. If any nests are found, this mitigation measure requires that "…*a 100 foot buffer will be placed around the site and construction work in the area will halt until nesting is completed*." (p. 3-39). There are no development activities planned for any areas near this pond and this mitigation measure ensures that the bird population will be minimally impacted.

16. *<u>Rocks</u>. Rocks have been removed from the property without permits. Why? Who authorized? Why was this done? Where did they go? To the rock wall that was built? Was the removal documented? This is illegal.*

Response: No commercial rock removal activities are taking place within the Subject Property. There have been a small number of occurrences in the last few years when neighbors of Dillingham Ranch who live along the ocean were being affected by seasonal severe shoreline erosion events and approached employees of the Ranch to request rocks to be used to protect their property. The rocks were taken from an existing stockpile of rocks on the property that were left over from sugar cane operations. Any suggestion that Dillingham Ranch is selling rocks on a commercial basis are misinformed.

17. *<u>Water</u>. Several comments on the water: currently low pressure, infrastructure is poor for the 100+ users outside of the property. KW will not fix the pipes. Who will fix the pipes if they break in the community? What happens if the Homeowners Association (HOA) decides not to support the community water users? Is having an HOA manage a water system legal? What assurances are there for the community water users that they will continue to receive water from Dillingham? Why was the community water system not included in the DEIS? Having clean, reliable water is a health and safety issue for the community. What is the overall impact of the increased use of water from the new subdivision and possible agriculture?*

Response: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC. NSWC will continue to serve the Mokulēʻia community irrespective of the development of the Proposed Project. There is no homeowners association that is or will be providing water to the Mokulēʻia community.

Concerns about low water pressure and deficient infrastructure provided by NSWC to the Mokulēʻia community, and expenses related to any required improvements to address the pipes that serve the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, the concerns with the NSWC exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both

tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system outdated pipes, low water pressure, expenses related to repairs for currently existing concerns, are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

NSWC, and not the Proposed Project's Lot Owners Association, supplies, and will continue to supply, water to the Mokulēiʻa Community. Therefore, the LOA will not be in a position to support or not support the community water users. The LOA will provide non-potable water solely within the Project Site. That water will come from the existing Well 3410-03 owned by Applicant, and will be used to irrigate the roadway landscaping, the paddocks, equestrian facilities, farm-to-table agriculture, palm plantation, lodge ornamentals and other common areas.

The average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).The projected average daily non-potable water use is 704,150 gallons a day (0.70 MGD). The combined water use of the three wells that will supply the Proposed Project is projected to be 1.163 MGD, an increase of 1.02 MGD over the current use by wells on the Property (see Draft EIS p.3-19). The total amount of water currently authorized to be withdrawn by NSWC (as to Well 3410-01) under its Water Use Permit, and by Applicant under its existing Water Use Permits, is 2.85 MGD. In connection with the development of the Proposed Project, the Applicant will evaluate water consumption on the Project Site after development has occurred and will consider a voluntary reduction of permitted water use, as appropriate, thereby increasing the amount of unallocated water within the Mokulēiʻa Aquifer System.

18. *<u>Ground Water</u>. How will this impact the ground water? How much water will be taken?*

Response: Please see answer to #17, above. It should also be noted that Section 3.4, Water Resources, of the Draft EIS discusses, among other things, groundwater. Page 3-17 notes, "*The State Commission on Water Resources Management (CWRM) regulates well construction, pump installation, and groundwater use…A total of 2.85 MGD has been allocated among the three existing wells on the Project Site*." By granting well permits for 2.85 MGD, CWRM has determined that the overall health and viability of the aquifer can be sustained within the limits of existing permits.

19. *<u>Fire Hydrants</u>. Few hydrants, current system not up to fire code. Why won't Kennedy Wilson fix the water system and put in a better fire protection system?*

Response: The Proposed Project is being designed to comply with applicable provisions of the Uniform Fire Code regarding fire access, including location of fire access road(s) in relation to project buildings and the provision of unobstructed width and vertical clearance of fire apparatus access roads. Further, the Proposed Project is being designed to comply with applicable provisions of the Uniform Fire Code regarding required fire flow for fire protection. The final subdivision map and related civil engineering drawings for the Proposed Project will be submitted to the Honolulu Fire Department for review and approval. The Proposed Project will not be providing fire hydrants for areas outside the Project Site.

To the extent your comments are addressed to existing conditions present irrespective of the Proposed Project, the EIS was prepared to disclose and assess the impacts of the Proposed Project on the environment and identify measures to minimize potentially adverse effects arising from the Proposed Project. Existing conditions within the Mokulēiʻa community for water storage or transmission facilities that may be required to provide fire flow protection outside of the Proposed Project is not an effect (primary, secondary or cumulative) of the Proposed Project and was not assessed in the EIS.

20. *<u>Pesticides</u>: the proposed agriculture would use pesticides that could affect the ground water. Would be a danger to pets.*

Response: Future tenants of the Proposed Project will be able to lawfully use pesticides while conforming to all local, state, and federal laws. Section 4.7 of the Draft EIS discusses, among other things, the Agricultural Plan for the Proposed Project, which was prepared in compliance with C&C Subdivision Regulations (Section 1-115). The Agricultural Plan and Feasibility/Impact Report discusses a range of issues, including pesticide usage (and measures to ensure that there are no negative effects on wildlife). That report is included in its entirety in Appendix H of the Draft EIS.

The use of pesticides is not forbidden, as long they are applied in compliance with applicable State regulations.

Chapter 165, Hawaiʻi Revised Statutes (HRS) is known as the "Right to Farm Act." Chapter 165-4, HRS declares that: *"No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance."*

Chapter 165-2, HRS defines "farming operation as:

"(1) Agricultural-based commercial operations as described in section [205-2(d)(15)];
(2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;
(3) Operation of machinery and irrigation pumps;
(4) Ground and aerial seeding and spraying;

(5) ***The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides****; and*
(6) *The employment and use of labor."* **(emphasis added)**

Further Title 4, Subtitle 6, Chapter 66 of the Hawai'i Administrative Rules (HAR) provide the regulatory oversight under the jurisdiction of the Hawai'i State Department of Agriculture for the use and application of pesticides. It is the right of lawful farming operations to apply pesticides to their lands as long as it done in a lawful manner.

21. *Mainland vs Local. Catering to the rich mainland who are the only ones who can afford to buy. Will all be illegal vacation rentals.*

Response: The CC&Rs for the Proposed Project will contain prohibitions for the use of dwellings as vacation rentals. The comment on ownership of the Proposed Project is acknowledged. Please refer also to # 10, regarding the Proposed Projects' restriction of vacation rentals, above.

22. *Critical Habitats. The area is a critical habitat for native animal and plant species. What is being done to protect them?*

Response: Section 3.6 of the Draft EIS discusses Botanical Resources. Approximately 53 acres in the western part of Dillingham Ranch was designated as critical habitat by the U.S. Fish and Wildlife Service. According to the Federal Register the area is occupied by four endangered plant species, *Bidens amplectens*, *Hibiscus brackenridgei*, *Nototrichium humile*, and *Schiedea kealiae*. Additionally, it has been designated as suitable habitat for species that do not currently reside in the area, including; *Achyranthes splendens* var. *rotundata*, *Bonamia menziesii*, *Chamaesyce celastroides* var. *kaenana*, *Euphobia haeleeleana*, *Gouania meyenii*, *G. vitifolia*, *Isodendrion pyrifolium*, *Melanthera tenuifolia*, *Neraudia angulate*, *Pleomele forbesii*, *Schiedea hookeri*, and *Spermolepis hawaiiensis*. The critical habitat area is over a mile removed from any development activity within the Project Site and will not be affected. Based on the analysis contained in Section 3.6, which is based on botanical surveys of the property (included in Appendix C to the Draft EIS), it was determined that (p. 3-35): "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*".

23. *Big Island Development. Kennedy Wilson has a luxury development on the Big Island at Pine Trees. No parking for locals. Only one local person lives there. Most of the residents are not full-time. Is that what is planned for the Dillingham subdivision? Private for the elite only — 145 members. $150,000 to buy in with $30,000 annual dues. The golf course uses much of the water and causes run-off.*

Response: The impacts of Kennedy Wilson's other developments in the State of Hawai'i are not within the scope of the EIS. Your comment on Kennedy Wilson's development on the Big Island is acknowledged. That project is oceanfront, includes an oceanfront golf course, Beach Club, 1.5 miles of shoreline, and a variety of luxury housing options. That project is significantly different from the Proposed Project, which is located in an area zoned at the State and County levels for agricultural use. The Proposed Project is consistent with those zoning designations. No golf

courses are planned as part of the Proposed Project. The Resort/Residential Development Alternative described in Section 6.8 of the Draft EIS reviewed a prior development proposal that included a golf course. However, that is not the development planned by the Applicant.

24. *Ag/Conservation Easements. Should work with the North Shore Community Land Trust to set up an easement. No development.*

Response: The use of a conservation easement on the land is not appropriate, given the land is zoned for agricultural use.

25. *North Shore Community Land Trust. Works with willing owners. Would welcome the opportunity to talk with Kennedy Wilson.*

Response: Your comment on the North Shore Land Trust is acknowledged and if the Trust is interested in discussing this matter they can contact the Applicant.

26. *Horse Boarding. Should remain open for horse boarding. Remain open to the public for equestrian activities.*

Response: The Proposed Project is described in detail in Chapter 2 of the Draft EIS. The existing uses on the Project Site are enumerated, and include the following (p. 2-1): "…*an equestrian complex with facilities for paddock boarding; recreational trail riding; two dressage rings; stadium jumping course; practice polo fields; a large sand arena; and horse pasturing areas*."

The Draft EIS also states (p. 2-6) that the "*Proposed Project will continue these existing uses and add...uses which are consistent with current equestrian and agricultural activities on the Ranch*". Equestrian activities are an integral part of the history of the Ranch and are intended to be continued and expanded and open to anyone interested in boarding their horses.

27. *Cattle. Will cattle be on the property? Why not?*

Response: Cattle ranching will continue as part of the Proposed Project. The Proposed Project is described in detail in Chapter 2 of the Draft EIS. The existing uses on the Project Site are enumerated and include cattle grazing (p. 2-1). As part of the Proposed Project (p. 2-6), "*cattle ranching and grazing will be expanded*".

28. *Use of Land Use. Discrepancy in the numbers related to land use for ag.*

Response: It is unclear from the comment to what is being referenced regarding a discrepancy in the numbers related to land use for agriculture.

29. *Farming. The cost of the land is too high for any real farmer to make a profit. This is only for the rich. If really serious about farming, would have planted the trees 12 years ago so they can be harvested now. Doesn't trust that the tenants will actually farm.*

Response: The Applicant has taken a deliberate approach to determine the best combination of uses for the Project Site. It has taken several years to arrive at the proposed agricultural subdivision that is the subject of the Draft EIS. It would have been premature to commit use of the property prior to establishing an overall plan. The Covenants, Conditions and Restrictions (CC&Rs) that will be adopted for the agricultural subdivision will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

30. *Families. What will the impact be to the rural families? Land will be too expensive. Use of Land. Highest and best use of the land is to put houses on it. Is there another way to value the land? What will be the value to the culture in the coming years? Children need green space.*

Response: The comments on rural families and green space is acknowledged. The socio-economic aspects of the Proposed Project are addressed in Section 4.9 (Socio-economic Characteristics) of the Draft EIS. The Proposed Project will add 70 farm dwellings to the island's existing housing inventory. You indicated that the highest and best use of the land is to build more housing. Although the existing zoning (AG-2, General Agricultural District) allows a farm dwelling for each two acres of lot area, all agricultural lot owners will be subject to recorded CC&Rs which would run with the land and specify no more than one farm dwelling for each lot. The determination in the Draft EIS, as set forth in Section 4.9.3, is that the Proposed Project will not have an adverse impact upon socio-economic conditions. With respect to the value to the culture, the Applicant had a Cultural Impact Assessment prepared, which was included as Appendix G of the Draft EIS. The community articulated a concern regarding the access to, and preservation of cultural sites within the Proposed Project. Mitigation measures, including preservation plans and interim protection plans, and the incorporation of preservation plans into the CC&Rs, and the identification of an on-site cultural monitor should burials (or other cultural finds) be encountered during construction and ground-altering activities, are described in Section 4.5.3 of the Draft EIS.

31. *Show of Hands. Asked for a show of hands against the project — most of the audience raised their hands.*

Response: The comment on audience opinions regarding the Proposed Project is acknowledged.

32. *Mokulēʻia. Asked if the developer knew the meaning of Mokulēʻia. It means abundance. Keiki need the ʻāina.*

Response: We acknowledge that neither the Applicant nor its consultant were able to respond accurately when asked for the literal translation of "Mokulēʻia" at the Neighborhood Board meeting. We respect the significance of Hawaiian names and their role in recognizing and preserving the history and culture of a region, an ahupuaʻa, a stream, a hill, a pōhaku or any other manifestation of the physical environment. Section 4.5 of the Draft EIS describes the cultural resources of the property and the region, based on a Cultural Impact Assessment that is included in its entirety in Appendix G of the EIS.

33. *<u>Waialua Hawaiian Civic Club</u>. Opposes this development. Need to aloha the ʻāina or no more ʻāina to aloha.*

Response: The Waialua Hawaiian Civic Club's view of the Proposed Project is acknowledged.

34. *<u>People</u>. Developer needs to understand the importance of the people. Landowners can work with the people.*

Response: The Applicant acknowledges the comment.

35. *<u>Ag Land</u>. Ag land is important. The ag land behind the high school is up for sale. Dole has 18,000 acres for sale. We need to change our laws to protect ag land. Important to contact your legislators. DPP has no teeth.*

Response: This comment does not appear to be directed to the Proposed Project, but seems instead to be a generalized grievance about laws in the State of Hawaii. The Proposed Project will continue to be used for agricultural activities and the Applicant will not seek an upzoning of the project site. This comment regarding a desire to change laws to protect agricultural land is acknowledged. It is noted that the Applicant has complied with all laws pertaining to the proposed agricultural subdivision and will continue to do so. As part of its review of the Draft EIS (including Appendix H, which contains the Agricultural Plan), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

In addition, Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

36. *<u>Infrastructure</u>. What about the infrastructure? Can you back up the plans?*

Response: The Draft EIS discusses infrastructure in Section 4.11. This Section discusses roadways/ traffic, the water system, the wastewater system, the drainage system and the electrical/ communications systems. Potential impacts associated with infrastructure are mitigated, as discussed in Section 4.11. The various infrastructure plans will be reviewed by the appropriate regulatory bodies, including the Department of Planning and Permitting, the Board of Water Supply, the State Department of Health, the State Department of Transportation, the State Department of Agriculture and the State Department of Land and Natural Resources. The subdivision will not be approved without their approval.

37. *<u>HRS 226-104 b 4</u>. Per the Hawai'i State Revised Statutes: Encourage restriction of new urban development in areas where water is insufficient from any source for both agriculture and domestic use. This statute would prohibit this development. You can't build per this Statute.*

Response: The Proposed Project does not constitute "urban development." The Project Site is and will remain in the State Land Use Agricultural District, and is zoned and will remain zoned by the City and County of Honolulu in the AG-2, General Agricultural District. The Applicant already holds water permits for wells located on the Project Site that are capable of supplying all water required for the proposed agricultural subdivision.

38. *<u>Flooding</u>. Flood assessment not done by FEMA. Why?*

Response: Flood hazard areas are discussed in Section 3.5, Natural Hazards, of the Draft EIS. Page 3-23 of that document identifies that a Letter of Map Revision (LOMR) Determination Document was officially accepted by the Federal Emergency Management Agency (FEMA) in a letter dated March 21, 2011. As part of the Proposed Project, a flood determination study was prepared (and is contained in Appendix A, Preliminary Engineering Study, of the Draft EIS). That Study performed a hydrologic analysis to determine peak flows, develop a hydraulic model, define floodplain and floodway areas, and address the suitability of developing lots within the limits of flooding, on areas not previously covered by analysis on FEMA maps. This additional flood study was required by the Department of Planning and Permitting to process the subdivision request.

39. *<u>Albatross</u>. What will be the effect on the albatross in the area? What will happen to their breeding and nesting areas.*

Response: Based upon several surveys of the Project Site, there are no albatross known to inhabit the Project Site. Albatross are known to nest at Ka'ena Point, several miles to the west of Dillingham Ranch. They will not be impacted by the Proposed Project.

40. *<u>Community Benefits</u>. How will the community benefit from this project? What will the impact to the culture be? Public values should be reflected. No benefits to the community — must benefit the community.*

Response: The comment on community benefits associated with the Proposed Project is acknowledged. As described in Section 4.9 of the Draft EIS, "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities.*" Further, in the short term, the *"…development of the Project Area will result in significant expenditures by the Applicant, as well as by owners of the agricultural lots"* (these expenditures are enumerated on pp, 4-36). In addition, as part of the Agricultural Plan approved by the State Department of Agriculture, the Applicant has committed $50,000 a year for 10 years to support agricultural education programs in public schools.

To assess the impacts on culture, the Applicant had a Cultural Impact Assessment prepared, which was included as Appendix G of the Draft EIS. The community articulated a concern regarding the access to, and preservation of cultural sites within the Proposed Project. Mitigation measures, including preservation plans and interim protection plans, and the incorporation of preservation plans into the CC&Rs, and the identification of an on-site cultural monitor should burials (or other cultural finds) be encountered during construction and ground-altering activities, are described in Section 4.5.3 of the Draft EIS. The Proposed Project is consistent with public values, as those values are expressed in the existing State and County land use designations for the Project Site.

41. *Gated Communities. Opportunities for illegal activities such as vacation rentals. Inspectors can't get in. Need proof of living in Hawai'i in order to own one of the lots. Need laws to protect the people — in New Zealand, can't buy land if, you are not a resident. Must live in Hawai'i 10 years before buying. Gated communities all over now, blocking access to the ocean. This is segregation of the community.*

Response: The CC&Rs for the Proposed Project will contain prohibitions regarding the use of dwellings as vacation rentals. Please refer to #10, which includes clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. Your comments regarding a desire to change the laws in the State of Hawaii are acknowledged. Such matters are beyond the purview of the Applicant. The Proposed Project is not located on the ocean and therefore will not block access to the ocean.

42. *Lots/Houses/Cost. What will the cost of the lots be? Will accessory dwellings be allowed? 5000 sq ft house footprint?*

Response: The costs for the lots has not yet been established. As stated in the Project Description (p. 2-6), the 70 agricultural lots will provide areas for "*a farm dwelling, accessory structures, and crop cultivation*." The Applicant is committed to including provisions in the CC&Rs for the future Lot Owners Association that prohibits more than one farm dwelling on any parcel. Agricultural zoning rules allow a farm dwelling (and accessory structures) within a 5,000 square-foot footprint.

43. *Fire and Police. What about fire and police impacts?*

Response: Section 4.10, Public Services, of the Draft EIS analyzes potential impacts associated with police and fire services. That Section concludes that (p. 4-37): "*The Proposed Project will not affect areas presently served by police, fire, and EMS responders nor will it place undue demands on their ability to provide service in accordance with their service standards…The Proposed Project will not have a significant effect upon public safety care providers. Therefore, no mitigation measures are required*."

44. *Development / Developers. This opens the door for more development. May need to sue the developers, the laws we have are good, they need to be enforced.*

Response: The comment on enforcement of existing laws by the City and County of Honolulu and the State of Hawaiʻi is acknowledged. There is no reasonably foreseeable expectation that the Proposed Project will encourage additional development in the area.

45. *Subdivision. Change the subdivision laws. Bring passion to the legislature. Do not upzone any ag land.*

Response: The Proposed Project is consistent with the existing Agricultural zoning on the Project Site. The comment on the subdivision laws is acknowledged but is outside the scope of the EIS.

46. *Stopping the Project. What will it take to stop the project?*

Response: The comment is acknowledged. The Department of Planning and Permitting is the accepting authority for the EIS and will determine whether the EIS was prepared in a manner consistent with the applicable requirements of Hawaii Revised Statutes Chapter 343 and Hawaii Administrative Rules Title 11 Chapter 200. Please refer to # 37 which states that Section 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaiʻi, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls.

47. *DEIS. Need to ensure sending in substantive comments regarding the DEIS to the DPP, consultant and developer.*

Response: The comment on providing substantive comments on the Draft EIS is acknowledged. Please note that all comments received during the public review period for the Draft EIS (January 8 through February 22, 2018) have been responded to in writing and copies of those letters and our responses will be provided in the Final EIS.

48. *Culture. Need to protect the Hawaiian culture. Area is culturally important. Start digging and you will find iwi and cultural artifacts.*

Response: Section 4.5 of the Draft EIS, Cultural Resources, describes the Cultural Impact Assessment prepared for the Proposed Project (which is contained in Appendix G to the Draft EIS). Please refer to P. 4-24 and P. 4-25 of the Draft EIS which detail the measures being taken by the Proposed Project to preserve archaeological sites and the process that will be followed if human remains or cultural artifacts are discovered during construction. Thomas Shirai, Jr., a cultural and lineal descendant of Waialua, asked to be consulted and serve as the on-site cultural monitor should burials (or other cultural finds) be encountered during construction and ground-altering activities. The Applicant has acknowledged Mr. Shirai as the on-site cultural monitor should human remains or cultural artifacts be discovered during ground-disturbing activities in connection with the Proposed Project.

49. *ʻIwa Birds. Saw 42 ʻIwa birds that day flying toward Mokulēʻia.*

Response: The comment that 42 ʻiwa birds were seen that day flying towards *Mokulēʻia* is acknowledged

50. *<u>Traffic</u>. The traffic assessment does not take into impacts to Waialua and Haleʻiwa. What will the impacts to these two communities be? The traffic assessment is old -- needs to be redone.*

Response: Please refer to Response # 5, above. The "Dillingham Ranch Agricultural Subdivision Traffic Impact Analysis Report" (contained in Appendix J to the Draft EIS) was prepared in February of 2017. Traffic volume data was collected in September of 2016. This reported followed accepted professional standards appropriate for such a study, including the selection of relevant and appropriate intersections to study that could be affected directly by the Proposed Project.

51. *<u>Homeowners Association</u>. A Homeowners Association (HOA) is no guarantee that what is planned today will continue into the future. There are significant variables/changes that could occur if the owners decide to change the original plan.*

Response: No individual, corporation, or farmer can guarantee perpetual use of any land for farming. However, the proposed Agricultural Plan is provided to ensure to the greatest extent possible, that future agricultural uses on the property are successful. The Applicant will include language in the CC&Rs that limit each lot to one farm dwelling. The land is zoned for agricultural (and not residential or resort use). The Applicant does not intend to pursue upzoning for the Project Site. It is expected that obtaining any such changes would be very difficult due to the fact that the Project Site is so clearly identified for agricultural uses under State and County plans and laws. Several public hearings and discretionary approvals would be required before the Project Site could be rezoned to non-agricultural uses.

Section 5.2.2 of the draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed.

52. *<u>Polo Field</u>. The Polo Field across the street is also owned by Kennedy Wilson but is not mentioned in the DEIS. Originally it was to be developed into an area of beach amenities for the owners of the lots at the ranch. What will it be used for now? Why was it not included in the DEIS? What impact will the Polo Field have or not have on the equestrian facilities on the ranch?*

Response: The Polo Field across Farrington Highway from the Project Site is not a part of the Proposed Project; it is not a component or phase of the Proposed Project. It is entirely independent of the Proposed Project. Its current and future use were not analyzed in the Draft EIS for those reasons. The equestrian activities at the Ranch, which will continue as a part of the Proposed Project, are seen as complementary to the polo activities across the highway.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

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To whom it may concern:

On behalf of the Sierra Club O'ahu Group and our 2,800 dues-paying members on O'ahu, we would like to provide the following comments and questions regarding the Draft Environmental Impact Statement (DEIS) for the proposed Dillingham Ranch Agricultural Subdivision in Mokulē'ia, O'ahu:

Agriculture

Appendix H: Agricultural Plan, Feasibility, and Impacts contains the following sections we would like to address:

Section 4.b. Planned Ownership and Management states the following:

Before transferring management control of the common areas to the Land Owners Association (LOA), Dillingham Ranch Aina will lease all or portions of the 11 agricultural lots for (1) a cattle ranch, (2) a ranch for working and riding horses, (3) a palm plantation, (4) a mango orchard, and (5) a hydroponic farm. As discussed below, the farm and ranch leases will be set at affordable rents; the leases will be long term (10 to 20 years); and the land will be "dedicated to agriculture." In addition, Dillingham Ranch Aina will provide access to water for farm animals and irrigation.

Question 1: How does the applicant define "affordable rents" for the farm and ranch leases?

Section 4.b. Planned Ownership and Management (continued):

Upon sale of the 36th lot, DRA will transfer ownership and management control of the common areas to the LOA, subject to the existing leases. However, for those common areas that are planned for

ranching or farming but have not yet been leased, their transfers will be delayed until the leases are executed.

The DRA will employ an AMF to manage the common areas, farm leases, ranch leases and agricultural water system. After the common areas are transferred to the LOA, the Board may continue with the same AMF, or may replace it with another firm. The AMF will continue to employ various service provides as needed to maintain the common areas.

Although the LOA will inherit the farm and ranch leases, it will not be directly involved in the farm and ranch operations located on the 11 agricultural lots owned in common. After the initial long-term leases expire, the LOA will be responsible for renewing the leases or drafting new ones, possibly with new tenants. The AMF will assist the LOA with this effort.

Management and maintenance costs for the common areas will be borne by the LOA.

Question 2: How will the applicant ensure these 11 lots will continue to be farmed in perpetuity?

Question 3: How will the applicant ensure that the Agricultural Management Firm (AMF) will properly manage the common areas, farm leases, ranch leases, and agricultural water system?

Section 4.c. Agriculture/Farm-Dwelling Lots states the following:

At full development, each lot will be required to have an orchard, the development of which will be partially subsidized by Dilingham Ranch Aina (see Subsections 4.i and 4.m). In addition, some lot owners are likely to add non-orchard crops, and some may build barns and other facilities for their horses.

Question 4: Are there size limits or additional restrictions on what "other facilities for their horses" can be built on each lot?

Section 4.c. Agriculture/Farm-Dwelling Lots (continued):

In addition to the agricultural activities, each lot is expected to have a single farm dwelling, with the LOA Declaration of Covenants, Conditions and Restrictions ("CC&Rs") written to limit development to just one dwelling per lot. Also, each dwelling will be located in a developable footprint no larger than 5,000 square feet (about 0.115 acre).

These farm dwellings will be single-family homes used in connection with farm operations on the lots. The close proximity of the dwellings to the orchards and possible other agricultural activities will make it easier to manage farm operations and will also provide farm security. Theft of crops and equipment is a major problem for many farmers throughout Hawai'i.

Question 5: How will the applicant ensure that these single-family homes will not be used as vacation rentals?

Section 4.c. Agriculture/Farm-Dwelling Lots (continued):

The lots will be marketed in publications and on websites catering to farmers. For lot buyers who do not have relevant experience in commercial farming or who have not taken appropriate courses on farming, they must stipulate that, within 2 years of purchasing their lot, they will participate in a course arranged by DRA on how to cultivate orchard trees and sell crops. This could take place in a classroom setting and/or an online course. The purpose would be to ensure that the lot owners have a basic understanding of operating or managing a commercial orchard, even if many of the functions are performed by farm-service providers. Having basic knowledge of commercial farming will be in their own best interests. Once DRA transfers control to the LOA, the LOA with the help of the AMF will be expected to continue offering the course.

Question 6: To ensure that real farmers and not just wealthy individuals can afford to purchase a lot, will the applicant establish sales prices to be affordable to families according to area median income (AMI)?

Question 7: Will the applicant require that all lot owners have previous farming experience, or employ service-providers who have expertise on orchard farming to ensure the farms are viable operations? We recommend that relevant farming experience be a prerequisite to purchase one of the lots instead of offering a training course to supplement this experience.

Question 8: Will the applicant offer hands-on farm training instead of a classroom or online course in farming? Can the applicant offer a hands-on training course to all lot purchasers?

Question 9: What else will the applicant do to ensure that experienced, local farmers will be able to purchase these lots?

Section 4.h. New Orchards states the following:

The vision for the proposed Agricultural Plan is to have orchard crops planted on each of the 70 agriculture/farm-dwelling lots. In order to ensure implementation of the vision, the CC&Rs will require the following:
— Each lot owner must plant and maintain an orchard on their property at densities typical of commercial orchards.
— The minimum amount of land that must be planted and maintained will be the larger of:
- *1 acre*
- *30% the lot area, rounded to the nearest 10th acre.*

— Seedlings for an orchard must be planted within 3 years after a lot is purchased.

Question 10: Why did the applicant choose a 3 year maximum time limit to plant orchard seedlings and can this time limit be reduced?

Section 4.m. Planned Agricultural Support states the following:

Planned Agricultural Support Further to the information provided above, DRA will:

— Negotiate long-term leases (10 to 20 years) for two ranches and three farms, with initial rents discounted sufficiently to attract tenants.
— Add dedication or rededicate lands to agriculture in order to (1) insure long-term agricultural use of the land designated for ranching and farming, and (2) reduce the property taxes on these lands. (Land dedicated to agricultural for 10 years, and used for commercial crop production, is assessed at 1% of market value. If it is used for pasture, the dedication period is 5 years.)
— Provide various improvements to support ranching and farming, such as water lines for livestock and irrigation, irrigation systems for the palm plantation and mango farm, fencing to separate ranching from farm dwellings, and the slab and structure for the hydroponic farm.
— Set aside land for a baseyard for shared agricultural equipment.
— Provide subsidies to help develop the orchards.
— Assemble and provide to lot buyers contact information and expertise of farm consultants and service providers.
— Provide subsidies to support a hydroponic education program.

Question 11: How much will initial rents be discounted for the farm and ranch leases and for how long?

Question 12: Who will monitor and enforce the agricultural dedication process?

Biological Resources

The U.S. Fish and Wildlife Service offered several written comments on the EISPN in accordance with section 7 of the Endangered Species Act of 1973. These comments were to minimize potential impact to several avifaunal species, including: 1) Hawaiian Duck, 2) Hawaiian Common Moorhen, 3) Hawaiian Coot, 4) Black-necked stilt, 5) O'ahu 'Elepaio, and 6) Hawaiian hoary bat. The following mitigation measures, although recommended by the U.S. Fish and Wildlife Service, were not included in the DEIS:

Waterbirds:

- *A biological monitor should conduct Hawaiian waterbird and nest surveys at the proposed project site prior to project initiation and after any subsequently delay in work of three or more days (during which birds may attempt nesting)*
- *Any documented nests or broods within the project vicinity should be reported to the U.S. Fish and Wildlife Service within 48 hours*
- *If a listed Hawaiian waterbird is observed within the project site, or flies into the site while activities are occurring, all activities should halt within 100 feet of the individual(s). Work should not resume until the Hawaiian waterbird(s) leave the area on their own accord.*
- *A post-construction report should be submitted with 30 days on the completion of the project. The report should include the results of Hawaiian waterbird surveys, the location and outcome of documented nests, and any other relevant information.*

Hawaiian hoary bat:

- *Barbed wire not be used for fencing and that if it must be used, it is only used within two inches of the ground surface*

O'ahu 'Elepaio

- *Avoiding potentially disruptive activities, such as trenching, during the breeding season*

- *Avoid conducting activities that may spread invasive species, increase mosquito populations, increase grazing in forest habitats, or increase the threat of wildfire to montane forest habitats.*

Question 13: Why were these mitigation measures not included in the DEIS and how will the applicant sufficiently address each of these suggested mitigation measure?

Economic Impacts

Section 5.1.7 Hawai'i Environmental Impact Statement Significance Criteria states the following in relation to economic and social welfare:

The economic or social welfare of the community or State would not be substantially affected by the Proposed Action.

Discussion: Beneficial economic effects will accrue to the community from the Proposed Action. Lot owners will contribute to the economic well-being of the community through the purchase of goods and services and the payment of sales and real property taxes. The Proposed Project is not expected to result in any significant impacts to existing socio- economic characteristics of the nearby community or the North Shore.

Question 14: Will the applicant include an economic analysis of the project impacts on the local community in the Final EIS?

Question 15: If the applicant is a global real estate investment company[1] and the agricultural dedication process significantly reduces real property taxes on the lots, how will the payment of sales and real property taxes specifically "contribute to the economic well-being of the community"?

Water System

Section 4.11.2.1 Existing Conditions states the following:

Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulē'ia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

Well 3410-01 supplies potable water to Dillingham Ranch and 100 residential customers in the Mokulē'ia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Question 16: Due to the insufficient pressure and pumping capacity required for fire flow, how will the applicant put out a fire in Dillingham Ranch or the Mokulē'ia community, should one occur?

[1] https://www.kennedywilson.com/who-we-are

Dillingham Lodge

Chapter 1.0 Introduction states the following regarding Dillingham Lodge:

As allowed by a Special Use Permit (2000/SUP-3) and a zoning variance (2000/VAR-39) approved by the City and County of Honolulu ("City and County" or "C&C"), the Dillingham Lodge is used commercially for weddings, retreats, and other special events. Under the Proposed Project, existing palm tree cultivation and Dillingham Lodge operations will continue at their current locations.

Question 17: Is the City and County of Honolulu's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39) that allows special event services at Dillingham Lodge approved in perpetuity?

Question 18: Will the existing City and County of Honolulu's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39) need to be revisited and amended as a result of this project?

Question 19: What is the frequency and size of special events at Dillingham Lodge and will these events increase after completion of the project?

Question 20: How will these future special events impact agricultural production, infrastructure, and utility systems and will an analysis of these impacts be included in the Final EIS?

North Shore Sustainable Communities Plan

Section 5.2.2. Relationship to Land Use Plans, Policies, and Controls, City and County of Honolulu, North Shore Sustainable Communities Plan Agriculture Policies contains the following agricultural policy:

"Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other non agricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land."

Question 21: How is the project proposal consistent with this Agricultural Policy in the North Shore Sustainable Communities Plan which aims to prevent "token farming or ranching as a ruse to exploit agricultural land"?

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (EIS) for the proposed Dillingham Ranch Agricultural Subdivision in Mokulēʻia. THe Sierra Club Oʻahu Group looks forward to receiving your responses to the questions listed above.

Mahalo,
Jodi Malinoski

Jodi Malinoski

Sierra Club Oʻahu Group Coordinator

HHF PLANNERS
places for people

January 7, 2019

Ms. Jodi Malinoski
Oʻahu Group Coordinator
Sierra Club of Hawaiʻi
P. O. Box 2577
Honolulu, HI 96803

Dear Ms. Malinoski:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. ***Agriculture.*** *Appendix H, Agricultural Plan, Feasibility, and Impacts contains the following sections we would like to address.*

Response: Your letter includes a number of questions related to Appendix H of the Draft EIS, the Agricultural Plan. As part of its review of the Draft EIS (including Appendix H), the Department of Agriculture provided comments in a letter dated February 22, 2018. That letter, and our response thereto, will be included in the Final EIS. As stated in that letter, "*…the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

Section 4.7, Agriculture, of the Draft EIS discusses potential impacts of the Proposed Project, and analyzes the Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): *"…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/ rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity."*

Each of the specific comments with respect to agriculture are further discussed individually below.

2. *Section 4.b. Planned Ownership and Management states the following:*

   Before transferring management control of the common areas to the Land Owners Association (LOA), Dillingham Ranch Aina will lease all or portions of the 11 agricultural lots for (1) a cattle ranch, (2) a ranch for working and riding horses, (3) a palm plantation, (4) a mango orchard, and (5) a hydroponic farm. As discussed

below, the farm and ranch leases will be set at affordable rents; the leases will be long term (10 to 20 years); and the land will be "dedicated to agriculture." In addition, Dillingham Ranch Aina will provide access to water for farm animals and irrigation.

Question: How does the applicant define "affordable rents" for the farm and ranch leases?

Response: As used in the Draft EIS, "affordable rents" is intended to mean rents sufficiently low so as to (1) attract qualified farmers and ranchers, and (2) allow profitable operations by those farmers.

3. *Section 4.b. Planned Ownership and Management (continued):*

Upon sale of the 36th lot, DRA will transfer ownership and management control of the common areas to the LOA, subject to the existing leases. However, for those common areas that are planned for ranching or farming but have not yet been leased, their transfers will be delayed until the leases are executed.

The DRA will employ an AMF to manage the common areas, farm leases, ranch leases and agricultural water system. After the common areas are transferred to the LOA, the Board may continue with the same AMF, or may replace it with another firm. The AMF will continue to employ various service providers as needed to maintain the common areas.

Although the LOA will inherit the farm and ranch leases, it will not be directly involved in the farm and ranch operations located on the 11 agricultural lots owned in common. After the initial long-term leases expire, the LOA will be responsible for renewing the leases or drafting new ones, possibly with new tenants. The AMF will assist the LOA with this effort.

Management and maintenance costs for the common areas will be borne by the LOA.

Question: How will the applicant ensure these 11 lots will be farmed in perpetuity?

Response: With respect your question regarding agriculture perpetuity, it is noted that no individual or corporation, or farmer, can guarantee perpetual use of any land for farming. The agricultural history of the State of Hawaiʻi is replete with failed agricultural endeavors, large and small. The proposed Agricultural Plan is provided to ensure to the greatest extent possible, that future agricultural uses on the property are successful. In combination, the Covenants, Conditions and Restrictions (CC&Rs), State districting, and County zoning will preclude residential, commercial or industrial development on the 11 agricultural lots, thereby leaving agriculture as the sole viable economic use of these lots.

4. *Question: How will the applicant ensure that the Agricultural Management Firm (AMF) will properly manage the common areas, farm leases, ranch leases, and agricultural water system?*

Response: The Applicant will work closely with the AMF and monitor their actions to ensure proper management of the common areas, farm leases, ranch leases and agricultural water system. Upon sale of the 36th lot, the Applicant will transfer ownership and management control of the common areas to the LOA, subject to the existing leases, and the LOA will have the option to continue working with the AMF or to engage a different AMF. Some of your comments request answers to questions regarding implementation of the Agricultural Plan. The outstanding actions identified in the Agricultural Plan will be formulated as the Proposed Project is implemented.

5. *Section 4.c. Agriculture/Farm-Dwelling Lots states the following:*

   At full development, each lot will be required to have an orchard, the development of which will be partially subsidized by Dillingham Ranch Aina (see Subsections 4.i. and 4.m). In addition, some lot owners are likely to add non-orchard crops, and some may build barns and other facilities for their horses.

   Question: Are there size limits or additional restrictions on what "other facilities for their horses" can be built on each lot?

Response: As stated in the Project Description (p. 2-6), the 70 agricultural lots will provide areas for "*a farm dwelling, accessory structures, and crop cultivation*." The CC&Rs for the future Lot Owners Association will include provisions that prohibit more than one farm dwelling on any parcel. Agricultural zoning rules allow a farm dwelling (and accessory structures) within a footprint no larger than 5,000 square-foot. With respect to agricultural structures (barns, processing facilities, etc.), the zoning code limits maximum building area to 10% of any individual zoning lot, provided all other requirements of the zoning code are met.

6. *Section 4.c. Agriculture/Farm-Dwelling lots (continued):*

   In addition to the agricultural activities, each lot is expected to have a single farm dwelling, with the LOA Declaration of Covenants, Conditions and Restrictions ("CC&Rs") written to limit development to just one dwelling per lot. Also, each dwelling will be located in a development footprint no larger than 5,000 square feet (about 0.115 acre).

   These farm dwellings will be single-family homes used in connection with farm operations on the lots. The close proximity of the dwellings to the orchards and possible other agriculture activities will make it easier to manage farm operations and will also provide farm security. Theft of crops and equipment is a major problem for many farmers throughout Hawai'i.

Question: How will the applicant ensure that these single-family homes will not be used as vacation rentals?

Response: The agricultural lots are discussed in Section 2.3.3, where it states that each "…*of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet*" (p. 2-8). This section also states that all "*…agricultural lot owners and all activities within the Proposed Project will be subject to recorded Covenants, Conditions, and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements. The CC&Rs will be administered and enforced by the Association of Lot Owners (the Association)."* The CC&Rs will include prohibition of use of any facilities, including the farm dwellings, for vacation rentals purposes.

7. *Section 4.c. Agriculture/Farm-Dwelling Lots (continued):*

   The lots will be marketed in publications and on websites catering to farmers. For lot buyers who do not have relevant experience in commercial farming or who have not taken appropriate courses on farming, they must stipulate that, within 2 years of purchasing their lot, they will participate in a course arranged by DRA on how to cultivate orchard trees and sell crops. This could take place in a classroom setting and/or an online course. The purpose would be to ensure that the lot owners have a basic understanding of operating or managing a commercial orchard, even if many of the functions are performed by farm-service providers. Having basic knowledge of commercial farming will be in their own best interests. Once DRA transfers control to the LOA, the LOA with the help of the AMF will be expected to continue offering the course.

   Question: To ensure that real farmers and not just wealthy individuals can afford to purchase a lot, will the applicant establish sales prices to be affordable to area median income (AMI)?

Response: The purchase prices for the lots have not yet been established. This is not an affordable housing project, therefore purchase prices will not be tied to the AMI.

8. *Question: Will the applicant require that all owners have previous farming experience, or employ service-providers who have expertise on orchard farming to ensure that farms are viable operations? We recommend that relevant farming experience be a prerequisite to purchase of one of the lots instead of offering a training course to supplement this experience.*

Response: Relevant farming experience will not be a prerequisite for purchasing a lot. As Stated in the Agricultural Plan, "For lot buyers who do not have relevant experience in commercial farming or who have not taken appropriate courses on farming, they must stipulate that, within 2 years of purchasing their lot, they will participate in a course arranged by DRA on how to cultivate orchard trees and sell crops. This could take place in a classroom setting and/or an online course. The purpose would be to ensure that the lot owners have a basic understanding of operating or managing a commercial orchard, even if many of the functions

are performed by farm-service providers. Having basic knowledge of commercial farming will be in their own best interests." (p. 12). This requirement is modeled after the State of Hawaii guidelines for leasing land in State Agricultural Parks. Additionally, the Applicant will provide contact information of qualified service providers. Most of these service providers will deliver specialized services (e.g., irrigation systems, fertilizers, weed and pest control, pruning, marketing, etc.), with orchard crops.

9. *Question: Will the applicant offer hands-on farm training instead of a classroom or online course in farming? Can the applicant offer a hands-on training course to all lot purchasers?*

Response: If the experts who design the mandated training program recommend hands-on farm training, then it will be included as a part of the training program. It is expected that this will occur. Also, the training program will be available to all lot purchasers, including those with previous farming experience.

10. *Question: What else will the applicant do to ensure that experienced, local farmers will be able to purchase these lots?*

Response: As stated in the Agricultural Plan, "The lots will be marketed in publications and on websites catering to farmers." (p. 12). This will include Hawaii publications and websites.

11. *Section 4.h. New Orchards states the following:*

    The vision for the proposed Agricultural Plan is to have orchard crops planted on each of the 70 agriculture/farm-dwelling lots. In order to ensure implementation of the vision, the CC&Rs will require the following:
    - *Each lot owner must plant and maintain an orchard on their property at densities typical of commercial orchards.*
    - *The minimum amount of land that must be planted and maintained will be the larger of:*
      - *1 acre*
      - *30% of lot area, rounded to the nearest 10th acre.*
    - *Seedlings for an orchard must be planted within 3 years after the lot is purchased.*

    Question: Why did the applicant choose a 3 year maximum time limit to plant orchard seedlings and can this time limit be reduced?

Response: Three years was selected to allow for the lot buyer/farmer sufficient time to select an orchard crop, choose a location for the farm on his/her lot, clear the land for farming, install an irrigation system, amend the soils, lay out the spacing for the trees, plant seedlings, etc. A time period any shorter than this may be insufficient to accomplish the needed tasks and for that reason the three-year limit seemed practical.

12. *Section 4.m. Planned Agricultural Support states the following:*

Planned Agricultural Support Further to the information above, DRA will:

- *Negotiate long-term leases (10 to 20 years) for two ranches and three farms, with initial rents sufficiently discounted to attract tenants.*
- *Add dedication or rededication lands to agriculture in order to (1) insure long-term agricultural use of the land designated for ranching and farming, and (2) reduce the property taxes on these lands. (Land dedicated to agricultural for 10 years, and used for commercial crop production, is assessed at 1% of market value. If it is used for pasture, the dedication period is 5 years.)*
- *Provide various improvements to support ranching and farming, such as water lines for livestock and irrigation, irrigation systems for the palm plantation and mango farm, fencing to separate ranching from farm dwellings, and the slab and structure for the hydroponic farm.*
- *Set aside land for a baseyard for shard agricultural equipment.*
- *Provide subsidies to help develop the orchards.*
- *Assemble and provide to lot buyers contact information and expertise of farm consultants and service providers.*
- *Provide subsidies to support a hydroponic education program.*

Question: How much will initial rents be discounted for the farm and ranch leases and for how long?

Response: At this time, the amount that the rents will be discounted has not yet been determined. However; as noted in the response to Question 1, the rents will be set sufficiently low so as to (1) attract qualified farmers and ranchers, and (2) allow profitable operations. And as noted above, rents will have negotiated terms of 10 to 20 years.

13. *Question: Who will monitor and enforce the agricultural dedication process?*

Response: Agricultural dedications are monitored and enforced by the City and County of Honolulu, Department of Budget and Fiscal Services, Real Property Division.

14. ***Biological Resources**. The U.S. Fish and Wildlife Service offered several written comments on the EISPN in accordance with section 7 of the Endangered Species Act of 1973. These comments were to minimize potential impacts to several avifaunal species, including: 1) Hawaiian Duck, 2) Hawaiian Common Moorhen, 3) Hawaiian Coot, 4) Black-necked stilt, 5) O'ahu 'Elepaio and 6) Hawaiian hoary bat. The following mitigation measures, although recommended by the U. S. Fish and Wildlife Service, were not included in the DEIS:*

    Waterbirds:

    - *A biological monitor should conduct Hawaiian waterbird and nest surveys at the proposed project site prior to project initiation and after any subsequent delay in work of three or more days (during which water birds may attempt nesting)*

- *Any documented nests or broods within the project vicinity should be reported to the U. S. Fish and Wildlife Service within 48 hours.*
- *If a listed Hawaiian waterbird is observed within the project site, or flies into the site while activities are occurring, all activities should halt within 100 feet of the individual(s). Work should not resume until the Hawaiian waterbird(s) leave the area on their own accord.*
- *A post-construction report should be submitted within 30 days on the completion of the project. The report should include the results of Hawaiian waterbird surveys, the location and outcome of documented nests, and any other relevant information.*

Hawaiian hoary bat

- *Barbed wire shall not be used for fencing and that if it must be used, it is only used within two inches of the ground surface*

O'ahu 'Elepaio

- *Avoiding potentially disruptive activities, such as trenching, during the breeding season*
- *Avoiding conducting activities that may spread invasive species, increase mosquito populations, increase grazing in forest habitats, or increase the threat of wildfire to montane forest habitats.*

Question: Why were these mitigation measures not included in the DEIS and how will the applicant sufficiently address each of these suggested mitigation measures?

Response: Comments were provided on the EISPN by the U. S. Fish and Wildlife Service (which included suggested mitigation measures related to water birds, the Hawaiian hoary bat and the O'ahu 'Elepaio). Subsequent to the EISPN comments (dated October 25, 2016), and as discussed in the Draft EIS (in Section 3.7, Biological Resources), "*On March 13, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) O'ahu 'Elepaio (Chasiempis ibidis); and (6) Hawaiian hoary bat.*"

The mitigation measures included in the Draft EIS were formulated by the Proposed Project's biologists based on input received from the USFWS at the March 13, 2017 meeting to minimize potential impacts. The mitigation measures relate to all six species discussed at the above-referenced meeting, and include mitigation requirements during the pre-construction planning phase, the construction phase and the post-construction operational phase.

No further comments were received from the USFWS during the public review period for the Draft EIS.

15. ***Economic Impacts****. Section 5.1.7 Hawai'i Environmental Impact Statement Significance Criteria states the following in relation to economic and social welfare:*

The economic or social welfare of the community or State would not be substantially affected by the Proposed Action.

Discussion: Beneficial economic effects will accrue to the community from the Proposed Action. Lot owners will contribute to the economic well-being of the community through the purchase of goods and services and the payment of sales and real property taxes. The Proposed Project is not expected to result in any significant impacts to existing socio-economic characteristics of the nearby community or the North Shore.

Question: Will the applicant include an economic analysis of the project impacts on the local community in the Final EIS?

Response: The Draft EIS includes the required analysis of the Proposed Project's economic impacts, including its economic impacts on the local community. Section 4.9, Socio-economic Characteristics, provides information on the potential economic effects of the Proposed Project. Page 4-36 states: "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities.*" Further, in the short term, the *"…development of the Project Area will result in significant expenditures by the Applicant, as well as by owners of the agricultural lots"* (these expenditures are enumerated on Page 4-36). The Draft EIS also explains that at full build-out, the Proposed Project could require 12 to 20 full-time equivalent employees, with new Ranch jobs providing employment opportunities for the local labor force (p. 4-35).

Chapter 5, Relationship to Land Use Plans, Policies, and Controls, discusses the compliance of the Proposed Project with applicable State and City/County documents. Chapter 5 concludes that the Proposed Project is compliant with the economic objectives of: the Hawai'i State Plan, Chapter 226, HRS (p. 5-7 and 5-8), the Hawai'i Environmental Policy, Chapter 344, HRS (p. 5-17) and the Hawaii General Plan (p. 5-21).

In addition, the Agricultural Plan includes a section on Agricultural Impacts and Benefits, including the number of agricultural jobs that will be generated by the Proposed Project.

No further economic impact analysis of the Proposed Project is required.

16. *Question: If the applicant is a global real estate investment company and the agricultural dedication process significantly reduces real property taxes on the lots, how will the payment of sales and real property taxes specifically "contribute to the economic well-being of the community"?*

Response: Lot sales, construction expenditures, produce sales, consumption expenditures, payroll, and profits will be subject to a number of State taxes (excise, income, conveyance, etc.) These taxes are not affected by agricultural dedications. Regarding County property taxes, areas of the Ranch that are currently used for cattle grazing and farming are already dedicated to

agriculture. These areas are assessed at 1% of market value and taxed accordingly. Thus, property taxes for those areas that remain dedicated to agriculture will remain relatively low but may increase due to a small increase in assessed values. However, home sites and homes cannot be dedicated to agriculture. They will be assessed at market values and taxed accordingly. The net result will be a substantial increase in tax revenues for both the State and the County.

17. ***Water System***. *Section 4.11.2.1 Existing Conditions states the following:*

Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulē'ia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission (PUC) (DPP, April 2011).

Well 3410-01 supplies potable water to Dillingham Ranch and 100 residential customers in the Mokulē'ia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R. M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Question: Due to the insufficient pressure and pumping capacity required for fire flow, how will the applicant put out a fire in Dillingham Ranch or the Mokulē'ia community, should one occur?

Response: The Applicant will construct all water system improvements within the Proposed Project necessary to provide potable water and non-potable water in sufficient amounts, for the Proposed Project including for fire flow. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The Proposed Project is designed to comply with applicable provisions of the Uniform Fire Code regarding required fire flow for fire protection, fire access, including location of fire access road(s) in relation to project buildings, and fire hydrants. The final subdivision map and related civil engineering drawings for the Proposed Project will be submitted to the Honolulu Fire Department for review and approval.

As you noted, the Draft EIS explains that the water system that supplies some residential customers in the Mokulēʻia community is owned by NSWC and regulated by the Hawaii Public Utilities Commission (PUC). The developer of the Proposed Project is DRA, (the Applicant), and not NSWC. However, DRA's development of the Proposed Project will entail improvements to water source and storage to the benefit of NSWC.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. As noted in the Assessment of Potential Impacts on Water Resources of the Proposed Dillingham Ranch Agricultural Subdivision included in Appendix A of the Draft EIS, the NSWC well system does not have reservoir storage or sufficient fire protection and the well has limited pumping capacity. The Applicant's proposed improvements for the Proposed Project includes making substantial improvements to two of the

existing wells owned by Applicant that are located within the Project Site and for which a water use permit has been issued, but are not currently in use (Wells 3310-01 and 3310-02), and transferring those improved wells over to NSWC (subject to approval from the PUC), so that NSWC can shut down its existing and deficient well and continue water service operations with these two improved wells. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The Applicant's construction of new water storage tanks, at elevation, will improve NSWC's ability to increase fire flow pressure throughout the NSWC system.

The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system low water pressure and pumping capacity, are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

For fires that occur in the mountains above Dillingham Ranch, the Ranch has provided logistical support for fire fighters in the form of staging areas on the Ranch, and the use of the water sources on the Ranch to supply airborne water drops, and will continue to do so in the future.

18. ***Dillingham Lodge***. *Chapter 1.0 Introduction states the following regarding Dillingham Lodge:*

    As allowed by a Special Use Permit (2000/SUP-3) and a zoning variance (2000/VAR-39) approved by the City and County of Honolulu ("City and County" or "C&C"), the Dillingham Lodge is used commercially for weddings, retreats, and other special events. Under the Proposed Project, existing palm tree cultivation and Dillingham Lodge operations will continue at their current locations.

    Question: Is the City and County of Honolulu's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39) that allows special event services at Dillingham Lodge approved in perpetuity?

Response: Both the zoning variance and the special use permit are discussed in detail in Chapter 5 of the Draft EIS, Relationship to Land Use Plans, Policies and Controls (p. 5-31 and 5-32). Under the Proposed Project, the allowable uses under the special permit and variance will continue. Neither approval is per se "approved in perpetuity;" however each remains valid (subject to continued compliance with their respective conditions of approval), and the Dillingham Lodge continues to operate lawfully under the provisions of 2000/VAR-39 and 2000/SP-3 (p. 5-32).

19. *Question: Will the existing City and County of Honolulu's Special Use Permit (2000-SUP-3) and zoning variance (2000/VAR 39) need to be revisited and amended as a result of this project?*

Response: The activities associated with the Dillingham Lodge are existing uses at the Project Site, which have been on-going for years, and have been approved by the Department of Planning and Permitting in entitlement actions described above (Response to Question 18). The Project Description, contained in Chapter 2 of the Draft EIS identifies the "*Dillingham Lodge, which can be rented for weddings, graduations, anniversaries, family gatherings, retreats, corporate events, and equestrian or polo-related events*" as an existing land use on the Project Site (p. 2-1). The Proposed Project will not change the existing activities and uses of Dillingham Lodge and, therefore, 2000/VAR-39 and 2000/SP-3 will not require any amendments.

20. *Question: What is the frequency and size of special events at Dillingham Lodge and will these events increase after completion of the project?*

Response: These Dillingham Lodge activities are allowed by the City and County's Special Use Permit (2000/SUP-3) and zoning variance (2000/VAR 39). The Special Use Permit restricts large scale events (involving 300 attendees) to an average of two per month in any given calendar year (p. 5-32). For other events, including weddings and other gatherings, the Property averages about one event per week.

21. *Question: How will these future special events impact agricultural production, infrastructure, and utility systems and will an analysis of these impacts be included in the Final EIS?*

Response: Future events at the Dillingham Lodge will not impact agricultural production, infrastructure, or utility systems. The activities associated with the Dillingham Lodge are existing uses at the Project Site and are part of the baseline conditions for the EIS. These activities have been on-going for years, have been approved by the Department of Planning and Permitting pursuant to a special use permit (2000/SUP-3) and zoning variance (2000/VAR 39), and have been accounted for in the design of all aspects of the Proposed Project. The Project Description, contained in Chapter 2 of the Draft EIS identifies the "*Dillingham Lodge, which can be rented for weddings, graduations, anniversaries, family gatherings, retreats, corporate events, and equestrian or polo-related events*" as an existing land use on the Project Site (p. 2-1). The Lodge activities have been and will continue to be compatible with nearby agricultural activities.

22. *North Shore Sustainable Communities Plan. Section 5.2.2. Relationship to Land Use Plans, Policies, and Controls, City and County of Honolulu, North Shore Sustainable Communities Plan Agriculture Policies contains the following agricultural policy:*

    "Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other non-agricultural

> *use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land."*
>
> *Question: How is the proposed project consistent with this Agricultural Policy in the North Shore Sustainable Communities Plan which aims to prevent "token farming or ranching as a ruse to exploit agricultural land"?*

Response: The Agricultural Plan was specifically designed to significantly increase agricultural activities at the Ranch and, because of the various requirements and subsidies, result in far more agricultural activity than currently exists or would exist under pure market conditions. Section 5.2.2 of the Draft EIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed. The Agricultural Plan (Appendix H to the Draft EIS) contains information on Chapter 205, Hawaii Revised Statutes, to prevent the "*token farming or ranching as a ruse to exploit agricultural land*" on the Subject Property. The Agricultural Plan was approved by the State Department of Agriculture, and relevant portions will be included in the CC&Rs.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Letter of Opposition

Date: 2/15/18

To Whom it May Concern,
I am Ryan Aborigo, a North Shore resident living at
605-132 Hukilau Loop, Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Ryan Aborigo
Phone: 479-6599

We want to keep this side of the island as undeveloped as possible. If we allow Kennedy Wilson to develop, it will be easier for the next Developer to come in and do the same. Please don't!

Aloha,

Ryan Aborigo

HHF PLANNERS
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January 7, 2019

Mr. Ryan Abrigo
65-132 Hukilau Loop
Waialua, HI 96791

Dear Mr. Abrigo:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project), with no specific comments addressed to the Draft EIS. We have reviewed your comments and offer the following responses.

1. *We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulēʻia. It puts at risk one of the last pristine areas on the North Shore.*

Response: Your comment on the Proposed Project is acknowledged**.**

2. *With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses.*

Response: The Applicant has complied with all laws pertaining to the proposed agricultural subdivision and will continue to do so. As part of its review of the Draft EIS (including Appendix H, which contains the Agricultural Plan), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "*…the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

The Agricultural Plan includes a section on Agricultural Impacts and Benefits, including the number of agricultural jobs that will be generated by the Proposed Project. The Proposed Project has many beneficial aspects, including the retention of equestrian activities, the palm tree plantation, cattle grazing and the mango orchard. In addition, the Proposed Project will add a hydroponic farming activity to the property, increase the size of the mango orchard and add approximately 100 acres to orchard crops. Taken in whole, the Proposed Project will significantly expand the production of food crops, retain existing agricultural activities and provide employment in the agricultural sector, while maintaining the rural ambience of the property and the region.

3. *We only have 6 days of food on Oʻahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!*

Response: Your comment on the Proposed Project and your suggestion to stop this project is acknowledged. This comment should be directed to the Department of Planning and Permitting.

Section 2.3.4 and 4.7, and Appendix H of the Draft EIS discuss in detail the agricultural activities that will be retained, enhanced and added to the property to increase agricultural activities. This includes retention and expansion of equestrian activities, retention of the coconut palm plantation, retention of cattle grazing, expansion of the existing mango orchard, the addition of hydroponic farming activities and the addition of at least 100 acres of orchard crops to the property. In total, this will result in a significant increase in agricultural activities at the Ranch.

In recognition of the efforts of the landowner to increase agricultural activities, the State Department of Agriculture endorsed the Applicant's Agricultural Plan for the project (Appendix H of the DEIS), which is a requirement before the City Department of Planning and Permitting can approve the proposed subdivision.

4. *Please DO NOT allow this development on Dillingham Ranch, Ag 2 zoned property. Once the project has started, there is no rewinding the process.*

Response: The landowner has followed all land use rules pertaining to the underlying zoning (Chapter 21, Revised Ordinances of Honolulu) subdivision of land (Chapter 22, revised Ordinances of Honolulu) and environmental impact (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, , Hawai'i Administrative Rules, EIS Rules and Regulations). These rules, along with land use policies, are described in Chapter 5 of the Draft EIS.

5. *We want to keep this side of the island as undeveloped as possible. If we allow Kennedy Wilson to develop, it will be easier for the next developer to come in and do the same. Please don't!*

As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2 of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*". Again, your comments on the Proposed Project are acknowledged, which should be to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Letter of Opposition

Date: 15 FEB 18

To Whom it May Concern,
I am CHARLES ADAIR, a North Shore resident living at
68-615 FARRINGTON HWY #13, WAIALUA, HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers' Stop this development please!!
Thank you.!

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully,
Phone: 831 915 3118

I AM ALSO VERY CONCERNED ABOUT THE WATER SUPPLY & DISTRABUTION ISSUES, ESPECIALLY FOR H_2O SUPPORT TO FIRE EMERGENCIES!

KEEP THE COUNTRY - COUNTRY !!

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January 7, 2019

Mr. Charles Adair
68-615 Farrington Highway, # 1B
Waialua, HI 96791

Dear Mr. Adair:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 15, 2018 providing comments on the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulēʻia. It puts at risk one of the last pristine areas on the North Shore.*

Response: Your comment on the Proposed Project is acknowledged**.**

2. *With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses.*

Response: The Applicant has complied with all laws pertaining to the proposed agricultural subdivision and will continue to do so. As part of its review of the Draft EIS (including Appendix H, which contains the Agricultural Plan), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

The Agricultural Plan includes a section on Agricultural Impacts and Benefits, including the number of agricultural jobs that will be generated by the Proposed Project. The Proposed Project has many beneficial aspects, including the retention of equestrian activities, the palm tree plantation, cattle grazing and the mango orchard. In addition, the Proposed Project will add a hydroponic farming activity to the property, increase the size of the mango orchard and add approximately 100 acres to orchard crops. Taken in whole, the Proposed Project will significantly expand the production of food crops, retain existing agricultural activities and provide employment in the agricultural sector, while maintaining the rural ambience of the property and the region.

3. *We only have 6 days of food on Oʻahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!*

Response: Section 2.3.4 and 4.7, and Appendix H of the Draft EIS discuss in detail the agricultural activities that will be retained, enhanced and added to the property to increase agricultural activities. This includes

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

retention and expansion of equestrian activities, retention of the coconut palm plantation, retention of cattle grazing, expansion of the existing mango orchard, the addition of hydroponic farming activities and the addition of at least 100 acres of orchard crops to the property. In total, this will result in a significant increase in agricultural activities at the Ranch.

In recognition of the efforts of the landowner to increase agricultural activities, the State Department of Agriculture endorsed the Applicant's Agricultural Plan for the project (Appendix H of the Draft EIS), which is a requirement before the City Department of Planning and Permitting can approve the proposed subdivision.

4. *Please DO NOT allow this development on Dillingham Ranch, Ag 2 zoned property. Once the project has started, there is no rewinding the process.*

Response: The landowner has followed all land use rules pertaining to the underlying zoning (Chapter 21, Revised Ordinances of Honolulu) subdivision of land (Chapter 22, revised Ordinances of Honolulu) and environmental impact (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, , Hawai'i Administrative Rules, EIS Rules and Regulations). These rules, along with land use policies, are described in Chapter 5 of the Draft EIS.

5. *I am also very concerned about the water supply and distribution issues, especially for H2O support to fire emergencies.*

Response: With respect to your comment regarding water supply, distribution and fire emergencies, Section 4.11.2 and Appendix A of the Draft EIS discuss these issues in detail. The design of the water system will be in compliance with Chapter 11-20 of the Hawai'i Administrative Rules, and the system will be regulated by the Department of Health Safe Drinking Water Branch. Design will include provisions for adequate fire flow, storage tanks and transmission lines.

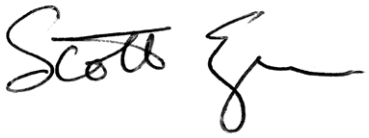
6. *Keep the country COUNTRY!!*

Response: Your desire to retain the rural ambience of the North Shore in general, and Mokulē'ia in particular is acknowledged. It is the intent of the landowner that this ambience be a fundamental characteristic of the proposed project. The continuation and expansion of agricultural activities, the low density of the proposed subdivision, and the significant buffer from Farrington Highway will achieve this goal.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

February 21, 2018

To HFF Planners
733 Bishop St, Ste. 2590
Honolulu, HI 96813

To whom it may concern:

I am greatly concerned and in protest against the development of Dillingham Ranch. I have seen the negative impact of the other Kennedy Wilson developments on the Big Island. These projects are for the rich by the rich. It will take away from the sense of community and destroy the fabric of the North Shore. These gated properties will not serve the community. Instead, it will tax our limited resources, such as the roads, water and electrical grid. There is no aloha in this project. I strongly feel like this is a lie. This project will not create affordable homes, but instead increase the property taxes and degrade the environment. I wish there were a way to build sustainably, but this is not the answer.

Please stop this project,

Hanalei Adric

Hanalei Adric
1941 Kinipopo St
Wahiawa, HI 96786

HHF PLANNERS
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January 7, 2019

Hanalei Adric
1941 Kinipōpō Street
Wahiawā, HI 96786

Dear Hanalei Adric:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 providing comments on the proposed agricultural subdivision at Dillingham Ranch (Proposed Project), with no specific comments addressed to the Draft Environmental Impact Statement (Draft EIS). We have reviewed your comments and offer the following responses.

1. *I am greatly concerned and in protest against the development of Dillingham Ranch. I have seen the negative impact of the other Kennedy Wilson developments on the Big Island. These projects are for the rich by the rich. It will take away from the sense of community and destroy the fabric of the North Shore. These gated properties will not serve the community. Instead, it will tax our limited resources, such as the roads, water and electrical grid.*

Response: You suggest that the project will tax limited resources such as, roads, water and the electrical grid. With respect to roadways, all of the internal roadways will be private with maintenance responsibility falling to the owners of the lots in the subdivision. Traffic on the public road system is discussed in detail in Section 4.11.1 and Appendix I of the Draft EIS. Among other findings, the Traffic Impact Assessment Report indicates that traffic movements at all studied intersections will remain at acceptable levels of service. The report concluded that all traffic movements in the area will remain at acceptable levels of service. Based on the findings of the traffic study, the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term, construction-related traffic) are required.

Water resources are discussed in Section 4.11.2 and Appendix A of the Draft EIS. Dillingham Ranch currently has a number of well permits that allow more than enough capacity to support the proposed development without compromising the sustainable yield of the aquifer. In regard to electricity, in a comment email on the Draft EIS, Hawaiian Electric Company (HECO) has no objection to the project and asks the landowner to stay in touch with HECO as plans for the project move forward.

2. *There is no aloha in this project. I strongly feel like this is a lie. This project will not create affordable homes, but instead increase the property taxes and degrade the environment. I wish there were a way to build sustainably, but this is not the answer.*

Response: You state that the Proposed Project will not create affordable homes. It is accurate to say that the proposed lots will not be offered at prices considered "affordable housing." However, the result of the project will be the continuation of the historic agricultural activities on the property (cattle grazing, equestrian activities, coconut palm tree plantation, and mango orchard) and the expansion of agricultural activity with hydroponic farming and about 100 acres of orchard crops. Management of the property is key to environmental stewardship, and the Proposed Project will provide the oversight to avoid degradation of the environment, as demonstrated in the Draft EIS.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Jovin Aina-Chaves <jovinp@hawaii.edu>
Sent: Friday, February 09, 2018 8:31 AM
To: Yago, Joette P
Subject: The development of Mokulē'ia

Aloha,

I am emailing in regaurds to the potential development on the lands of Mokulē'ia. I discovered a post on twitter recently and I must say that enough is enough Hāwai'i is already over populated and by adding yet another location that only increases population is absurd. The 'Āina in which you people wish to build on holds very strong cultural value and I'm not sure if you people are aware of this. The people of Hāwai'i should be able to have a say in this and more advertising of these plans should be done. Please DO NOT let these plans go through. Many foreign people have taken enough from the kanaka maoli. Enough is enough. Mahalo nui for taking the time to read this my name is Jovin 'Āina-Chaves and if there is any more information that you can share with me on this issue I would be more than happy to look in to it.

Mahalo,

Jovin 'Āina-Chaves
--
Jovin Aina-Chaves

HHF PLANNERS
places for people

January 7, 2019

Jovin Aina-Chaves
jovinp@hawaii.edu

Dear Jovin Aina-Chaves:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 9, 2018 providing comments on the proposed agricultural subdivision at Dillingham Ranch (Proposed Project) during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the subject property. We have reviewed your comments and offer the following responses.

1. *I am emailing in regards to the potential development on the lands of Mokulēʻia. I discovered a post on twitter recently and I must say that enough is enough. Hawaiʻi is already over populated and by adding yet another location that only increases population is absurd.*

Response: Your comments on the Proposed Project are acknowledged.

2. *The ʻāina in which you people wish to build on holds very strong cultural value and I'm not sure if you people are aware of this.*

Response: You suggest that the landowner is unaware of the strong cultural value associated with the property. Section 4.4 (Archaeological and Historic Resources) and Appendices E and J of the Draft EIS describe the historic resources within the Project Site in detail, including identifying all sites that will be preserved. Section 4.5 and Appendix G discuss the cultural resources associated with the property.

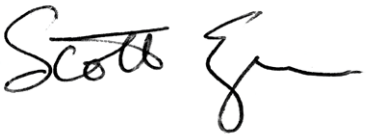
3. *The people of Hawaiʻi should be able to have a say in this and more advertising of these plans should be done. Please DO NOT let these plans go through. Many foreign people have taken enough from the kanaka maoli. Enough is enough.*

Response: The Proposed Project has now been the primary subject of four meetings on the North Shore; two meetings were held by the Mokulēʻia Community Association and two meetings were held by the North Shore Neighbor Board. The Environmental Impact Statement review process has included a 30-day public review and comment period for the project Environmental Impact Statement Preparation Notice, and 45-day public review and comment period for the Draft EIS. The review of the proposed subdivision by the Department of Planning and Permitting does not include any required hearings or meetings.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Kaumakamanōkalanipō (Hannah Anae), B.A. Anthropology, and B.A. Hawaiian Studies
53549 Kamehameha Hwy, Apt 305
Hauula, Hawai'i 96717

February 16, 2018

HHF Planners
Attention: Scott Ezer
733 Bishop St., Suite 2590
Honolulu, Hawai'i 96813

Re: Dillingham Ranch Aina, LLC

Dear Scott Ezer:

I would like to state that I am **not in favor** of the Dillingham Ranch Aina LLC Plans for Redevelopment after having been to the meeting in Hale'iwa on Wednesday, February 14, 2018 - Valentine's Day. I feel that the Dillingham Ranch Agricultural Subdivision Draft Environmental Impact Statement (EIS) presents a plan that is **not** in the best interest of the people in Mokulē'ia or any where on the island of O'ahu.

Having kūpuna from the moku of Waialua, and as a researcher doing my Master's in archaeology, I have vast knowledge of that moku and beyond from Kūkaniloko (Wahiawa) to Ka'ena to Kapaeloa/Waimea. Spent many hours, months, years, studying this moku - spending time on the 'āina (land) I know the adverse effect that B.F. Dillingham's railroad, homestead, sugar, and cattle project had on the 'āina - negative residuals still exist. Now, they want a gated community for the rich. All of their developing projects has only been for the rich. We cannot squeeze our people off of their lands and cause diaspora by having land taxes rise because of these developments - **we cannot even afford our own lands to live on** (it is a shame). We have to put an end to these developments, and save our agricultural lands for what they should used for - agricultural sustainability. Help us not to rely on imported foods.

Although the EIS was about 1779 pages long, there is no indication of a thorough study of the native snail and 'ōpe'ape'a (or hoary bat). The ecology and biology of the island, from the smallest snail to the kanaka maoli (native Hawaiians) - all needs to remain and flourish on this 'āina.

Maybe it was purely coincidental, but personally I feel that it was a hō'ailona or omen to be recognized that the meeting was held on February 14th the day Captain Cook died, and the EIS was 1779 pages, the year he died. Captain Cook whose crew members played a major role in the decimation of the kanaka maoli population in history.

Mahalo Nui,
Kaumakamanōkalanipō
(Hannah Anae)

HHF PLANNERS
places for people

January 7, 2019

Kaumakamanōkalanipō (Hannah Anae)
53549 Kamehameha Highway, Apartment 305
Hauʻula, HI 96717

Dear Kaumakamanōkalanipō:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 16, 2018 providing comments on the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We provide the following responses to your comments.

1. *I would like to state that I am not in favor of the Dillingham Ranch Aina LLC Plans for Redevelopment after having been to the meeting in Haleʻiwa on Wednesday, February 14, 2018 - Valentine's Day. I feel that the Dillingham Ranch Agricultural Subdivision Draft Environmental Impact Statement presents a plan that is* ***not*** *in the best interest of the people in Mokulēʻia or any where on the island of Oʻahu.*

Response: Your comment on the Proposed Project is acknowledged.

2. *Having kūpuna from the moku of Waialua, and as a researcher doing my Master's in archaeology, I have vast knowledge of that moku and beyond from Kūkaniloko (Wahiawā) to Kaʻena to Kapaeloa/Waimea. Spent many hours, months, years, studying this moku - spending time on the ʻāina (land) I know the adverse effect that B.F. Dillingham's railroad, homestead, sugar, and cattle project had on the ʻāina negative residuals still exist. Now, they want a gated community for the rich. All of their developing projects has only been for the rich. We cannot squeeze our people off of their lands and cause diaspora by having land taxes rise because of these developments - we cannot even afford our own lands to live on (it is a shame). We have to put an end to these developments, and save our agricultural lands for what they should be (sic) used for - agricultural sustainability. Help us not to rely on imported foods.*

Response: You state that the Project Site land should be used for agricultural sustainability. The landowner is following the letter of the agricultural subdivision rules and regulations, including a requirement to prepare an Agricultural Plan that must be reviewed and accepted by the State Department of Agriculture. In fact, such a plan was prepared and accepted by the Department of Agriculture. The plan is discussed in Sections 2.3.4 and 4.7 and Appendix H of the Draft Environmental Impact Statement (Draft EIS) prepared for the Proposed Project. Further, the plan proposed by the landowner will provide more food crops than have been grown on this property in decades. This plan includes the continuation of current agricultural activities related to cattle grazing, equestrian activities, palm tree production, and a mango orchard. In addition,

the project proposes to add hydroponic farming and over 100 acres of orchard crops throughout the subdivision.

3. *Although the EIS was about 1779 pages long, there is no indication of a thorough study of the native snail and ʻōpeʻapeʻa (or hoary bat). The ecology and biology of the island, from the smallest snail to the kanaka maoli (native Hawaiians) - all needs to remain and flourish on this ʻāina.*

Response: With respect to the ʻōpeʻapeʻa (Hawaiian hoary bat), biological resources of the Project Site are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 3.7 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns*

perched on very large boulders or in trees." The Final EIS will be amended to include language describing this study and its results (language attached).

4. *Maybe it was purely coincidental, but personally I feel that it was a hōʻailona or omen to be recognized that the meeting was held on February 14th the day Captain Cook died, and the EIS was 1779 pages, the year he died. Captain Cook whose crew members played a major role in the decimation of the kanaka maoli population in history.*

Response: Your reference to the demise of Captain Cook is noted**.**

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Scott Ezer

From: Katharina Anhalt <katharina.anhalt8@gmail.com>
Sent: Thursday, February 22, 2018 8:42 PM
To: Scott Ezer; deadie@kennedywilson.com
Subject: Dillingham Draft EIS Comments

Dear Mr Eadie, dear Mr Ezer,

I hold an MBA in Sustainability Management and I am truly concerned about the lack of sustainability of the Dillingham Ranch subdivision, if it proceeds as currently proposed.

I would like to address the following comments for the developers to answer:

1. Wastewater facility: Please specify what kind of technology will be used. What will happen to the methane that will be a by-product. Will is simply get released into the air, will it be flared off into CO2 or will it be used as a source of energy?

2. Why are streetlights necessary? There are pueos (Hawaiian owls) living in the area. They are listed as an endangered species on the island of Oahu, already declining in numbers. Streetlights would drive the owls away from the area.

3. Why are asphalt roads and pavements necessary? Gravel roads would be more beneficial: If the surface is not sealed rain water can seep through, replenishing aquifers and reducing run-off of storm water into the ocean. Also, gravel is a better ground cover to travel on with horses, an integral part of the ranch.

4. Please specify the exact number the annual community fees will be. Rumors are the fees will be $30.000 - $50.000 annually. If that is the case, please explain what crops the developers suggest for a farmer to grow and what distribution channels to use in order to make profits that allow to spend this amount of money alone in community fees. I assume this community fee, along with the substantial price to buy a lot, will result in land owners, who earn their money doing other business than farming. Realistically, these are not the kind of people that will get their hands dirty to grow crops to feed the community but rather plant a few fruit trees in order to claim AG water and pay a laborer to mow the lawn planted around those trees. With the Aloha+ Challenge and its goal to double local food production by 2030, please explain how the Dillingham Ranch after the subdivision will contribute to produce food for the local population.

5. Biogas plant: The Dillingham Ranch is big enough to run a biogas facility to create sustainable energy, whether in form of electricity or the creation of biogas, which could be used to cook in the farm houses, run BBQs or power biogas cars. There will be enough green waste, horse and cow manure and human waste produced in order to run such an operation. The subdivision of the Dillingham Ranch will set a precedent for similar projects. It is of extreme importance that such a precedent includes state-of-the-art facilities such as a biogas plant the creates renewable energy, also a goal of the Aloha+ Challenge. Please include the creation of a biogas plant in the plans for the subdivision. This could for instance be done in combination with the waste water treatment facility.

Thank you kindly for considering my comments and providing answers to my questions. If you have any further questions, please do not hesitate to contact me by email: katharina.anhalt8@gmail.com.

Sincerely,
Katharina Anhalt
68-545 Cozier Drive
Waialua, HI 96791

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

HHF PLANNERS
places for people

January 7, 2019

Ms. Katharina Anhalt
68-545 Crozier Drive
Waialua, HI 96791

Dear Ms. Anhalt:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I hold an MBA in Sustainability Management and I am truly concerned about the lack of sustainability of the Dillingham Ranch subdivision, if it proceeds as currently proposed.*

Response: You have a general comment suggesting the overall Proposed Project is not sustainable. The Proposed Project contains several characteristics that contribute to principles of sustainability: (1) the proposed wastewater treatment plant will produce R-1 quality effluent, suitable for unrestricted use for irrigation; (2) the stormwater drainage system will include bio-swales that promote groundwater recharge, reduced sedimentation, and filtering of stormwater runoff; (3) hydroponic farming activities will require less irrigation water, less fertilizer and pesticide use, and increases food production by vertical farming; (4) planting over 100 acres in orchard crops will increase food production; (5) continued cattle grazing will increase fire protection conditions; and (6) cultural and historic resources will be protected.

2. *Wastewater facility: Please specify what kind of technology will be used. What will happen to the methane that will be a by-product. Will it simply get released into the air, will it be flared off into CO2 or will it be used as a source of energy?*

Response: The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County Design Standards of the Department of Wastewater Management, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules pertaining to Wastewater Systems. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor (MBR); and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. The plant design functions around the MBR. The MBR uses a typical oxidation tank where the microbiology removes the organics from the incoming wastewater, then utilizes membranes to filter the wastewater. No methane will be produced. Methane generation is typically produced during the anaerobic sludge digestion/stabilization process. For a facility the size being proposed for the Proposed Project, an anaerobic digester is not practical. For solids stabilization, an aerobic digester will be used. This is a tank using air to keep the biomass in suspension and maintain a high dissolved oxygen, preventing the tank to become septic and producing odors. Odors, in the form of methane gas, are

often associated with wastewater treatment. However, because of the high dissolved oxygen and mixed liquor suspended solids concentrations of the membrane bioreactor system and the aerobic digester, the proposed wastewater treatment plant will generate little, if any, odors. The treatment plant's odor control system is an open-bed style biofilter system contained by an earth berm which works by routing odorous air through a porous, soil-based blended media. Foul air will be collected in ductwork from the headworks area and equalization tank and then routed to a matrix of perforated piping buried in a coarse rock bed.

3. *Why are streetlights necessary? There are pueo (Hawaiian owls) living in the area. They are listed as an endangered species on the island of Oʻahu, already declining in numbers. Streetlights would drive the owls away from the area.*

Response: Under the Subdivision Rules and Regulations of the City & County of Honolulu, all agricultural subdivisions must include a system of internal roads equipped with street lights for reasons of safety. However, as discussed in the Draft EIS, exterior lighting within the Proposed Project will be shielded and directed downward to prevent light from being projected towards the night sky and to avoid light pollution. This mitigation minimizes impacts to any species that overfly the Project Site during evening hours.

With respect to the Short-eared Owl or Pueo (*Asio flammeus sandwichensis*), it is listed as an endangered species by the State of Hawaiʻi on the island of Oʻahu. No pueo were observed during formal surveys of the Project Area. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

Section 3.6 of the Draft EIS discusses Botanical Resources. Based on the analysis contained in that section, which is based on the terrestrial vegetation surveys (included in Appendix C to the Draft EIS), it was determined that (p. 3-35): "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*".

4. *Why are asphalt roads and pavements necessary? Gravel roads would be more beneficial: If the surface is not sealed rain water can seep through, replenishing aquifers and reducing run-off of storm water into the ocean. Also, gravel is a better ground cover to travel on with horses, an integral part of the ranch.*

Response: The Honolulu City & County requires the use of Low Impact Development (LID) design strategies in the design of storm water infrastructure outlined in the City and County of Honolulu Storm Drainage Standards, dated August 2017, and the "Rules Relating to Water Quality, Title 20, DPP amended August 16, 2017. Paved street surfaces are also a requirement of the subdivision rules and regulations. Stormwater runoff is discussed in detail in Section 4.11.4 and Appendix A of the Draft EIS. The design of the drainage

system includes bioswales and bioretention areas to promote the percolation and filtration of stormwater. These measures are done to: (1) avoid increasing the rate and volume of surface runoff leaving the Project Site; (2) capture and retain the volume of sediment in runoff to the extent practicable; and (3) reduce the load of nutrients in runoff leaving the Project Site. As described in the Preliminary Engineering Report included as Appendix A to the Draft EIS, the proposed impervious area resulting from development will include building area on new agricultural lots (5,000 SF per unit), miscellaneous structures (water tanks, pumps houses, equestrian facilities, WWTP, etc.), and pavement to construct the approximately 5.5 miles of proposed subdivision roads. The remainder of the site will be comprised of agricultural fields, pasture land or open space on the individual lots, and undeveloped mountainous terrain located mauka of the new lots. This equates to a total increase in impervious area from new development within the 2,721.023 acre property, of approximately 1 percent.

5. *Please specify the exact number the annual community fees will be. Rumors are the fees will be $30.000 - $50.000 annually. If that is the case, please explain what crops the developers suggest for a farmer to grow and what distribution channels to use in order to make profits that allow to spend this amount of money alone in community fees. I assume this community fee, along with the substantial price to buy a lot, will result in land owners, who earn their money doing other business than farming. Realistically, these are not the kind of people that will get their hands dirty to grow crops to feed the community but rather plant a few fruit trees in order to claim AG water and pay a laborer to mow the lawn planted around those trees. With the Aloha+ Challenge and its goal to double local food production by 2030, please explain how the Dillingham Ranch after the subdivision will contribute to produce food for the local population.*

Response: The Lot Owners Association fees have not been determined at this time. The fees will reflect the cost to maintain all common elements of the association, balanced against the income to be received from the operation of agricultural leases (equestrian activities, mango orchard, palm tree plantation, etc.) and the activities of the Dillingham Lodge. The Agricultural Plan prepared for the Draft EIS, discussed in Section 4.7 and included in Appendix H, was accepted by the Department of Agriculture. The Plan includes an explanation regarding how agricultural production on the Ranch will actually increase as a result of the proposed subdivision.

The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Section 4.7, Agriculture, of the Draft EIS discusses potential impacts of the Proposed Project, and, analyzes the Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the DEIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*."

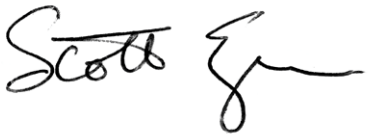
6. *Biogas plant: The Dillingham Ranch is big enough to run a biogas facility to create sustainable energy, whether in form of electricity or the creation of biogas, which could be used to cook in the farm houses, run BBQs or power biogas cars. There will be enough green waste, horse and cow manure and human waste produced in order to run such an operation. The subdivision of the Dillingham Ranch will set a precedent for similar projects. It is of extreme importance that such a precedent includes state-of-the-art facilities such as a biogas plant that creates renewable energy, also a goal of the Aloha+ Challenge. Please include the creation of a biogas plant in the plans for the subdivision. This could for instance be done in combination with the waste water treatment facility.*

Response: Your statement regarding a biogas facility is acknowledged. The Proposed Project does not include such an endeavor.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Ka'ua Kanē Bailey <daviebailey1998@gmail.com>
Sent: Thursday, February 22, 2018 4:36 PM
To: Yago, Joette P
Subject: Aloha

Aloha, I'd just like to ask you to please help save Dillingham ranch. Please, our structures from hundreds and hundred of years ago, tracing our familly back to the 14th century. Please save them from tearing down our temples, it is disrespectful and very very offensive. Yes I understand we need to make money and modernize but please, not our land, not our remaining last country land on Oahu. We dearly ask that it be saved because of the new sewer aswell. I wouldn't want our Aquifier to be contaminated. If it was built, then the shores would be contaminated eventually too. We don't see a point of rich homes if you can't swim at the beach, it's kill our native plants, species, marine life and more. All we want is either to have our lands back or to keep most of our land the way it is. We are really looking forward to Mokuleia being saved from development and to keep the uhane at rest and not harming people. We know for a fact that homes near the beach in Ocean Point are haunted by evil evil spirits, there has been rumors of people having to call premises of Hawaiian decent and all sorts of Hawaiian rituals, we had my uncle bless a house. Please, don't build in Mokuleia, I could go on and on about it but I know you probably don't wanna read this email all day. Mahalo for your generous dear time and for considering this, it means deep aloha to my ohana, and we dearly hope it is saved, aloha.

HHF PLANNERS
places for people

January 7, 2019

Ka'ua Kane Bailey
daviebailey1998@gmail.com

Dear Ka'ua Bailey:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulē'ia, O'ahu, Hawai'i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I'd just like to ask you to please help save Dillingham ranch. Please, our structures from hundreds and hundred of years ago, tracing our family back to the 14th century. Please save them from tearing down our temples, it is disrespectful and very very offensive.*

Response: Your comments on the history of the North Shore are acknowledged. Section 4.4 (Archaeological and Historic Resources) and Appendices E and J of the Draft EIS describe historic resources within the Project Site in detail, including identifying all sites that will be preserved.

2. *Yes I understand we need to make money and modernize but please, not our land, not our remaining last country land on O'ahu. We dearly ask that it be saved because of the new sewer as well. I wouldn't want our Aquifer to be contaminated. If it was built, then the shores would be contaminated eventually too.*

Response: Section 4.11.3 of the Draft EIS, Wastewater System, discusses in detail the new wastewater collection and treatment facilities that will be provided as part of the Proposed Project, including the location of the wastewater treatment plant/facilities. As stated on Page 4-48 of the Draft EIS, the system will be "*…designed, built and operated in accordance with the C&C Design Standards of the Department of Wastewater Management, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to Wastewater Systems."* Wastewater will be treated to an R-1 level of quality. Page 4-49 of the Draft EIS states the following: *"As noted in the DOH Guidelines for the Treatment and Use of Recycled Water (2002), R-1 water is suitable for any form of irrigation for food crops; golf courses; parks, playgrounds, school yards, athletic fields; residential property managed by an irrigation supervisor; road sides and medians; pastures; fire suppression;…drinking water for animals (except dairy animals)…and various other uses*".

Groundwater quality is discussed in Section 3.4, Water Resources, of the Draft EIS. The analysis contained in that section states that the *"…Project Area is located on sedimentary material of poor permeability….this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project"* (p. 3-20). With

respect to construction activities, this Section includes a mitigation measure to minimize potential impacts to surface and groundwater resources within the Project Area.

3. *We don't see a point of rich homes if you can't swim at the beach, it will kill our native plants, species, marine life and more.*

Response: Sections 3.6 and 3.7 of the Draft EIS includes discussions of biological and botanical resources. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently considerable vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the Draft EIS at Section 3.7.3. It is not realistic to associate the development of the proposed agricultural subdivision with any impacts to wildlife at Kaʻena Point. Kaʻena Point State Park ranges from about 4.2 to 7 miles from the western edge of Dillingham Ranch, a significant distance, thereby discounting any impacts.

In addition to the endangered species identified on the Project Site, the Draft EIS discusses the below endangered species. A brief summary of the discussion for each species is below.

The ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the Proposed Project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawai‘i on the island of O‘ahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawai‘i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

4. *All we want is either to have our lands back or to keep most of our land the way it is. We are really looking forward to Mokulē‘ia being saved from development and to keep the ‘uhane at rest and not harming people. We know for a fact that homes near the beach in Ocean Point are haunted by evil spirits, there has been rumors of people having to call*

> *premises of Hawaiian descent and all sorts of Hawaiian rituals, we had my uncle bless a house. Please, don't build in Mokulē‘ia.*

Response: Your comments on the Proposed Project are acknowledged, as well as your observations about *‘uhane.* It is well known that Ka‘ena Point is the legendary "leaping place of souls" for recently deceased Hawaiian spirits.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Yago, Joette P

From: Angela Barnfield <angela@angelabarnfield.com>
Sent: Wednesday, February 21, 2018 1:34 PM
To: Yago, Joette P
Subject: Save Mokuleia

Do not develop here, you are not welcome we have no idea what it is you're coming for. Do not leave youre mental diarrhea here.

Angela Barnfield
angela@angelabarnfield.com
808-542-9899

HHF PLANNERS
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January 7, 2019

Ms. Angela Barnfield
angela@angelabarnfield.com

Dear Ms. Barnfield:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

We are in receipt of your email dated February 21, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project).

1. *Do not develop here, you are not welcome we have no idea what it is you're coming for. Do not leave youre (sic) mental diarrhea here.*

Response: Your comments on the Proposed Project are acknoweldged.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Lydia Berwick <lberwick@kcai.edu>
Sent: Wednesday, February 21, 2018 9:25 PM
To: Yago, Joette P
Subject: STOP Mokuleia Ranch development

Aloha, I have been blessed to live on his land. The current development in progress, to someone who is not from here, is a disrespect and blasphemy to all that Hawaii stands for. The owls, the water, the land, the sewage, the electric, the people, the roads are all serious issues that I cannot ignore. Please listen to the people and keep this atrocity from causing traffic, poisoning, power shortages, pollution, rent increase, etc. to the ones who truly own the land. Mahalo Nui loa.

Lydia Berwick

HHF PLANNERS
places for people

January 7, 2019

Ms. Lydia Berwick
lberwick@kcai.edu

Dear Ms. Berwick:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Aloha, I have been blessed to live on his land. The current development in progress, to someone who is not from here, is a disrespect and blasphemy to all that Hawaiʻi stands for.*

Response: Your comments on the Proposed Project are acknowledged**.**

2. *The owls, the water, the land, the sewage, the electric, the people, the roads are all serious issues that I cannot ignore. Please listen to the people and keep this atrocity from causing traffic, poisoning, power shortages, pollution, rent increase, etc. to the ones who truly own the land. …*

Response: With respect to the Short-eared Owl or Pueo (*Asio flammeus sandwichensis*), it is listed as an endangered species by the State of Hawaiʻi on the island of Oʻahu. No pueo were observed during formal surveys of the Project Area. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday." The Draft EIS states that during the 2014 avifaunal and feral animal field survey, no native land birds were observed. With respect to the Short-eared Owl or *Pueo*, the Draft EIS states (p. 3-36) that owl *"…might forage in this area on occasion*".

Groundwater quality is discussed in Section 3.4, Water Resources, of the Draft EIS. The analysis contained in that section states that the *"…Project Area is located on sedimentary material of*

poor permeability….this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project" (p. 3-20). With respect to construction activities, this Section includes a mitigation measure to minimize potential impacts to surface and groundwater resources within the Project Area.

The comment on the importance of the land is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (Draft EIS p. 2-2): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property.*"

The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County Design Standards of the Department of Wastewater Management, Volume 1 and 2 (1993) and Chapter 11-62, Hawai'i Administrative Rules pertaining to Wastewater Systems. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor (MBR); and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. The plant design functions around the MBR. The MBR uses a typical oxidation tank where the microbiology removes the organics from the incoming wastewater, then utilizes membranes to filter the wastewater. No methane will be produced. Methane generation is typically produced during the anaerobic sludge digestion/stabilization process. For a facility the size being proposed for the Proposed Project, an anaerobic digester is not feasible. For solids stabilization, an aerobic digester will be used. This is a tank using air to keep the biomass in suspension and maintain a high dissolved oxygen, preventing the tank to become septic and producing odors. Odors, in the form of methane gas, are often associated with wastewater treatment. However, because of the high dissolved oxygen and mixed liquor suspended solids concentrations of the membrane bioreactor system and the aerobic digester, the proposed wastewater treatment plant will generate little, if any, odors. The treatment plant's odor control system is an open-bed style biofilter system contained by an earth berm which works by routing odorous air through a porous, soil-based blended media. Foul air will be collected in ductwork from the headworks area and equalization tank and then routed to a matrix of perforated piping buried in a coarse rock bed. As stated on Page 4-48 of the Draft EIS, the system will be "…*designed, built and operated in accordance with the City and County Design Standards of the Department of Wastewater Management, Volume 1 and 2 (1993) and Chapter 11-62, Hawai'i Administrative pertaining to Wastewater Systems.*"

The Proposed Project will not negatively impact the electrical grid that serves the community. Section 4.11.5 of the Draft EIS includes analysis of the potential impacts of the Proposed Project on electrical services. The analysis in that Section concludes (p. 4-58) that "…*the Proposed Project will not have a significant effect on existing HECO resources or facilities. Therefore, no mitigation measures are required.*"

Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required".*

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Denise Boisvert
225 Kaiulani Ave #1604
Honolulu, HI 96815

January 17, 2018

Ms. Joette Yago
Department of Planning and Permitting
City and County of Honolulu
650 South King St.
Honolulu, Hawai'i 96813

Re: Dillingham Ranch Agricultural Subdivision

Dear Ms. Yago:

Anyone who believes that 70 people will spend $1 million each just to be fruit farmers on small farms would also believe that the Earth is flat and the Moon is made of cheese.

This developer is the Emperor and expects all proposal decision-makers to compliment him on his new clothes. You are smarter than that.

Please see this smoke and mirrors proposal for what it really is – an exclusive residential subdivision – and just say no.

Sincerely,

Denise Boisvert

Denise Boisvert

cc: Dave Eadie, Dillingham Ranch Aina, LLC
Scott Ezer, HHF Planners

HHF PLANNERS
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January 7, 2019

Ms. Denise Boisvert
225 Kaʻiulani Avenue #1604
Honolulu, HI 96815

Dear Ms. Boisvert:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated January 17, 2018 providing comments on the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *Anyone who believes that 70 people will spend $1 million each just to be fruit farmers on small farms would also believe that the Earth is flat and the Moon is made of cheese.*

   This developer is the Emperor and expects all proposal decision-makers to compliment him on his new clothes. You are smarter than that.

   Please see this smoke and mirrors proposal for what it really is — an <u>exclusive residential subdivision</u> — and just say no.

Response: No specific comments are addressed to the actual Draft Environmental Impact Statement (Draft EIS), and, therefore, we are not able to provide meaningful responses.

With respect to your comment small farms, The Agricultural Plan prepared for the Draft EIS, discussed in Section 4.7 and included in Appendix H, was accepted by the Department of Agriculture. The Plan includes an explanation regarding how agricultural production on the Ranch will actually increase as a result of the proposed subdivision.

The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Section 4.7, Agriculture, of the Draft EIS discusses potential impacts of the Proposed Project, and, analyzes the Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the DEIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*."

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

February 22, 2018

HHF Planners
Pacific Guardian Tower
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Re: Dillingham Ranch Agricultural Subdivision Draft Environmental Impact Statement

Dear Mr. Tadaki:

I am writing to voice concerns about the proposed agricultural subdivision described in the above referenced draft environmental impact statement.

Endangered Species. The subject property is home to numerous species listed on both the State of Hawaii and federal endangered species lists. I am concerned that draft EIS inaccurately describes the opeapea presence as limited to "overfly … on a seasonable basis". The opeapea are mostly nocturnal and it is not surprising that a survey as referenced in the draft EIS would not find opeapea. However, numerous people who live in the area have heard the bats in the evening, including on Dillingham Ranch. I am also concerned that the mitigation practices described in the draft EIS are not sufficient to protect the animal's habitat. The mitigation practices include not cutting trees during the pupping season but allow removing the vegetation where the animals live at all other times.

Hawaiian Burial Grounds and Cultural Artifacts. I am concerned that there are ancient Hawaiian burial sites in the area which has received a special use permit for sand mining. I am also concerned that there ancient Hawaiian structures that have been or will be damaged or removed by development of the property.

I am also concerned about the increased traffic on local roads and the fact that the draft EIS did not rely on a current study of traffic in the area, inadequacy of the water system which feeds the surrounding community and the developers stated plan to not upgrade the system, damage to the aquifer from a wastewater treatment plant on the subject property, and loss of open space.

Sincerely,

Francie Boland
68-615 Farrington Highway, 12A
Waialua, Hawaii 96819

Cc: Department of Planning and Permitting

HHF PLANNERS
places for people

January 7, 2019

Ms. Francie Boland
68-615 Farrington Highway, 12A
Waialua, HI 96819

Dear Ms. Boland:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *<u>Endangered Species.</u> The subject property is home to numerous species listed on both the State of Hawaiʻi and federal endangered species lists. I am concerned that draft EIS inaccurately describes the opeapea presence as limited to "overfly ... on a seasonable basis". The ʻōpeʻapeʻa are mostly nocturnal and it is not surprising that a survey as referenced in the draft EIS would not find ʻōpeʻapeʻa. However, numerous people who live in the area have heard the bats in the evening, including on Dillingham Ranch. I am also concerned that the mitigation practices described in the draft EIS are not sufficient to protect the animal's habitat. The mitigation practices include not cutting trees during the pupping season but allow removing the vegetation where the animals live at all other times.*

Response: With respect to the ʻōpeʻapeʻa (Hawaiian hoary bat), biological resources for the Proposed Project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

The DEIS offers the following recommendation to minimize impacts to the *ʻōpeʻapeʻa* in Section 3.7 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

2. *Hawaiian Burial Grounds and Cultural Artifacts. I am concerned that there are ancient Hawaiian burial sites in the area which has received a special use permit for sand mining.*

Response: The Project Area has been the subject of several Archaeological Inventory Surveys, including a survey to cover sections of the Project Area not previously surveyed. No iwi have been previously discovered. Archaeological and historic resources are discussed in detail in Sections 4.4 and 4.5 of the Draft EIS, with full reports attached as Appendices E, G and J. If iwi are discovered during construction activities for the proposed subdivision, work must cease and the State Historic Preservation Division must be informed immediately. With respect to your reference to a State Special Use Permit for sand mining on portions of the Project Area, there have been no sand mining activities at Dillingham Ranch for over 30 years, and the landowner is seeking to have the permit extinguished.

3. *I am also concerned that ancient Hawaiian structures that have been or will be damaged or removed by development of the property.*

Response: Archaeological and Historic Resources are discussed in detail in Section 4.4 and Appendices E and J of the Draft EIS. The Dillingham Ranch property has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that covered property not previously surveyed, and a Summary AIS prepared for this Draft EIS (Appendix E) that provides information from all relevant AISs in one document. All historic properties identified have been assessed for their significance and 12 of 16 archaeological sites located within the Project Area were evaluated as significant and are recommended for preservation. The Draft EIS includes interim and long-term preservation measures to minimize impacts to these historic properties (Section 4.4.3 of the Draft EIS). Ultimately a Preservation Plan for these sites must be submitted to and accepted by the State Historic Preservation Division.

4. *I am also concerned about the increased traffic on local roads and the fact that the draft EIS did not rely on a current study of traffic in the area, inadequacy of the water system which feeds the surrounding community and the developers stated plan to not upgrade the system, damage to the aquifer from a wastewater treatment plant on the subject property, and loss of open space. ….*

Response: You also express concern about increased traffic and suggest that the Draft EIS did not rely on a current traffic study. In fact, a Traffic Impact Analysis Report (TIAR) was conducted specifically for the Proposed Project and this Draft EIS and is discussed in detail in Section 4.11.1 and Appendix I of the Draft EIS. The report concluded that all traffic movements in the area will

remain at acceptable levels of service. The report concluded that all traffic movements in the area will remain at acceptable levels of service. Based on the findings of the traffic study, the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term, construction-related traffic) are required.

Your comments note that the water system which supports the surrounding community is inadequate, and that the developers stated they do not plan to upgrade the system. The developer of the Proposed Project is Dillingham Ranch Aina LLC (DRA). The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by DRA and not by NSWC.

Concerns about the adequacy of the water service provided by NSWC to the Mokulēʻia community and expenses related to any required improvements to address those deficiencies are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with the NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Nevertheless, DRA's development of the Proposed Project will involve a substantial upgrade by DRA to NSWC's existing private water source. NSWC owns only one well and it is located within the Proposed Project. DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2, and 4.11.2 of the Final EIS (enclosed). Although the existing concerns about the NSWC are not related to the Proposed

Project or impacts from the Proposed Project, the development of the Proposed Project will include improvements to the NSWC water system. Concerns regarding the existing transmission system are outside the boundaries of the Proposed Project.

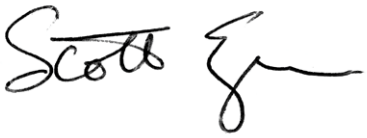
You express concern that the aquifer will be damaged from the wastewater treatment plant on the Project Site. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawai‘i Administrative Rules pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

Under the provisions of the City and County zoning laws (Land Use Ordinance), the proposed 70 agricultural lots can each have a farm dwelling and accessory structures located within a 5,000 square foot footprint. It is correct to say that these structures will be placed in areas currently occupied by vegetation. However, this area represents about 0.3% of the total acreage of the entire Dillingham Ranch property. The overwhelming character of the property will remain as open space.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

68-090 Au Street, #103E
Waialua, HI 96791
February 16,2018

HHF Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813
ATTN: Scott Ezer
sezer@hhf.com

SUBJECT: Dillingham Ranch Agricultural Subdivision - Draft EIS
TMKs (1) 9-8-003: 005, 006, 015, 019, 030, 031, 033, 035, 040, and 6-8-002: 006

Dear Mr. Ezer,

Having read your Draft EIS and reviewing the Appendix, all 1700 plus pages, I concur with the unanimous vote of the North Shore Neighborhood Board at its recent meeting an February 14, 2018. They voted unanimously to oppose your project.. I concur with the many opinions of our community. Your project does not fit in with our community. It may be "the vision" of Kennedy Wilson, actually the third vision, but it is not compatible with the Country.

Looking quickly at the maps of the subdivision, I thought I was looking at a map of Mililani Mauka, which I consider, as a song once said, little ticky,tacky houses all in a row. It looked like a housing subdivision, even with street lights. Even with 70 lots, it consumed the area. In the Summary of the Proposed Project, consolidation and resubdivide. This was confusing as it implied a current subdivision. Not until later in the document did I find the Ag 1 and Ag 2 designations. In order to be considered for Ag 1, "a substantial number of parcels are more that 5 acres in size." This is taken from the LUO, Land Use Ordinance, of which I served on the committee that rewrote The CZC, Comprehensive Zoning Code, into the LUO. In the entire document, I could not find how many of the parcels were 5 acres. You have lumped 66 lots ranging in size from 3 to 8 acres. Without that breakdown, how can you meet the requirements of Ag 1? The intent of Ag 1 is to conserve and protect important agricultural land for the performance of agricultural functions. 66 lots, each with a house and their own private driveway and their own meandering street looks like Mililani, with street lights, looks like a housing subdivision, not agricultural lots. You've heard about the duck, if it looks like a duck, quacks like a duck, etc., it is a duck. So it looks like a residential development.

Roads were then addressed. 70 ag lots with 6 roadway lots with a 44 foot wide right of way. I'm cringing as this prime ag land is being usurped for roads. Then the owners will have to put in their own driveways to meet the main road, they will be privately maintained and owned.

Water and wells are addressed, with existing wells upgraded. There will b e 2 potable and 1 non potable well. How can you determine how much potable water will be used when you don't know what crops will be planted. Some crops are very thirsty. The owners will have to connect to the water system. There was no mention of the other community water users here. They were mentioned in passing in several other parts of the draft, but just to the extent that there are 100 other community users. As was pointed out at the Neighborhood Board meeting, there had been previous threats to these community members that if the line breaks, you don't get water. As someone pointed out, the money being paid to you is for your delivery of the water, not for the water itself. You don't own the

water. What upsets me the most is the way this was handled. Another example of how this development doesn't meet or fit the needs of the community. Plus this behavior is inexcusable.

Plan indicates 70 individual lots for orchard crops. A $12,000 credit will be given to each owner for trees. Several suggestions were listed, such as citrus, other fruit trees, avocado, mac nuts, coffee and cacao. I am not a farmer but I have gained some knowledge driving around the community . Coffee trees are planted up the hill going to Wahiawa. This area is cooler. Dillingham is not cool. Cacao is also listed. Cacao is weather specific and there are only two areas out here than can grow cacao. They don't grow anywhere. Mac nuts – the market seems to be saturated already.

So let's quickly recap, potential "farmers" will buy the land, put in their own house (this has not been addressed), put in their own access road, hook up to the water system, plant their trees and then WAIT 12 to 15 years for their crop to fruit. There is no guarantee that the crop will be productive and earn money, (Star Advertiser, 1/12/18, p. B1 and 5, says "Kennedy Wilson's report said it would be up to lot buyers to select the type of fruit trees and whether to engage in sales.") Also mentioned the farmers could hire a manager to mind the orchard. Who can afford to do this? The "farmers" don't even have to sell their fruit. The obvious conclusion is this is not for ag use. It is a big lot for a very rich person who can afford all the above. This is not a farm. It's a garden behind the estate. This doesn't seem to agree with the project purpose of providing opportunities for new agricultural opportunities. Plus you would be providing food which is a State objective. I guess if you give your neighbor a banana you would be providing food?

You are going to run this through an Association of Owners. I live in a condo of 64 units with a Board. You have people who are totally inexperienced to manage this large of a development, both for my condo and for your development. Then, as Bob Leinau mentioned at the NB meeting, (per the Star Advertiser, February 16, 2018, p. B1 and 3), that the Association can change its rules and discontinue farming.! I must point out this is prime Ag land A and B according to ALISH. We are losing our land which we may need in the future to actually grow food.

Section 3.0 discusses topography, stony steep land . As was pointed out at the NB meeting, both in testimony and in photos, rocks have been removed from the ranch. This is a very sensitive issue in Hawaii. And after looking at the photos in your Draft EIS of the Hawaiian rock formations, you need to address this issue. Also lot owners will be responsible for clearing and grading their own land. Archaeological review needs to be required. This is quite disturbing to have 70 lot owners grading and clearing their own land in an unorganized manner. 27 acres will be disturbed. You have not discussed the kupuna iwi here I found it later and will address my comments then.

Section 3.4 Water Resources. There is lots of information but the water for the surrounding communities isn't in here. It needs to be included so potential farmers are aware of the situation and their responsibility to provide water.

Section 3.4 Natural Hazards. Hurricanes were cited but only the most recent ones. You need to be aware of Ewa and Iniki . The telephone poles were laying on the road so you couldn't get a car through. Mokuleia was severely disrupted. I am about 4 miles away and I didn't have water for three days and power for eight days. I didn't see any mention of how you were going to care for the livestock under these conditions.
Your mitigation measures indicates that individuals should go to Waialua High School for shelter. I went to the high school for Iniki and the gym was full. It could not accommodate 70 household

with 4 folks inside, and additional employees. First come, first served?

3.6 Botanical Resources I noted that you have foliage that should be cultivated , kiawe for BBQ wood ,and Xmas berry, which is a weed, for decorative purposes. The growing of tress is cited. I really didn't get a clear understanding of their use. Do you dig them up and sell them? Wili wili trees were mentioned and they should be protected as they are having trouble now.

3.7 Biological Resources Pueo needs to be further surveyed. Is it pueo or barn owl? Pueo is endangered in Hawaii.

4.0 Manmade Environment Air quality could be affected by fertilizer use.

4.4 Archaeological and Historic Resources Buildings that are eligible for inclusion in the National Register of Historic Places should be placed on the Register as is Haleiwa Elementary School which is on both State and National Registers. You have described the process as complicated and difficult. It isn't. An architect, myself, with help from the State Historic Division registered the school. Sixteen properties have been identified including traditional Hawaiian agricultural, ceremonial and habitation complexes. Recommendations made by Kennedy (1987) that archaeological potential was high and intensive survey and documentation of sites, a program of subsurface testing, and historical background research be conducted prior to development. And I would say instead of development. You have a treasure trove Of Hawaiian living sites on your land. You don't see the value of this discovery. It's like Kennedy Wilson found the pyramids and all he could see was the sand he could sell. He has an ASSET here that could produce a new "Vision" that would be really important to the community and to Hawaii. We can nickname him " Carter" Kennedy, remember King TUT. The information you have already put together and published with photos and drawings in the Draft EIS should be made public. How about a book? "The Hawaiian Treasures at Dillingham Ranch" supported by Kennedy Wilson. Forget the farm and see the pyramids. You need to hire a curator. Don't demolish the Ag and Pump House – work around them.

Northwestern Mutual Life Insurance Company was mentioned that their plans were never implemented. Why? The community responded!! You have seen some of that at the NB meeting.

AMP, (5) finally mentions burial sites of human remains. This is not a plan. You need to redo thinking on this issue especially since there were living communities on your property. Kawaihao Church and Walmart both ran into major problems when they found remain and handled them poorly. This is another sensitive issue and the iwi needed to be treated respectfully. 22 words on this issue is not planning.

Sec. 4.5.2 Potential Impacts Iwi Kupuna are mentioned here.

Sec. 4.5.3 Mitigation Measures The Preservation Plan needs to be made public and not buried in a 17oo plus page document.

Sec. 4.7.2 Potential Impacts $12,000 for orchard trees will provide necessary stimulus to insure each lot will be used for ag purposes. But you didn't mention how long it would take for trees to bear fruit, about 12 to 15 years. How do these farmers live during that time period? The trees will increase food production in the State. Yes, but it will take 12 to 15 years. At full development , 12 to 20 employees could be hired.

Sec. 4.11.2.1 Existing Conditions RM Towel (2008) has confirmed that this source, well 3410-01, has insufficient pressure and pumping capacity to provide minimum required fire flow for existing conditions. As I understand this , the well can't be used by the Fire Department to pump water to put out a fire. Mt. Kaala had a horrible fire several years ago. Another fire could imperil your site, the houses, and could complicate your farmers from getting mortgage insurance.

Sec. 5.0 Relationship to Land Use Plans, Policies and Controls In this section, I am inserting the position of the NSNB #27 on January 19, 1981. Attached is the letter from the Board, including analysis from Jonathan Aleck, a Waialua resident, and letter to John Farias, Jr. Department of Agriculture, and from Maurice s. Kato, Deputy Attorney General. The issues the community is facing today are the same as in 1981. The size of your development has been reduced but the application of Hawaii Land Use Law, Chapter 205 HRS is still applicable today.

Sec. 6.0 Alternatives, 6'1 Preferred Alternatives It's hard to give an opinion when important facts have been left out. How many of the 70 lots are 5 acres or more? How can the orchard help the Hawaiian economy – oh , wait, in 12 to 15 years. You don't have farms, you have gardens. The buyers will select their own trees and whether to engage in sales.. So you are not actually helping the Hawaii economy as much as helping Kennedy Wilson's wallet. After you sell all the land, you're gone, leaving the development run by an Association. No action does not meet the applicant's vision

I oppose your development but I see potential for you if you orient this plan toward historic preservation and restoration. See p. 3, 4.4. May I call you "Carter"?

Sincerely,

Laura Lee Bolles
sahrabadawia@aol.com

2/16/18 sent by email

NORTH SHORE NEIGHBORHOOD BOARD NO. 27
P. O. Box 607
HALEIWA, HAWAII 96712

Laura Bolles
68-090 Au St.,
103E
Waialua, HI
96791
637-9157
Feb. 16, 2018
Dillingham Ranch
Agricultural
Subdivision

January 19, 1981

TO: NEIGHBORHOOD COMMISSION
CORPORATION COUNSEL

FROM: NORTH SHORE NEIGHBORHOOD BOARD NO. 27
LAURA BOLLES, CHAIRMAN

At an emergency meeting held January 19, 1981, the North Shore Neighborhood Board Number 27 passed unanimously the following motion:

The North Shore Neighborhood Board No. 27 opposes the developments of Mokuleia Homesteads and Mokuleia Farm Lots Subdivision. Our opposition is based upon the following:

- There is strong evidence that the agricultural subdivisions are/will be in apparent violation of HAW. REV. STAT. 205 and the State Land Use District Regulations.
- There is strong evidence that there are apparent violations of the State Land Use District Regulations and HAW. REV. STAT. 205-12 (1968) in which the counties are charged with the duty of enforcing chapter 205 and the State Land Use District Regulations.

The two developments, if allowed to continue, will result in the loss of valuable prime agricultural land. There is every indication that the land will not be put into agricultural use and that the developments are intended for residential purposes. There is historical evidence for the taking of prime agricultural land for residential use in Hawaii. The legislative intent of trying to avoid the "evils" of "inadequate controls" needs to be addressed. After the fact remedies cannot preserve our prime agricultural land.

The action the Board requests, and supporting information are attached and included in the Board's position.

Sincerely,

Laura Bolles

Laura Bolles
Chairman, North Shore
Neighborhood Board

ACTION REQUESTED

File immediately for an injunction, a temporary restraining order and a temporary injunction - Mokuleia Farm Lots Subdivision and Mokuleia Homesteads.

Investigate alleged violations of HAW. REV. STAT. § 205 and the State Land Use District Regulations by Mokuleia Farm Lots Subdivision and Mokuleia Homesteads.

Investigate alleged violations of chapter 205 and the State Land Use District Regulations under HAW. REV. STAT. 205-12 (1968), in which the counties are charged with the duty of enforcing the law.

The ultimate goal would be to seek a permanent injunction that would enjoin the projects as they now stand, or require that covenants and restrictions in deeds contain explicit language stating what would be a non-conforming use. The residential unit must be the accessory use and activity upon the land has to be predominately agricultural.

SUPPORTING INFORMATION

Attached is Opinion Number 75-8 from the Department of the Attorney General, State of Hawaii, dated September 3, 1975. The opinion was requested by John Farias, Jr., Chairman, Board of Agriculture, Department of Agriculture, State of Hawaii, regarding the proposed subdivision of agricultural land at Mokuleia, Waialua, Oahu. The opinion is signed by Maurice S. Kato, Deputy Attorney General and approved by Ronald Y. Amemiya, Attorney General.

Deputy Attorney General Kato believes that the proposed subdivision would be in violation of the State Land Use Law based on information provided by Chairman Fairas.

The attempts to change the land use boundary from agriculture to urban is outlined on page two of the opinion. Attempts were made in 1972, 1974 and in 1975. (Refer to opinion).

Chairman Farias questioned the availability of water in the area to support intensive two acre agricultural lots, 65 for the Mokuleia Farm Lots Subdivision and now an additional 300 lots for Mokuleia Homesteads.

For Mokuleia Farm Lots Subdivision, there are no City water facilities in the area. A 16" main is presently being installed that will service the residential water needs. The main will not support a higher density land use designation, provide for agricultural waters, or any other developments in the area. See attached letter from Edward Y. Hirata, Manager and Chief Engineer, City Board of Water Supply, October 3, 1977. If water is not available, is not planned to be available, or is there is not sufficient water, then Mokuleia Farm Lots Subdivision will be in violation of HAW. REV. STAT. 205.

The same need for agricultural water can be applied to Mokuleia Homesteads. See attached letter from Kazu Hayashida, Manager and Chief Engineer, City Board of Water Supply, September 19, 1980. He states that the City has no water facilities in the area.

Chairman Farias also questioned the availability of qualified individuals to operate such intensive-use operations on each of the 65 and now an additional 300 lots at Mokuleia Homesteads. It is unlikely that 365 individual will be available for the intensive-use agricultural operations. In light of the usual business activities of the landowners, which has been and remains real estate, it is believed that the subdivisions are intended for residential purposes, not agricultural purposes, and that the subdivisions will result in an irretrievalbe loss of valuable agricultural land. Examples of agricultural land subdivided into small parcels that are not in agricultural use are cited on page three of the opinion.

"If any owner of a lot located within an agricultural district uses his lot as a one-to-three acre residential estate and not as "a farm where agricultural activity provides income to the family occupying the dwelling" located on the lot, he would appear to be in violation of Ch. 205 and the State Land Use District Regulations. This apparent subterfuge of prime agricultural land is in reality de facto rezoning, which, in view of the Land Use Commission's actions in 1972 and 1974, is also a violation.

On agricultural land, the "farm dwelling" is an accessory use and within the law under 205. But when the dwelling becomes the main use and agriculture is accessory, the project is in violation of 205.

The violation procedure is clearly established by law, with fines imposed for violation of 205. Individual violations can be handled through after the fact corrective measures but with a subdivision of 300 parcels for the Homesteads and 65 individuals for the Farm Lots, after the fact corrections would be difficult, and the prime agricultural land would be lost.

Another indication of a violation is the selling of agricultural lots at residential prices. The Farm Lots are being sold for $160,000 to $180,000. As the Attorney General's opinion indicates on page 6, it is even more difficult to enforce the law after the land is sold and the developer is no longer accountable for his actions because he is no longer the owner. Consequently, after the fact enforcement measures cannot preserve prime agricultural land.

The 1961 Hawaii State Legislature found that "Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy."

The Hawaii Supreme Court has addressed the evils and mischiefs to be remedied. The Attorney General states that Ch. 205 should be construed in light of the stated "evils" of "inadequate controls" and of "the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs." Because of the "evils" in the misuse of prime agricultural land, the City has been mandated, given the authority and the responsibility of enforcing the land use classifications of chapter 205 and the State Land Use District Regulations. The City and County must insure that the provisions of chapter 205 and the State Land Use District Regulations are not circumvented.

It seems that in the case of Mokuleia Farm Lots, with road grading under progress, that the City has not utilized information available to them which would have militated against the granting of permits. Specific information being the opinion of the Attorney General. What makes it more difficult to understand why permits were granted for the Farm Lots is that the same people in the administrations, State and City, were active participants in the 1975 Attorney General's opinion.

Not only has the Hawaii Supreme Court and the Hawaii State Legislature been concerned with the taking of prime agricultural land, but the Federal Government is also concerned. The U.S. Department of Agriculture, Soil Conservation Service, in a pamphlet published in November 1977, stated, "Each year three million acres of rural land in all the 50 states are irreversibly shifted from agriculture to other uses." The pamphlet highlights how Hawaii took the lead with the nation's first state land use law in 1961. But the law needs to be enforced. (Pamphlet attached).

The Agricultural Land Data Sheet, America's Land Base in 1977, published in June 1980 by National Agricultural Lands Study estimates that in the years 1967-1977 that 60,000 acres of agricultural land in Hawaii was converted to urban and built up, for transportation, and water use.

U.S. Secretary of Agriculture Bob Bergland has warned, "The U.S. is losing 1 million acres of the world's best and flattest agricultural land each year to urban sprawl. In my lifetime, we've paved over the equivalent of all the cropland in Ohio. Before this century is out, we will pave over an area the size of Indiana." Advertiser. "Paving over America's Farmland" June 21, 1980, p. A 13. (Article attached)

ADDITIONAL CONSIDERATIONS

Not previously addressed are General and Development Plan concerns. Reprinted below is an excerpt from a letter to Mayor Anderson, January 10, 1981, expressing the Board's concern with population increases.

Population projections are another concern. First, there is a conflict between the General Plan and Development Plan estimates for the year 2000. Neither of these estimates matters too much to the North Shore as we have already exceeded our 2000 year estimate and it is just 1981. The 5% leeway has also been exceeded. Following is a table listing the new housing areas, only Dillingham Ranch and the Sugar Company housing are in planning stages.

POPULATION TABLE

North Shore (DGP population figures November 26, 1979)

1976		2000 General Plan		2000 Development Plan	
Pop.	%	Pop.	%	Pop.	%
10,500	1.5	11,900-13,300	1.3-1.5	16,300	1.8
				(17,115	+5%)

	Units	Persons[1] p/unit	Population		
Paalaa Kai	307	3.9	1197.3	13,179.0	Pop.[4]
Konane Kai	44	2.1	92.4	+ 4,406.4	Total
Waialua Beach Road	24	3.9	93.6	17,585.4	
Velzyland	51	2.1	107.1	17,585.4	
Pietsch	65	3.9	253.5	+ 1,423.5	Employee
Oceanside Park	45	2.1	94.5	19,008.9	
Dillingham Ranch	300	3.9	1170.0		
Sugar Company	250	3.9	975.0		
Senior Citizens	-	-	-		
Individual Sites	-	-	-		
Papailoa	93	4.5[3]	423.0		
Population total			4406.4		
(Pietsch-Employee Housing) 2	65	3.9	253.5		
(Dillingham-Employee Housing)	300	3.9	1170.0		
Employee Housing Total			1423.5		

1. DPED/DGP Figures 3.9 persons per single family dwelling
   2.1 persons per apartment
2. Agricultural land - one dwelling plus one employee housing
3. Bishop Estate figure per SHA Assessment
4. January 30, 1979 population figures from NB Petition

In view of the opinions from the Federal level, the State level, the Hawaii Supreme Court, the Hawaii State Legislature, the State Land Use Commission, the office of the Attorney General, the City and County of Honolulu's General Plan and Development Plan, the Neighborhood Board and the community and in view of the legal opinion of the Deputy Attorney General it seems that Mokuleia Homesteads and Mokuleia Farm Lots Subdivision are in apparent violation of HAW. REV. STAT. 205 and the State Land Use Regulations. The Neighborhood Board No. 27 requests that the Neighborhood Commission and the Corporation Council file an injunction, with all due speed, to prevent the subterfuge of prime agricultural land.

S. Jonathan Aleck
68-545 Crozier Drive
Waialua, Hawaii 96791

19 January 1981

Miss Laura Bolles
Chairman, North Shore Neighborhood Board, No. 27
P.O. Box 607
Haleiwa, Hawaii 96712

Dear Miss Bolles:

With specific reference to the Mokuleia Agricultural subdivision projects developed by Mokuleia Associates (TMK 6-8-06: 01, 09, 14, and 33) involving approximately 141 acres to be subdivided into 65 two-acre lots, and Mokuleia Homesteads (TMK 6-8-02: 6; 6-9-03: 5, 11, 15, 20, 30, 31, 34 and Por. 6), involving approximately 2,713 acres to be subdivided into 300 minimum two-acre lots, and with general reference to any similar proposed agricultural subdivisions, I believe that such projects entertain virtually certain violations of Chapter 205, Hawaii Revised Statutes, as more explicitly described hereinbelow, and I urge that the Board resolve to move the Department of the Corporation Counsel, on review of the issues, to take immediate investigative, preventive, and corrective action.

My chief concern is that the intended purpose of the applicable state land use laws governing the utilization of agricultural district lands with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B--and both of the abovementioned subdivision projects have been so catagorized-- will be thwarted, in that the actual use of the subject land will be something other than predominantly agricultural.

Section 205-2, Hawaii Revised Statutes, provides, in pertinent part, that

> [¶]<u>Agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry; farming activities or uses related to animal husbandry, aquaculture, game and fish propogation</u>; aquaculture, which means the production of aquatic plant and animal life for food and fiber within ponds and other bodies of water; services and uses accessory to the above activities including but not limited to <u>living quarters or dwellings</u>, mills, storage facilities, processing facilities, and roadside stands for the sale of products grown

> on the premises; agricultural parks and open area recreational facilities. [emphasis supplied]

This provision is further qualified by section 205-4.5, which contains the following limitations on permissible uses within agricultural districts:

> (a) Within the agricultural district all lands with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B shall be restricted to the following permitted uses:
> (1) Cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage and timber;
> (2) Game and fish propogation;
> (3) Raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propogated for economic or personal use;
> (4) Farm dwellings, employee housing, farm buildings, or activity or uses related to farming and animal husbandry;
> Farm dwelling as used herein shall mean a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling. [emphasis supplied]

State Land Use District Regulations restate these requirements to the extent that District Regulation 3-3(4) lists "farm dwellings," as permissible uses within the "A" Agricultural District. The definition of "farm dwelling" (District Regulation 1-4(10)) is identical to the definition provided in the statute cited above.

In its enactment of Hawaii's initial State land use laws, the legislature expressed serious concern with what has since grown to be a major threat to the State's most valuable resource.

> Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy. Inadequate basis for assessing lands according to their value in those areas that can best serve both the well-being of the owner and the well-being of the public have resulted in inequities in the tax burden, contributing to the forcing of land resources into uses that do not best serve the welfare of the State. Scattered

> subdivisions with expensive, yet reduced, public services; the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs; failure to utilize fully multiple-purpose lands; these are evidences of the need for public concern and action.
>
> Therefore, the Legislature finds that in order to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands in those uses to which they are best suited, the power to zone whould be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would development[sic] these uses. Haw. Laws 1961, ch. 187, §1, at 299.

These thoughtful and legitimate concerns were reiterated by the Legislature in 1975, when, in connection with legislation amending provisions of Chapter 46, Hawaii Revised Statutes, the House Committee on Housing reported:

> Your Committee finds that the purposes of Hawaii's pioneering Land Use Law remains even more valid today than at the time of its enactment in 1961. The purposes of the Land Use Law include 1) the provision of adequate devices to insure Hawaii's limited and valuable land not be used for short-term gain for a few with a resultant long-term loss to income and growth potential of our economy and[;] 2) preservation of our prime agricultural lands.
>
> Your Committee is aware of steps being taken during the 1975 Legislative Session to improve and strengthen the Land Use Law by requiring the development of State planning policies and criteria and b[y] reforming the procedures followed by the Land Use Commission in order to effect more openness and accountability to the public.
>
> Your Committee believes that the present provisions of Section 46-15 might be construed to create a serious loophole which, unless amended as provided in this bill, could open the door to significant circumvention of the Land Use Law. The existing statute permits the counties to develop experimental and demonstration housing projects in agricultural and conservation districts without regard to the Land Use Law as long as the project is adjacent to or within an existing urban district. HAW. H. STAND. COMM. REP. NO. 488 (March 11, 1975).

As discussed in greater detail in the 1975 Opinion of the Attorney General [Op.No. 75-8 (3 September 1975)], solicited by the Board of Agriculture and dealing specifically with the Mokuleia Associates development, it is manifestly evident that the intent of the Legislature, in its enactment and periodic revision of State Land Use Law, has been to protect and preserve Hawaii's diminishing agricultural lands with a zeal and constancy to purpose rarely demonstrated in regard to a single issue.

In the abovementioned opinion, the Department of the Attorney General took cognizance of no less than twelve (12) separate agricultural subdivisions on the islands of Oahu, Hawaii, and Kauai, comprised of nearly 20,000 lots of no less than one acre, of which only five (5) were (in 1975) actively used for agricultural purposes. Observing that each of these instances did not necessarily involve a technical violation of the law, the Attorney General recognized the implicit intentions of the developers to utilize the "farm dwelling" permissible use provision of Chapter 205 as what amounts to a loophole, allowing two-acre agricultural lots to be sold at residential-lot prices to purchasers with little intention of engaging in serious agricultural activity on the land.

Indeed, it was apparently the stated opinion of the Chairman of the Board of Agriculture that, as improbable as the very feasibility of intensive agricultural activity on two-acre parcels may be, it is even more improbable that qualified individuals are available to purchase and successfully engage in such activity on 65 lots (Mokuleia Associates development). By a parity of reasoning, then, it would seem five times as improbable that good faith agricultural development will occur on the 300 lots of the Mokuleia Homesteads subdivision.

It was the further opinion of the Attorney General that the penalty provisions of Chapter 205, which provide only for after-the-fact enforcement measures, in the form of a fine (H.R.S. §205-13), do nothing either to preserve agricultural land or to prevent its irrevocable removal from agricultural use. It would appear that positive, antecedent, preventive measures can fulfill the purposes of the Land Use Law, in the instances of private "agricultural" subdivisions.

On the basis of the information made available in 1975, the Attorney General concluded that

> the proposed subdivision of 141.456 acres of substantially prime agricultural land at Mokuleia into sixty-five lots that appear to be too small for economically feasible agricultural use is, in all likelihood, intended for purposes contrary to the Legislature's stated goal of preservation of prime agricultural land

> and contrary to the established land use classification under chapter 205 and the State Land Use District Regulations; that when a relatively large area of prime agricultural land is involved such as in the case of this proposed subdivision, the City and County of Honolulu, pursuant to its enforcement power under section 205-12, must take positive preventive measures to insure that the proposed subdivision will not result in an adverse effect on the agricultural resources of the area; and that when, as in this instance, the proposed subdivision in all likelihood will not be used for agricultural purposes and may be an attempted circumvention of the land use district amendment procedure and controls provided in chapter 205, the Department of Land Utilization, City and County of Honolulu, should disapprove the subdivision application. [emphasis supplied]

Of course, the Declaration of Restrictive Covenants and Conditions, as filed by Mokuleia Properties, Inc. (et al.) on September 15, 1980, should be thoroughly examined by the Department of the Corporation Counsel to determine whether they comply with statutory and regulatrory requirements. Those of Mokuleia Homesteads, when filed, should be similarly scrutinized. But even if the covenants should be found to be in technical compliance with the applicable laws and regulations, there remains the inescapable reality that enforcement of such restrictive covenants can, at best, serve only as a vehicle for the sort of after-the-fact remedial action rejected by the Attorney General. For should an eventual lot owner be found in violation of a deed provision, the irrevocable damage will have been done and it is highly unlikely that any judicial remedy will be able to mandate a return of the land to an agriculturally viable condition.

It is passing strange that in the face of the determinations of the Board of Agriculture and the Attorney General (not to mention the pertinent and cogent data provided by individual community members) of over five years ago, the Mokuleia Associates development was approved and permitted to continue to its present stage. It would be a mockery of Hawaii's enlightened Land Use legislation if the proposed subdivision of Mokuleia Homesteads should be allowed to continue; particularly when the reasons militating against it have only become more telling in the ensuing half-decade.

Although enjoining these projects at this late date would be painful and costly to "a few" in the "short-term", there would seem to be no other way to do justice to Hawaii's future. At all events, neither of these projects should have been approved to begin with.

Yours faithfully,

S. Jonathan Aleck

S. JONATHAN ALECK

IN REPLY TO
THE GENERAL OF HAWAII
REFER TO
AND NUMBER

MSK:lt
Op. No. 75-8

CABLE ADDRESS
ATTGEN

EDWARD V. ANSCHUTZ
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
STATE CAPITOL
4TH FLOOR
HONOLULU, HAWAII 96813

September 3, 1975

Honorable John Farias, Jr.
Chairman, Board of Agriculture
Department of Agriculture
State of Hawaii
Honolulu, Hawaii

Dear Mr. Farias:

Re: Proposed Subdivision of Agricultural Land at Mokuleia, Waialua, Oahu

By memorandum dated August 18, 1975, you requested our opinion on whether a proposed subdivision of agricultural land at Mokuleia, Waialua, Oahu, would be in violation of the intent of the State Land Use Law. Based on the factual representations you made, we believe that the proposed subdivision would be in violation of the State Land Use Law.

The land proposed to be subdivided is presently divided into three lots totalling 141.456 acres in an agricultural district established by the State Land Use Commission. A portion of the land is presently under sugar cultivation and the remaining portion is abandoned cane land. The major portion of the land has soil rated excellent for agricultural production and can be used for sugarcane, truck crops, and pasture. The landowner has applied to the Department of Land Utilization, City and County of Honolulu, for approval of his plans to consolidate the three lots and to subdivide the consolidated lots into sixty-five lots with a minimum lot area of two acres. Your Department has been requested by the City and County's Department of Land Utilization to submit comments on the proposed subdivision.

Upon investigation of the proposed subdivision, you learned that in December 1972 the landowner petitioned the State Land Use Commission for a land use district boundary change to reclassify the same land from agricultural to urban use. The landowner at that time proposed to construct approximately 700 residential units on the land. The State Land Use Commission did not approve the boundary change. During the State Land Use Commission's five-year boundary review made in 1974, the landowner presented a letter of intent suggesting that the same land be reclassified from agricultural to urban use because the landowner intended to construct approximately 1,500 planned development housing-type units and a 15,000 square-foot commercial convenience center, planned for a population of approximately 5,800. The State Land Use Commission did not formally consider the suggestion.

1972 Ag→Urb 700 1974 1500

Although the current subdivision application named ~~the landowner~~ as an individual, you have learned that the land is actually owned by two corporations involved in the business of real estate development. The individual named as the landowner in the subdivision application is an officer of one of the corporations. On April 20, 1975, the landowners resubmitted to the Hawaii Housing Authority a previously made proposal for a joint venture to construct on the land approximately 1,000 residential units, primarily in townhouse-type structures. Although this most recent proposal has not yet been rejected by the Hawaii Housing Authority, the landowners apparently are proceeding on the assumption that the proposal will be rejected.

1975 1000

Although there may be some types of intensive agricultural use, such as nursery operations, that would be economically feasible on two-acre lots, you questioned the availability of an adequate water supply to support such intensive operations on the subject land and you also questioned the availability of qualified individuals to operate such intensive-use operations on each of the proposed sixty-five lots. It is unlikely that the sixty-five lots will be used for such intensive-use agricultural operations. Consequently, in light of the landowners' usual business activity of real estate development and of their previous attempts to develop the land for high-density residential use, you believe that the proposed subdivision is intended for residential purposes, not agricultural purposes, and that the proposed subdivision will result in an irretrievable loss of valuable agricultural land.

In further support of your belief, you cited examples of agricultural land subdivided into several small lots (most of which were less than three acres) that are not in agricultural use. Information provided by the Department of General Planning, City and County of Honolulu, indicated that of the 185 lots of the Haiku Plantations, the 41 lots of the Waipio Farm Lots, the 530 lots of the Pupukea Highlands, and the 27 lots of the land at Pupukea subdivided by Tyau Dairy Farms, only five lots of the Pupukea Highlands are actively used for agriculture. In the County of Hawaii, several large subdivisions of agricultural lands were created primarily for the sale of lots only: Hawaiian Paradise Park (8,843 one-acre lots), Orchid Land Estates (2,491 one- to two-acre lots), Hawaiian Acres (3,944 three-acre lots), Eden Rock Estates (539 one-acre lots), Leilani Estates (2,266 one-acre lots), and Alohaland Meadows (1,043 one- to three-acre lots). These subdivisions were intended to be sold for residential purposes. The Planning Department of the County of Kauai reported two recent examples of the subdivision of agricultural lands for residential purposes: a subdivision at Keapana (eight lots of two acres or less) and a subdivision in the Wailua Homesteads (six lots of one acre).

Egs

Ag. Zoned But Not in Ag Use

We understand that these examples were cited in support of your belief that subdivision of agricultural land into several small lots of three acres or less will not result in agricultural use of the land and that these examples were not cited to necessarily indicate violations of the State Land Use Law, HAW. REV. STAT. ch. 205 (1968, Supp. 1974), or of the State Land Use District Regulations. Some of the subdivisions were subsequently included in urban use districts and some of the subdivisions still in agricultural districts are presently vacant and unused. Subdivision into lots of three acres or less, but not less than one acre, per se, does not violate chapter 205 or the State Land Use District Regulations because HAW. REV. STAT. § 205-5(b) (Supp. 1974) (emphasis added) states that "[t]he minimum lot size in agricultural districts shall be determined by each county through its zoning ordinances, subdivision ordinances or other lawful means, provided that in no event shall the minimum lot size for any agricultural use be less than one acre."

Furthermore, the construction of a dwelling on a one- to three-acre lot in an agricultural district does not per se violate chapter 205, because HAW. REV. STAT. § 205-2 (Supp. 1974), as amended by Haw. Laws 1975, ch. 193, § 3, at _____, states in part as follows (emphases added):

> Agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry; farming activities or uses related to animal husbandry, and game and fish propagation; services and uses accessory to the above activities including but not limited to living quarters or dwellings, mills, storage facilities, processing facilities, and roadside stands for the sale of products grown on the premises; agricultural parks and open area recreational facilities.

Moreover, pursuant to the authority granted in HAW. REV. STAT. § 205-7 (1968), the State Land Use Commission adopted regulations having force and effect of law. Part II, "State Land Use District Regulations," as amended effective January 5, 1975, lists, in section 2.72, the "Permissible Uses Within the 'A' Agricultural District," including the following (emphasis added):

> (d) Farm dwellings, farm buildings, or activities or uses related to farming and animal husbandry.

However, a "farm dwelling" is defined in section 2.3(a)(9) of the State Land Use District Regulations as follows (emphasis added):

> "Farm dwelling" shall mean a single-family dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.

Therefore, the "living quarters or dwellings" that are permissible in agricultural districts under section 205-2 as "accessory to" the statutorily specified and permitted activity have been further defined by sections 2.3(a)(9) and 2.72 of the State Land Use District Regulations to be permissible only when "located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling."

If any owner of a lot located within an agricultural district uses his lot as a one- to three-acre residential estate and not as "a farm where agricultural activity provides income to the family occupying the dwelling" located on the lot, he would appear to be in violation of chapter 205 and the

State Land Use District Regulations. As we discussed in our Opinion No. 70-22, the counties are charged with the duty of enforcing chapter 205 and the State Land Use District Regulations under HAW. REV. STAT. § 205-12 (1968), which reads as follows:

> The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and shall report to the commission all violations.

Violators are subject to a fine under HAW. REV. STAT. § 205-13 (1968):

> Any person who violates any provision of this chapter, or any regulation established pursuant to this chapter, shall be fined not more than $1,000.

Furthermore, as we stated in our Opinion No. 70-22, violators are subject to whatever legal or other corrective measures that may be necessary to insure compliance with chapter 205.

Although individual violations can be handled by the counties through after-the-fact corrective measures, we believe that the counties cannot rely only on after-the-fact measures when a large area of agricultural land is involved. If, for example, the 19,126 lots of the six subdivisions previously referred to in the County of Hawaii were all sold to different individuals who constructed dwellings on the lots and used the lots as residential estates without agricultural activity that "provides income to the family occupying the dwelling," the County's enforcement agency may encounter some difficulty in prosecuting all of the violators. Although a smaller subdivision such as the subject proposed subdivision of the Mokuleia land would not present such a seemingly insurmountable after-the-fact enforcement problem, the subject proposed subdivision of sixty-five lots would still involve a significant number of potential violators as well as other important considerations.

The landowner-developer, having managed to obtain county approval for his subdivision without a land use district boundary amendment, could sell the two-acre agricultural lots at residential-lot prices, with or without houses already constructed thereon. The purchasers may purchase the various lots or houses and lots for use as residential estates with

no intent to engage in agricultural activity. If the purchasers do not engage in agricultural activity that "provides income to the family occupying the dwelling," they would, of course, be in violation of chapter 205 and the State Land Use District Regulations. Unfortunately, the purchasers, having purchased the lots for residential purposes and at residential-lot prices, in all likelihood would not be able or qualified to engage in economically feasible agricultural activity on such small agricultural lots. Therefore, after houses and other improvements have been constructed on each lot, economically feasible agricultural activity may no longer be possible on once prime agricultural land. The developer, who profited from the sale of the subdivided agricultural land at residential-lot prices, may not be accountable for his actions under chapter 205 because he would no longer be the landowner. After-the-fact enforcement measures alone, consequently, cannot preserve prime agricultural land if developers are allowed to subdivide large areas of prime agricultural land into many small lots for purposes other than agricultural use. We believe that pursuant to their enforcement duties under section 205-12 the counties must take before-the-fact measures to insure the preservation of prime agricultural land.

Since subdivision of large areas of prime agricultural land into many small lots appears to result, with few exceptions, in the withdrawal of that agricultural land from economically feasible potential agricultural use, we believe that such subdivisions strongly indicate a contemplated change of use from agricultural to rural or urban in violation of chapter 205. When the Legislature created the State Land Use Commission and provided for the first three State land use districts, the Legislature found and declared as follows:

> Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy. Inadequate basis for assessing lands according to their value in those uses that can best serve both the well-being of the owner and the well-being of the public have resulted in inequities in the tax burden, contributing to the forcing of land resources into uses that do not best serve the welfare of the State. Scattered subdivisions with expensive, yet reduced, public services; the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs; failure to utilize fully

> multiple-purpose lands; these are evidences of the need for public concern and action.
>
> Therefore, the Legislature finds that in order to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands in those uses to which they are best suited, the power to zone should be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would development [sic] these uses. Haw. Laws 1961, ch. 187, § 1, at 299 (emphases added).

The Hawaii Supreme Court has stated that "the history of the statute, the objects to be accomplished, the evils and mischiefs to be remedied, . . . the history of the passage of the Act, the reports of committees, etc." may be used to construe a statute. Employees' Retirement System v. Wah Chew Chang, 42 Haw. 532, 541 (1958). Thus, chapter 205 should be construed in light of the stated "evils" of "inadequate controls" and of "the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs."

In 1975, the Legislature was still concerned about the "evils" aimed at in 1961. Act 142, Session Laws of Hawaii 1975, Haw. Laws 1975, ch. 142, § 1, at ____, amended HAW. REV. STAT. § 46-15(a) (Supp. 1974) to delete the exception of a county from the requirement of obtaining a land use district classification change when "a proposed project is located on land within or contiguous to" an urban district established by the State Land Use Commission. The House Committee on Housing reported as follows:

> Your Committee finds that the purposes of Hawaii's pioneering Land Use Law remains even more valid today than at the time of its enactment in 1961. The purposes of the Land Use Law include 1) the provision of adequate devices to insure Hawaii's limited and valuable land not be used for short-term gain for a few with a resultant long-term loss to income and growth potential of our economy and 2) preservation of our prime agricultural lands.

> Your Committee is aware of steps being taken during the 1975 Legislative Session to improve and strengthen the Land Use Law by requiring the development of State planning policies and criteria and b[y] reforming the procedures followed by the Land Use Commission in order to effect more openness and accountability to the public.
>
> Your Committee believes that the present provisions of Section 46-15 might be construed to create a serious loophole which, unless amended as provided in this bill, could open the door to significant circumvention of the Land Use Law. The existing statute permits the counties to develop experimental and demonstration housing projects in agricultural and conservation districts without regard to the Land Use Law as long as the project is adjacent to or within an existing urban district. HAW. H. STAND. COMM. REP. NO. 488 (Mar. 11, 1975) (emphases added).

The Senate Committee on Housing and Hawaiian Homes concurred:

> While recognizing the great need for housing for low and moderate income households your Committee believes that the Land Use Law should not be circumvented. HAW. S. STAND. COMM. REP. NO. 820 (Apr. 2, 1975) (emphasis added).

Furthermore, by Act 193, Session Laws of Hawaii 1975, Haw. Laws 1975, ch. 193, § 10, at ___, the Legislature added a new section to chapter 205, providing an "Interim Statewide Land Use Guidance Policy" that states in part as follows (emphases added):

> (1) Land use amendments shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

The Legislature also substantially amended chapter 205 to "establish procedures intended to insure the effective application of established State land use policies by the Land Use

Commission through an adversary process in which diverse interests will have an opportunity to compete in an open and orderly manner and public participation and citizen input will be encouraged." HAW. CONF. COM. REP. NO. 23 (Apr. 10, 1975). As amended by Act 193, Haw. Laws 1975, ch. 193, § 5, at ____, section 205-4 requires that amendments to land use district boundaries be made by the State Land Use Commission only after a hearing conducted in accordance with the contested case formalities of the Hawaii Administrative Procedure Act, HAW. REV. STAT. ch. 91 (1968, Supp. 1974), and only after the State Land Use Commission has found that, upon the clear preponderance of the evidence, "the proposed boundary is reasonable, not violative of section 205-2 and consistent with the interim policies and criteria."

We believe that the "evils" to be remedied by chapter 205 have been rather clearly stated by the Legislature. Chapter 205, as construed in light of the "evils" to be remedied, governs the use of land, the change of use classifications, and the enforcement of the land use restrictions. Because the Legislature has charged the counties with the very important duty of enforcing the land use classifications of chapter 205 and the State Land Use District Regulations, the counties must insure that the provisions of chapter 205 and the State Land Use District Regulations are not circumvented. To insure the preservation of prime agricultural land, especially when a relatively large area of prime agricultural land is involved, the counties must take positive preventive measures against potential violations of the land use restrictions of chapter 205 and the State Land Use District Regulations. Therefore, the counties should thoroughly investigate any application for subdivision of a large area of agricultural land into lots that appear to be too small for economically feasible agricultural activity. If the investigation and the comments and recommendations from other governmental agencies indicate that the proposed subdivision appears to be intended for purposes contrary to the existing land use classification and in violation of chapter 205 and the State Land Use District Regulations, the subdivision application should be disapproved. Any doubt as to whether a proposed subdivision will result in a significant change of land use should be resolved in favor of a disapproval.

Accordingly, we conclude that the proposed subdivision of 141.456 acres of substantially prime agricultural land at Mokuleia into sixty-five lots that appear to be too small

for economically feasible agricultural use is, in all likelihood, intended for purposes contrary to the Legislature's stated goal of preservation of prime agricultural land and contrary to the established land use classification under chapter 205 and the State Land Use District Regulations; that when a relatively large area of prime agricultural land is involved such as in the case of this proposed subdivision, the City and County of Honolulu, pursuant to its enforcement power under section 205-12, must take positive preventive measures to insure that the proposed subdivision will not result in an adverse effect on the agricultural resources of the area; and that when, as in this instance, the proposed subdivision in all likelihood will not be used for agricultural purposes and may be an attempted circumvention of the land use district amendment procedure and controls provided in chapter 205, the Department of Land Utilization, City and County of Honolulu, should disapprove the ~~subdivision~~ application.

Sincerely yours,

Maurice S. Kato

Maurice S. Kato
Deputy Attorney General

APPROVED:

Ronald Y. Amemiya

Ronald Y. Amemiya
Attorney General

CITATION LIST

Opinion Number 75-8, September 3, 1975. Deputy Attorney General Maurice S. Kato, approved by Ronald Y. Amemiya, Attorney General, State of Hawaii.

December 1972. State Land Use Commission does not approve a boundary change to reclassify the land from agricultural to urban use.

1974. State Land Use Commission's five-year boundary review. Landowner presented a letter of intent suggesting a change in boundary. The State Land Use Commission did not formally consider the suggestion.

April 20, 1975. Landowner resubmitted a plan to the Hawaii Housing Authority for a joint venture.

State Land Use Law
HAW. REV. STAT. ch. 205 (1968, Supp. 1974)
State Land Use District Regulations

HAW. REV. STAT. 205-5(b) (Supp. 1974)

HAW. REV. STAT. 205-2 (Supp. 1974), as amended by Haw. Laws 1975, ch. 193, § 3

HAW. REV. STAT. 205-7 (1968)

Part II, State Land Use District Regulations, as amended January 5, 1975, section 2.72 and section 2.3(a)(9)

Attorney General's Opinion No. 70-22

HAW. REV. STAT. 205-12 (1968)
HAW. REV. STAT. 205-13 (1968)

Haw. Laws 1961, ch. 187, § 1, at 299

Employees' Retirement System v. Wah Chew Chang, 42 Haw. 532, 541 (1958)

Act 142, Session Laws of Hawaii 1975, Haw. Laws 1975, ch. 142, § 1, at ____, amended HAW. REV. STAT. § 46-15(a) (Supp. 1974)

HAW. H. STAND. COMM. REP. NO. 488 (Mar. 11, 1975)

HAW. S. STAND. COMM. REP. NO. 820 (Apr. 2, 1975)

Act 193, Session Laws of Hawaii 1975, Haw. Laws 1975, ch. 193, § 10, at ____

HAW. CONF. COMM. REP. NO. 23 (Apr. 10, 1975)

Act 193, Haw. Laws 1975, ch. 193, § 5, at ____, section 205-4

September 19, 1980 letter from Kazu Hayashids, Manager and Chief Engineer, Board of Water Supply to Tyrone Kusao, Director of DLU

Honolulu Advertiser. "Water Controls Pending for Central Oahu" Dec. 17, 1980, p. A 15.

Honolulu Advertiser. "Data for Groundwater Control Challenged" Dec. 19, 1980, p. A 14.

Honolulu Advertiser. "New Developments Must Locate Own Water, Board Says" Dec. 19, 1980, p. A 15.

State Water Resources Development Plan and Technical Reference Document. Department of Land and Natural Resources, September 1980, p. III 36, 38, 53.

The Agricultural Land Data Sheet, America's Land Base in 1977, National Agricultural Lands Study, June 1980.

Honolulu Advertiser. "Paving over America's Farmland" June 21, 1980, p. A 13.

Hawaii's Agricultural Lands. U.S. Dept. of Agriculture, Soil Conservation Service, State of Hawaii, Dept. of Agriculture, University of Hawaii, College of Tropical Agriculture, November 1977.

October 3, 1977 letter to Frederick Gross from Edward Y. Hirata, Manager and Chief Engineer, Board of Water Supply

S. Jonathan Aleck, January 19, 1981, research on HAW. REV. STAT. for the Board

HHF PLANNERS
places for people

January 7, 2019

Ms. Laura Lee Bolles
68-090 Au Street, # 103E
Waialua, HI 96791

Dear Ms. Bolles:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 16, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Having read your Draft EIS and reviewing the Appendix, all 1700 plus pages, I concur with the unanimous vote of the North Shore Neighborhood Board at its recent meeting an (sic) February 14, 2018. They voted unanimously to oppose your project. I concur with the many opinions of our community. Your project does not fit in with our community. It may be "the vision" of Kennedy Wilson, actually the third vision, but it is not compatible with the Country.*

Response: Your comments on the compatibility of the Proposed Project with the community are acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*".

2. *Looking quickly at the maps of the subdivision, I thought I was looking at a map of Mililani Mauka, which I consider, as a song once said, little ticky, tacky houses all in a row. It looked like a housing subdivision, even with street lights. Even with 70 lots, it consumed the area. In the Summary of the Proposed Project, consolidation and resubdivide. This was confusing as it implied a current subdivision. Not until later in the document did I find the Ag 1 and Ag 2 designations. In order to be considered for Ag 1, "a substantial number of parcels are more that (sic) 5 acres in size." This is taken from the LUO, Land Use Ordinance, of which I served on the committee that rewrote The CZC, Comprehensive Zoning Code, into the LUO. In the entire document, I could not find how many of the parcels were 5 acres. You have lumped 66 lots ranging in size from 3 to 8 acres. Without that breakdown, how can you meet the requirements of Ag 1? The intent of Ag 1 is to conserve and protect important agricultural land for the performance of*

agricultural functions. 66 lots, each with a house and their own private driveway and their own meandering street looks like Mililani, with street lights, looks like a housing subdivision, not agricultural lots. You've heard about the duck, if it looks like a duck, quacks like a duck, etc., it is a duck. So it looks like a residential development.

Response: Your math regarding the allowable lot sizes for the agricultural subdivision is flawed. The entirety of the land area containing the proposed agricultural lots is zoned AG-2 General Agricultural District, which has a two-acre minimum lot size. All proposed lots exceed two acres. Please refer to Figure 8 in the Draft EIS, identifying City and County zoning for the Project Site.

3. *Roads were then addressed. 70 ag lots with 6 roadway lots with a 44 foot wide right of way. I'm cringing as this prime ag land is being usurped for roads. Then the owners will have to put in their own driveways to meet the main road, they will be privately maintained and owned.*

Response: With respect to roadways within the Project Site, any development of an agricultural subdivision must contain a system of internal roads. Paved street surfaces are also a requirement of the subdivision rules and regulations. The subdivision rules and regulations must also provide for street lighting for reasons of safety.

4. *Water and wells are addressed, with existing wells upgraded. There will be 2 potable and 1 non potable well. How can you determine how much potable water will be used when you don't know what crops will be planted. Some crops are very thirsty. The owners will have to connect to the water system. There was no mention of the other community water users here. They were mentioned in passing in several other parts of the draft, but just to the extent that there are 100 other community users. As was pointed out at the Neighborhood Board meeting, there had been previous threats to these community members that if the line breaks, you don't get water. As someone pointed out, the money being paid to you is for your delivery of the water, not for the water itself. You don't own the water. What upsets me the most is the way this was handled. Another example of how this development doesn't meet or fit the needs of the community. Plus this behavior is inexcusable.*

Response: Your comments on water supply/water wells, existing infrastructure, and the need for adequate water for crops, are acknowledged.

Projections of water use are based on knowledge of irrigation requirements for different classes of crops and (including pasture use). Conservative baselines were used to ensure that potential maximum projections were used. Some of the irrigation requirements will be provided by the existing on-site irrigation well owned by the Applicant, which will not be included in the potable system to be operated by the North Shore Water Company LLC (see paragraph below).

The entity that owns and private water company that serves some residential customers in the Mokulēʻia community is the North Shore Water Company LLC (NSWC). The Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the

public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by Dillingham Ranch Aina LLC (DRA) and not by NSWC.

Concerns about the current water service and infrastructure provided by NSWC to the Mokulēʻia community and expenses related to any required improvements to address those deficiencies are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Nevertheless, the development of the Proposed Project will involve a substantial upgrade by DRA to the NSWC's existing private water source. As a part of the Proposed Project, the DRA will transfer two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, DRA will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

DRA's proposed improvements related to on-site water service is discussed in Draft EIS Section 4.11.2, and has been provided in more detail in the Final EIS Sections 3.4.2 and 4.11.2 (enclosed).

5. *Plan indicates 70 individual lots for orchard crops. A $12,000 credit will be given to each owner for trees. Several suggestions were listed, such as citrus, other fruit trees, avocado, mac nuts, coffee and cacao. I am not a farmer but I have gained some knowledge driving around the community. Coffee trees are planted up the hill going to Wahiawā. This area is cooler. Dillingham is not cool. Cacao is also listed. Cacao is weather specific and there are only two areas out here than can grow cacao. They don't grow anywhere. Mac nuts — the market seems to be saturated already.*

Response: Your comments on agriculture associated with the Proposed Project are noted. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-

to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

6. *So let's quickly recap, potential "farmers" will buy the land, put in their own house (this has not been addressed), put in their own access road, hook up to the water system, plant their trees and then WAIT 12 to 15 years for their crop to fruit. There is no guarantee that the crop will be productive and earn money, (Star Advertiser, 1/12/18, p. B1 and 5, says "Kennedy Wilson's report said it would be up to lot buyers to select the type of fruit trees and whether to engage in sales.") Also mentioned the farmers could hire a manager to mind the orchard. Who can afford to do this? The "farmers" don't even have to sell their fruit. The obvious conclusion is this is not for ag use. It is a big lot for a very rich person who can afford all the above. This is not a farm. It's a garden behind the estate. This doesn't seem to agree with the project purpose of providing opportunities for new agricultural opportunities. Plus you would be providing food which is a State objective. I guess if you give your neighbor a banana you would be providing food?*

Response: In your letter, you express concern that the future Association of Lot Owners will discontinue farming. Note that both State of Hawaiʻi and City and County of Honolulu land use regulations allow only "farm dwellings" on land within the State agricultural district and land zoned "agricultural" by the County. In order to get building permits for a farm dwelling, the owner must sign an affidavit that the dwelling will be used as a farm dwelling. The most significant regulatory control over failure to farm relates to the use of property tax exemptions granted by the County for dedication of property for agricultural use. If the landowner cannot demonstrate agricultural use on the property, the tax exemption will be removed.

The Applicant will be including language in the Covenants, Conditions and Restrictions (CCRs) that will govern the subdivision that will limit the number of farm dwellings on any parcel to one, will restrict future subdivision, perpetuate agricultural use on the common areas of the

subdivision and provide incentives for all landowners to pursue agricultural activities on the individual lots. These conditions are part of the Agricultural Plan for the Proposed Project that is discussed in Section 4.7 and Appendix H of the Draft EIS. As a requirement of the County agricultural subdivision process, the Agricultural Plan must be reviewed and accepted by the State Department of Agriculture. The Department did accept the proposed Agricultural Plan.

7. *You are going to run this through an Association of Owners. I live in a condo of 64 units with a Board. You have people who are totally inexperienced to manage this large of a development, both for my condo and for your development. Then, as Bob Leinau mentioned at the NB meeting, (per the Star Advertiser, February 16, 2018, p. B1 and 3), that the Association can change its rules and discontinue farming.! I must point out this is prime Ag land A and B according to ALISH. We are losing our land which we may need in the future to actually grow food.*

Response: Your comments on the Lot Owners Association are acknowledged. The Conditions, Covenants and Restrictions (CC&Rs) that will be developed for agricultural subdivision should provide sufficient clarity and direction to allow the association to manage the property. The "A" and "B" ratings you refer to are actually related to the Land Study Bureau Productivity Ratings, and not to the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. In this context, the A and B lands at Dillingham Ranch are located in the makai portion of the Ranch (see Figure 10 in the Draft EIS). The A-rated lands are all makai of Cane Haul Road, and will remain in agricultural use (horse boarding, palm plantation, hydroponic farming). The B-rated lands include approximately 4 of the 70 proposed agricultural lots. The remainder of the Ranch is almost exclusively in D or E-rated land, the lowest rated land with the least agricultural potential. So, the highest rated land found at Dillingham Ranch will remain available for future agricultural use.

8. *Section 3.0 discusses topography, stony steep land. As was pointed out at the NB meeting, both in testimony and in photos, rocks have been removed from the ranch. This is a very sensitive issue in Hawai'i. And after looking at the photos in your Draft EIS of the Hawaiian rock formations, you need to address this issue. Also lot owners will be responsible for clearing and grading their own land. Archaeological review needs to be required. This is quite disturbing to have 70 lot owners grading and clearing their own land in an unorganized manner. 27 acres will be disturbed. You have not discussed the kupuna iwi here I found it later and will address my comments then.*

Response: Your letter references comments made at a Northshore Neighborhood Board meeting regarding the removal of rocks from the Project Site. With respect to the question regarding the removal of rocks from the property, there is no commercial activity operating to do so. There have been a small number of occurrences in the last few years when neighbors of Dillingham Ranch who live on shoreline properties were being affected by severe seasonal shoreline erosion events and approached employees of the Ranch to take some rocks to protect their property. This did occur. The rocks were taken from an existing stockpile of rocks on the property that were left over from sugar cane operations. Any suggestion that Dillingham Ranch is selling rocks on a commercial basis is misinformed. With respect archaeological review, an

Archaeological Monitoring Plan and Preservation Plan will be prepared for the project, both of which must be accepted by the State Historic Preservation Division. These plans will provide guidance for all lot owners in the subdivision and will be incorporated into the CC&Rs for the Property.

9. *Section 3.4 Water Resources. There is lots of information but the water for the surrounding communities isn't in here. It needs to be included so potential farmers are aware of the situation and their responsibility to provide water.*

Response: Please see the response to Question #4, above.

10. *Section 3.4 Natural Hazards. Hurricanes were cited but only the most recent ones. You need to be aware of Ewa (sic) and Iniki. The telephone poles were laying on the road so you couldn't get a car through. Mokulēʻia was severely disrupted. I am about 4 miles away and I didn't have water for three days and power for eight days. I didn't see any mention of how you were going to care for the livestock under these conditions.*

Response: You mention some considerations with respect to hurricane hazards. Section 3.5 of the Draft EIS discusses natural hazards, including hurricanes, tsunamis, volcanic and seismic activity and flood hazards. Mitigation measures are included for all potentially significant adverse impacts (refer to Section 3.5.3 for an enumeration of these measures). Wells will be provided with emergency back-up power and will be able to supply livestock and farm dwellings with water in the event that power is disrupted during an emergency.

11. *Your mitigation measures indicates that individuals should go to Waialua High School for shelter. I went to the high school for lniki and the gym was full. It could not accommodate 70 household.*

Response: In the event of a hurricane, the residents of the future agricultural subdivision would be instructed to take precautions and actions similar to any other resident in the region, including reporting to designated shelters or sheltering in place, depending on storm track, storm intensity and construction methods for the farm dwelling.

12. *Sec. 4.11.2.1 Existing Conditions RM Towel (2008) has confirmed that this source, well 3410-01, has insufficient pressure and pumping capacity to provide minimum required fire flow for existing conditions. As I understand this, the well can't be used by the Fire Department to pump water to put out a fire. Mt. Kaʻala had a horrible fire several years ago. Another fire could imperil your site, the houses, and could complicate your farmers from getting mortgage insurance.*

Response: Source water for fire protection on-site would be provided by two existing wells located upslope from the proposed subdivision at elevations above 200 feet. There would be sufficient pressure from these wells for fire protection. Fire hydrants will be included as part of the infrastructure for the Proposed Project. With respect to any wildfires in the forest reserve beyond Dillingham Ranch, water for such fires are applied by helicopter when there is no access

for fire trucks. Dillingham Ranch has historically supported fire fighters during these events by providing staging areas for equipment and personnel, landing areas for helicopters, and water.

13. *Sec. 5.0 Relationship to Land Use Plans, Policies and Controls In this section, I am inserting the position of the NSNB #27 on January 19, 1981. Attached is the letter from the Board, including analysis from Jonathan Aleck, a Waialua resident, and letter to John Farias, Jr. Department of Agriculture, and from Maurice s. Kato, Deputy Attorney General. The issues the community is facing today are the same as in 1981. The size of your development has been reduced but the application of Hawaiʻi Land Use Law, Chapter 205 HRS is still applicable today.*

Response: Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaii, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls, including HRS Chapter 226. The State Department of Agriculture undertook a rigorous review of the Proposed Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS) and concluded the agricultural approach proposed by the landowner is consistent with pertinent State Land Use Laws and policies related to agriculture, including Chapter 205.

14. *Sec. 6.0 Alternatives, 6.1 Preferred Alternatives It's hard to give an opinion when important facts have been left out. How many of the 70 lots are 5 acres or more? How can the orchard help the Hawaiian economy — oh, wait, in 12 to 15 years. You don't have farms, you have gardens. The buyers will select their own trees and whether to engage in sales. So you are not actually helping the Hawaiʻi economy as much as helping Kennedy Wilson's wallet. After you sell all the land, you're gone, leaving the development run by an Association. No action does not meet the applicant's vision.*

Response: With respect to your comments on the Preferred Alternative, as discussed in Section 6.1, please refer to Section 2.3.1 of the Project Description that discusses the range of lot sizes and the acreage of the Project Site devoted to the agricultural lots, as well as other uses associated with the Proposed Project. With respect to agriculture associated with the Preferred Alternative, please refer to the response to question #5, above.

15. *I oppose your development but I see potential for you if you orient this plan toward historic preservation and restoration. See p. 3, 4.4.*

Response: Your comment on the project Proposed Project is acknowledged. Archaeological and Historic Resources are discussed in detail in Section 4.7 and Appendices E and J of the DEIS. The Dillingham Ranch property has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that covered property not previously surveyed, and a Summary AIS prepared for this Draft EIS (Appendix E) that provides information from all relevant AISs in one document. All historic properties identified have been assessed for their significance and 12 of 16 archaeological sites located within the Project Area were evaluated as significant and are recommended for preservation. These resources will be clearly

marked on subdivision maps submitted to the Department of Planning and Permitting. Many of these sites will be assigned their own parcel or will be protected by an easement. These resources will be protected by the CCRs that will be adopted for the subdivision.

Receipt of the attachments to your comment letter are acknowledged. They seem to focus on the legal foundation and rationale for considering previous agricultural subdivisions, dated to 1975 and 1981. The landowner is fully cognizant of the land use policies, plans and regulations pertaining to the Proposed Project, and has followed the letter of the law to design the project.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Scott Ezer

From: Scott Ezer
Sent: Thursday, February 15, 2018 11:59 AM
To: Scott Ezer
Subject: FW: Comments on the DEIS

From: Mrs. Jacquelyn Born [mailto:simpleheadlicesolutions@gmail.com]
Sent: Thursday, February 15, 2018 8:39 AM
To: Info <info@hhf.com>
Subject: Comments on the DEIS

Jacquelyn Born
66-172 Haleiwa RD HI 96712

In the DEIS you are giving home owners a credit for planting fruit trees. If the homes on the property are truly Ag homes why are you giving them a credit for farming when it is a requirement for them to be using the land for farming already? I disagree with this logic and wish for the entire project to halt.

Jacquelyn Born

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HHF PLANNERS
places for people

January 7, 2019

Ms. Jacquelyn Born
66-172 Haleʻiwa Road
Haleʻiwa, HI 96712

Dear Ms. Born:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 15, 2018~~,~~ providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following response to your comment.

1. *In the DEIS you are giving home owners a credit for planting fruit trees. If the homes on the property are truly Ag homes why are you giving them a credit for farming when it is a requirement for them to be using the land for farming already? I disagree with this logic and wish for the entire project to halt.*

Response: Your disagreement with the logic of giving lot purchasers a credit for planting orchard trees; and your belief that future lot residents should be planting agricultural crops without that incentive are acknowledged. The Applicant is making every effort to enhance the use of the property for agricultural purposes. As stated in the Draft EIS, (p. 2-2): *"It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property. In addition to maintaining existing agricultural uses, the Proposed Project will: maintain cattle grazing; expand the existing mango orchard and horse pasturing areas; include four Ranch employee dwellings and 70 agricultural lots with associated farm dwellings . . . ."* By giving lot purchasers a credit for purchasing orchard trees, the intent is to kick-start agricultural production. The State Department of Agriculture recognized the landowner's approach as appropriate by endorsing the Agricultural Plan that is included in the Draft EIS (Appendix H).

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

2-17-2018

Dear HHF Planners & the Dept of Planning & Permitting

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch at Kahuku.

It puts at risk one of the last pristine areas on the North Shore. With over 15,000 acres currently for sale on the North Shore, most zoned Ag 2, we are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food rather than oversized houses.

We only have 6 days of food on Oahu should anything happen to halt transportation to this island as happened on 9-11-2001.

The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents who could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers.

Please — stop this development!

Thank you —

Carol Bradley
Peter J Bradley
68-615 Farrington Hwy #18A
Waialua, HI 96791

HHF PLANNERS
places for people

January 7, 2019

Carol and Peter Bradley
68-615 Farrington Highway, #18A
Waialua, HI 96791

Dear Mr. and Ms. Bradley:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 17, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch at Mokulēʻia. It puts at risk one of the last pristine areas on the North Shore.*

Response: Your comments regarding the Proposed Project are acknowledged. You characterize the Project Site as "pristine." As described throughout the Draft EIS, the history of the property has been one of intensive agricultural use (sugar cane, cattle grazing, equestrian activities) and sand mining. The vast number of flora and fauna species located within the portion of the Project Area proposed for subdivision are non-native.

2. *With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2, we are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food rather than oversized houses. We only have 6 days of food on Oahu should anything happen to halt transportation to this island as happened on 9-11-2001.*

   The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents who could never afford the hundreds of thousands of dollars it costs to buy in two acre Ag 2 plot sold by these developers. Please – stop this development!

Response: The Applicant has complied with all laws pertaining to the proposed agricultural subdivision and will continue to do so. As part of its review of the Draft EIS (including Appendix H, which contains the Agricultural Plan), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "*…the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

Section 2.3.4 and 4.7, and Appendix H of the Draft EIS discuss in detail the agricultural activities that will be retained, enhanced and added to the property to increase agricultural activities. This

includes retention and expansion of equestrian activities, retention of the coconut palm plantation, retention of cattle grazing, expansion of the existing mango orchard, the addition of hydroponic farming activities and the addition of at least 100 acres of orchard crops to the property. In total, this will result in a significant increase in agricultural activities at the Ranch.

In recognition of the efforts of the landowner to increase agricultural activities, the State Department of Agriculture endorsed the Applicant's Agricultural Plan for the project (Appendix H of the Draft EIS), which is a requirement before the City Department of Planning and Permitting can approve the proposed subdivision.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

2/15/2018

HHF Planners
733 Bishop St.
Suite 2590
Honolulu HI 96813

To whom it may concern,

I am Jon Brewer a concerned North Shore resident in opposition of the Kennedy Wilson development at Dillingham Ranch in Mokule'ia.

The so-called "agricultural development" proposed in the plan for development of Dillingham ranch is not an appropriate use of precious agricultural land on O'ahu. Examining the DEIS released by Scott Ezer on December 21, 2017, it is clear the underlying intentions developers have for the property. Cleverly disguising the development as "agricultural lots" it is clear when reading the entire DEIS that this rich and corrupt company has no intention to make money on agriculture. Kennedy Wilson invests in "luxury real-estate and investments" and is based out of Beverly Hills, CA. This 18 billion-dollar company thrives on destroying land in small communities to build housing for the rich. This is not a company interested in agriculture or giving back to the community and people like them do not belong on the North Shore.

In the DEIS, Kennedy Wilson states they will use 2,721.02 acres for agricultural development. Of that land, only 778.70 acres will actually be used as "agricultural lots" and each will have a home no larger than 5,000 square feet. This large footprint is excessive as the average home size on O'ahu is roughly 1,500 square feet. This along with the other information provided in the DEIS makes it clear that Kennedy Wilson is building a gated community for millionaires, complete with fruit trees in each yard, quaint, manicured ponds, and a short walk to the beach. This development shows no benefit to the local community and will further put strain on an already struggling working-class on the North Shore being pushed out by rich foreign investors buying second homes or coming over for a luxury vacation at an Air BnB.

The DEIS written by Scott Ezer, representing Kennedy Wilson, is incomplete, inaccurate, and utterly unethical. There are too many issues to point out so this letter focuses on the portion of the DEIS that pertains to endangered wildlife. Hawai'i has more threatened and endangered species than any place on the planet. It is appalling that Kennedy Wilson's DEIS includes nearly nothing regarding these species, no details of the surveys that were completed, and a questionable resume for the one individual listed as surveying and writing the wildlife section of the DEIS. The DEIS submitted for Kennedy Wilson is 1,782 pages with only 4 pages reserved for endangered wildlife survey methods, results, discussion, and mitigation efforts. The lack of effort on the part of Kennedy Wilson shows, as at least 8 endangered bird and bat species could be impacted by proposed actions of Dillingham Ranch.

Survey methods for endangered species need to be completed by trained specialists who understand the biology and behaviors of the species in question. All endangered species surveys

were poorly conducted and reported in the DEIS. Surveys were only conducted in 1992, 2008, and 2014 and it was not stated specifically when data was collected, as many avian/bat species have yearly, seasonal and even daily habitat use patterns. All surveys for listed endangered wildlife species were likely done incorrectly and in an incomplete manner as trained expert surveyors for each of these species were not cited. Further evidence of the lack of understanding of the behaviors and biology of each of these species is in the mitigation measures proposed in the DEIS, although it is impossible to design thorough management actions when incomplete surveys were conducted.

Pueo (Hawai'ian Short-eared Owl , *Asio flammeus sandwichensis)* is an endangered species only detectable for short periods of time at dawn and dusk. Ornithologist Javier Cotin is the current specialist on O'ahu who works exclusively surveying for Pueo and should be contacted to conduct a thorough survey of the land as this species is extremely difficult to detect. Pueo have been detected in habitat similar to that at Dillingham Ranch on O'ahu and have been detected in land adjacent to the ranch. All proposed ranch activities would negatively impact Pueo breeding, roosting, and foraging.

The DEIS states that four endangered waterbird species were found nesting and/or using ponds at Dillingham Ranch. These species include: 'Alae Ke'oke'o (Hawai'ian Coot, *Fulica alai*), 'Alae'ula (Hawai'ian Moorhen, *Gallinula chloropus sanvicensis*), Koloa Maoli (Hawai'ian Duck, *Anas wyvilliana*), and Ae'o (Hawai'ian Stilt, *Himantopus mexicanus knudseni*). As stated correctly in the DEIS, the four species listed above, are endangered due to the lack of suitable wetland habitat and even small ponds like those on Dillingham Ranch, could be critical habitat for nesting and foraging endangered birds. These four species are directly impacted by altered hydrology, modifications to habitat to make areas suitable for municipal water sources, which is clearly the proposed plan by Dillingham Ranch. Building private wells will alter the ponds at Dillingham Ranch drastically and during dry season, the ponds could dry up completely.

The DEIS survey states that no endangered seabirds were detected at Dillingham Ranch but these species only use land during nesting seasons and can easily be overlooked with improper survey methods. The area should be surveyed in January-February for nesting Moli (Laysan Albatross, *Phoebastria immutabilis*) as many of these endangered seabirds are now nesting outside of the nearby Ka'ena Natural Area Reserve colony. Wildlife Services at Dillingham Airfield monitors nesting Moli around the airstrip, directly adjacent to the Dillingham Ranch property. December nesting surveys for 'Ua'u kani (Wedge-tailed Shearwater, Puffinus pacificus) should be conducted. 'Ua'u kani are difficult to detect since adults dig tunnels and lay eggs underground. These underground nests are extremely vulnerable to vehicles and foot traffic. Groups specifically trained to survey for endangered seabirds exist on O'ahu (i.e. Pacfic Rim Conservation and DLNR) and should conduct detailed surveys as many of these species can be difficult to detect. The poor survey methods presented in the DEIS (vehicle and foot surveys) are likely to miss detection of these species.

The endangered Ope'ape'a (Hawai'ian Hoary Bat, *Lasiurus cinereus semotus*) was not observed in the 2014 survey but again, surveying for this elusive species takes the work of trained professionals as bats are difficult to detect. Ope'ape'a are small and dark-colored and nearly impossible to detect visually. Proper survey methods should include either forward-looking infrared systems or acoustic monitoring partnered with foliage density indices. The DEIS states

falsely that Ope'ape'a are not commonly seen on O'ahu. This species has been documented in Hale'iwa as well as Waialua, neighbors of Dillingham Ranch. There are many trained professional on O'ahu (i.e. DLNR and UH-Manoa) that specialize in surveying for Ope'ape'a and these should be the groups conducting surveys. Ope'ape'a are declining due to loss of roosting habitat (trees >15' tall). The stated mitigation measures of not removing potential roosting trees during pupping season is inadequate. Proper surveys should be conducted first in order to determine if Ope'ape'a use the area to roost, forage, and/or raise young. Only after a complete survey is conducted can proper mitigation measures be established. If Ope'ape'a are using the area, removal of trees any time of the year can be detrimental to the this endangered species.

Nowhere in the Dillingham Ranch DEIS is it stated that The Endangered Species Recovery Committee (ESRC) has reviewed the survey methods, results, and mitigation methods. Before any decision is made to move forward with Kennedy Wilson's proposal, ESRC should be contacted and Kennedy Wilson should work with ESRC to develop legal, appropriate, and safe protocols and practices. It is disgraceful that one of the mitigation measures stated in the DEIS will be to "develop an Endangered Species Awareness Training Program, both in a PowerPoint format and as a hard copy handout to be used to train all construction workers and all managers on what to do…" The proposed idea that Dillingham Ranch will design and be responsible for their own endangered species management plan (i.e. a PowerPoint presentation) is unethical and does not follow the rules and regulations under the endangered species act. Designing a cheap and uneducated awareness program is not the proper protocol for dealing with endangered species on private land and the ESRC in coordination with the Hawai'i Department of Fish and Wildlife (DOFAW), Hawai'i Department of land and Natural Resources (DLNR), US Fish and Wildlife Services (USFWS), or any other properly trained authority should be contacted and put in charge of mitigation measures for endangered species. Anyone who has worked on a construction site understands the limitations of detecting small and conspicuous wildlife species due to the lack of visibility and noise created by heavy equipment operations. Due to Dillingham Ranch's private gate which allows minimal access, it is doubtful that any of the measures they propose to do to protect endangered wildlife will actually be implemented and there will be no proper authority representing wildlife present to hold Dillingham Ranch managers accountable for detrimental impacts to endangered birds and bats. Unless the ranch specifically hires qualified, local endangered species biologists, the proposed construction project and land use will negatively impact native species and Dillingham Ranch will not be held accountable.

According to the State of Hawai'i endangered species law, it is unlawful to harass, harm, wound, or kill any endangered species. It is likely that endangered birds and bats will be negatively impacted by the actions proposed by Kennedy Wilson. If they wish to follow the law, ranch owners should work with ESRC, Hawai'i DLNR, USFWS, and other credible organizations to arrange proper surveys for each endangered species prior to any changes to the current landscape. When development projects like that proposed by Kennedy Wilson cannot avoid take of endangered species, the landowner may seek an Incidental Take License (ITL) from the state for take of endangered species. The ITL must be accompanied by a Habitat Conservation Plan (HCP) that meets the state requirements including incidental take measures for minimization, mitigation, monitoring, and provide for a net recovery benefit to the affected species. Kennedy Wilson clearly has not conducted appropriate surveys for endangered species, has not coordinated with qualified agencies for assistance with a management plan, and has not procured

a ITL. Under the endangered species act, killing an endangered species can result in a fine of up to $13,000. Wounding or injuring an endangered species can implement a fine of up to $10,000. Also listed are violations for significant habitat modification or degradation.

Allowing corrupt corporations like Kennedy Wilson to abuse land will negatively impact the already struggling endangered bird and bat species on O'ahu. If Dillingham Ranch is to be developed, an entirely new DEIA needs to be written to include details on impacts of endangered wildlife. If Kennedy Wilson continues to develop land at Dillingham Ranch, not only will they be detrimental to wildlife, but they will impact the North Shore community of hard-working families by driving up property taxes, putting stress on an already overworked system for water and electric, misusing agriculture land to build a gated community for the rich, and many other issues. Please do not allow Kennedy Wilson to move forward with the plans to develop Dillingham Ranch.

Sincerely, Jon Brewer 2-20-18

Jon Brewer
59-420 Wilinau Road
Haleiwa HI 96712

HHF PLANNERS
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January 7, 2019

Mr. Jon Brewer
59-420 Wilinau Road
Haleʻiwa, HI 96712

Dear Mr. Brewer:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 15, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *The so-called "agricultural development" proposed in the plan for development of Dillingham ranch is not an appropriate use of precious agricultural land on O'ahu. Examining the DEIS released by Scott Ezer on December 21, 2017, it is clear the underlying intentions developers have for the property. Cleverly disguising the development as "agricultural lots" it is clear when reading the entire DEIS that this rich and corrupt company has no intention to make money on agriculture. Kennedy Wilson invests in "luxury real-estate and investments" and is based out of Beverly Hills, CA. This 18 billion-dollar company thrives on destroying land in small communities to build housing for the rich. This is not a company interested in agriculture or giving back to the community and people like them do not belong on the North Shore.*

Response: As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different

activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

2. *In the DEIS, Kennedy Wilson states they will use 2,721.02 acres for agricultural development. Of that land, only 778.70 acres will actually be used as "agricultural lots" and each will have a home no larger than 5,000 square feet. This large footprint is excessive as the average home size on O'ahu is roughly 1,500 square feet. This along with the other information provided in the DEIS makes it clear that Kennedy Wilson is building a gated community for millionaires, complete with fruit trees in each yard, quaint, manicured ponds, and a short walk to the beach. This development shows no benefit to the local community and will further put strain on an already struggling working-class on the North Shore being pushed out by rich foreign investors buying second homes or coming over for a luxury vacation at an Air BnB.*

Response: First, although the entire property owned by Dillingham Ranch Aina, LLC is about 2,721 acres, a large portion of the land will not be used for agriculture because of its unsuitability for agricultural uses (poor soils, steep slopes). With respect to the reference to 5,000 square-foot dwellings, the City's zoning requirements (Land Use Ordinance) specifically limit farm dwellings and their accessory uses (carport, garage, etc.) to no more than a 5,000 square-foot footprint. The actual size of any farm dwelling that might be built could be highly variable.

Section 4.7, Agriculture, of the DEIS discusses potential impacts of the Proposed Project, and, analyzes the Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*."

As part of its review of the Draft EIS (including Appendix H), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans.*"

3. *The DEIS written by Scott Ezer, representing Kennedy Wilson, is incomplete, inaccurate, and utterly unethical. There are too many issues to point out so this letter focuses on the portion of the DEIS that pertains to endangered wildlife. Hawai'i has more threatened and endangered species than any place on the planet. It is appalling that Kennedy Wilson's DEIS includes nearly nothing regarding these species, no details of the surveys that were completed, and a questionable resume for the one individual listed as surveying and writing the wildlife section of the DEIS. The DEIS submitted for Kennedy*

> *Wilson is 1,782 pages with only 4 pages reserved for endangered wildlife survey methods, results, discussion, and mitigation efforts. The lack of effort on the part of Kennedy Wilson shows, as at least 8 endangered bird and bat species could be impacted by proposed actions of Dillingham Ranch.*

Response: Your interest and concern for Hawaiʻi's endangered species is acknowledged. No federally listed species (birds, plants, animals) have been discovered within the Project Site as a result of any of the studies conducted for this DEIS, or previous surveys. There is some critical habitat established by the U.S. Fish and Wildlife Service on the far western end of the Ranch property, but this is approximately one mile from any of the areas to be disturbed by activities for the proposed agricultural subdivision. These resources are discussed in detail in Sections 3.6 and 3.7 and Appendices C and D of the Draft EIS.

The potential impact of the Proposed Project on endangered species are discussed in Section 3.7 of the Draft EIS. During the most recent biological resources survey of the project site (contained in the Draft EIS, Appendix D, Avifaunal and Feral Animal Field Survey) conducted in 2014, the endangered Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck and Black-necked stilt were all observed on the project site (p. 3-36).

The habitat for these endangered water birds is located within man-made ponds mauka of Farrington Highway that were created during sand mining operations on the property in the 1970s and 1980s. The birds seem to be thriving in this location, which is not included in the land area to be subdivided for farm lots, and will not be subject to any development activities. Nevertheless, Section3.7 provides mitigation measures to ensure that these birds are not disturbed.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaii on the island of Oahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaii Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional was commissioned study to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

4. *Survey methods for endangered species need to be completed by trained specialists who understand the biology and behaviors of the species in question. All endangered species surveys were poorly conducted and reported in the DEIS. Surveys were only conducted in 1992, 2008, and 2014 and it was not stated specifically when data was collected, as many avian/bat species have yearly, seasonal and even daily habitat use patterns. All surveys for listed endangered wildlife species were likely done incorrectly and in an incomplete manner as trained expert surveyors for each of these species were not cited. Further evidence of the lack of understanding of the behaviors and biology of each of these species is in the mitigation measures proposed in the DEIS, although it is impossible to design thorough management actions when incomplete surveys were conducted.*

Response: Please refer to the response to question #3 above, for a fuller discussion of the surveys performed within the Project Site. Dr. Bruner's full 2014 will be added to the Final EIS as an appendix, as will the invertebrate study conducted by Dr. Steven Montgomery. The biologists and botanist hired for this project are fully credentialed and capable of conducting proper and adequate surveys.

5. *Pueo (Hawai'ian Short-eared Owl, Asio flammeus sandwichensis) is an endangered species only detectable for short periods of time at dawn and dusk. Ornithologist Javier Cotin is the current specialist on O'ahu who works exclusively surveying for Pueo and should be contacted to conduct a thorough survey of the land as this species is extremely difficult to detect. Pueo have been detected in habitat similar to that at Dillingham Ranch on O'ahu and have been detected in land adjacent to the ranch. All proposed ranch activities would negatively impact Pueo breeding, roosting, and foraging.*

Response: Please refer to the response to question #3 above.

6. *The DEIS states that four endangered waterbird species were found nesting and/or using ponds at Dillingham Ranch. These species include: 'Alae Ke'oke'o (Hawai'ian Coot, Fulica alai), 'Alae'ula (Hawai'ian Moorhen, Gallinula chloropus sanvicensis), Koloa Maoli (Hawai'ian Duck, Anas wyvilliana), and Ae'o (Hawai'ian Stilt, Himantopus mexicanus knudseni). As stated correctly in the DEIS, the four species listed above, are endangered due to the lack of suitable wetland habitat and even small ponds like those on Dillingham Ranch, could be critical habitat for nesting and foraging endangered birds. These four species are directly impacted by altered hydrology, modifications to habitat to make areas suitable for municipal water sources, which is clearly the proposed plan by Dillingham Ranch. Building private wells will alter the ponds at Dillingham Ranch drastically and during dry season, the ponds could dry up completely.*

Response: Section 3.7 of EIS discusses biological resources on the Project Site. As discussed in this section, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently considerable truck traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

7. *The DEIS survey states that no endangered seabirds were detected at Dillingham Ranch but these species only use land during nesting seasons and can easily be overlooked with improper survey methods. The area should be surveyed in January-February for nesting Moli (Laysan Albatross, Phoebastria immutabilis) as many of these endangered seabirds are now nesting outside of the nearby Ka'ena Natural Area Reserve colony. Wildlife Services at Dillingham Airfield monitors nesting Moli around the airstrip, directly adjacent to the Dillingham Ranch property. December nesting surveys for 'Ua'u kani (Wedge-tailed Shearwater, Puffinus pacificus) should be conducted. 'Ua'u kani are difficult to detect since adults dig tunnels and lay eggs underground. These underground nests are extremely vulnerable to vehicles and foot traffic. Groups specifically trained to survey for endangered seabirds exist on O'ahu (i.e. Pacfic Rim Conservation and DLNR) and should conduct detailed surveys as many of these species can be difficult to detect. The poor survey methods presented in the DEIS (vehicle and foot surveys) are likely to miss detection of these species.*

Response: With regard to the Laysan Albatross and Wedge-tailed Shearwater, no individuals of these species have been observed on the property during previous surveys. It is possible that individuals have visited Dillingham Ranch. These species are not endangered. The Laysan Albatross is the most numerous of the three North Pacific albatrosses, and the second most numerous Hawaiian seabird. The Laysan Albatross breeds in large numbers across all of the Northwestern Hawaiian Islands, as well as small populations on Kaua'i and O'ahu. Its population was estimated at 2.5 million individuals in 1990, with the largest breeding colony being on Midway Island, consisting of 400,000 breeding pairs. Populations of Laysan Albatross continue to increase due to protection at its primary breeding grounds in the Northwestern Hawaiian Islands (https://kauaiseabirdproject.org/laysan-albatross/).

In Hawai'i, the Wedge-tailed shearwater population is estimated at 270,000 breeding pairs with the largest colonies occurring on Laysan (125,000 - 175,000 pairs), Nihoa (30,000 - 40,000 pairs), and Lisianski (10,000 - 30,000 pairs). The population in the Main Hawaiian Islands is estimated at between 40,000 and 60,000 breeding pairs with the largest colonies occurring on the offshore islands of Mānana (10,000 - 20,000 pairs), Moku Loa (10,000 - 20,000 pairs), Lehua (23,000 pairs), and Ka'ula (1,500 - 2,500 pairs). Smaller populations occur on Moku Manu, Moku'auia, Kāpapa, Molokini, (source: https://dlnr.hawaii.gov/wildlife/files/2013/09/Fact-Sheet-Wedge-Tailed-Shearwater.pdf)

8. *The endangered Ope'ape'a (Hawai'ian Hoary Bat, Lasiurus cinereus semotus) was not observed in the 2014 survey but again, surveying for this elusive species takes the work of trained professionals as bats are difficult to detect. Ope'ape'a are small and dark-colored and nearly impossible to detect visually. Proper survey methods should include either forward-looking infrared systems or acoustic monitoring partnered with foliage density indices. The DEIS states falsely that Ope'ape'a are not commonly seen on O'ahu. This species has been documented in Hale'iwa as well as Waialua, neighbors of Dillingham Ranch. There are many trained professional on O'ahu (i.e. DLNR and UH-Manoa) that specialize in surveying for Ope'ape'a and these should be the groups conducting surveys. Ope'ape'a are declining due to loss of roosting habitat (trees >15' tall). The stated mitigation measures of not removing potential roosting trees during pupping season is inadequate. Proper surveys should be conducted first in order to determine if Ope'ape'a use the area to roost, forage, and/or raise young. Only after a complete survey is conducted can proper mitigation measures be established. If Ope'ape'a are using the area, removal of trees any time of the year can be detrimental to this endangered species.*

Response: Please refer to the response to question #3 above.

9. *Nowhere in the Dillingham Ranch DEIS is it stated that The Endangered Species Recovery Committee (ESRC) has reviewed the survey methods, results, and mitigation methods. Before any decision is made to move forward with Kennedy Wilson's proposal, ESRC should be contacted and Kennedy Wilson should work with ESRC to develop legal, appropriate, and safe protocols and practices.*

Response: The Endangered Species Recovery Committee (ESRC) serves as a consultant to the Board of Land and Natural Resources. They have no regulatory oversight. The EIS Preparation Notice, and Draft EIS were both sent to the Department of Land and Natural Resources (DLNR). It would be up to the DLNR and its various divisions (in this case most likely the Division of Forestry and Wildlife) to determine the efficacy of consulting with the ESRC regarding wildlife at Dillingham Ranch.

10. *It is disgraceful that one of the mitigation measures stated in the DEIS will be to "develop an Endangered Species Awareness Training Program, both in a PowerPoint format and as a hard copy handout to be used to train all construction workers and all managers on what to do..." The proposed idea that Dillingham Ranch will design and be responsible for their own endangered species management plan (i.e. a PowerPoint presentation) is unethical and does not follow the rules and regulations under the endangered species act. Designing a cheap and uneducated awareness program is not the proper protocol for dealing with endangered species on private land and the ESRC in coordination with the Hawai'i Department of Fish and Wildlife (DOFAW), Hawai'i Department of land and Natural Resources (DLNR), US Fish and Wildlife Services (USFWS), or any other properly trained authority should be contacted and put in charge of mitigation measures for endangered species.*

Response: The detailed biological resources mitigation measure also discusses endangered species awareness training program during the pre-construction phase. This program would be formulated by a biologist; however, to address your concerns regarding ensuring implementation of the program to meet the intent of the mitigation measure, the mitigation measure will be revised in the Final EIS as follows (revised text shown in italics): "The following mitigation measures will be *developed and* implemented *with the assistance of a biologist to ensure compliance with the State of Hawai'i endangered species law and* to minimize potential impacts to the Hawaiian Duck, Hawaiian Common Moorhen, Hawaiian Coot, Black-necked Stilt O'ahu 'Elepaio and Hawaiian hoary bat."

11. *Anyone who has worked on a construction site understands the limitations of detecting small and conspicuous wildlife species due to the lack of visibility and noise created by heavy equipment operations. Due to Dillingham Ranch's private gate which allows minimal access, it is doubtful that any of the measures they propose to do to protect endangered wildlife will actually be implemented and there will be no proper authority representing wildlife present to hold Dillingham Ranch managers accountable for detrimental impacts to endangered birds and bats. Unless the ranch specifically hires qualified, local endangered species biologists, the proposed construction project and land use will negatively impact native species and Dillingham Ranch will not be held accountable.*

Response: Dillingham Ranch Aina, LLC is fully aware of its responsibilities as a steward of its property and its obligations related to the protection of important native species. The mitigation measures included in the DEIS are intended to address these concerns and provide a framework to ensure appropriate action is taken to protect these species. Many of the recommended mitigation measures will be included as terms of any contract executed with companies that are hired to implement the subdivision construction.

12. *According to the State of Hawai'i endangered species law, it is unlawful to harass, harm, wound, or kill any endangered species. It is likely that endangered birds and bats will be negatively impacted by the actions proposed by Kennedy Wilson. If they wish to follow the law, ranch owners should work with ESRC, Hawai'i DLNR, USFWS, and other credible organizations to arrange proper surveys for each endangered species prior to any changes to the current landscape. When development projects like that proposed by Kennedy Wilson cannot avoid take of endangered species, the landowner may seek an Incidental Take License (ITL) from the state for take of endangered species. The ITL must be accompanied by a Habitat Conservation Plan (HCP) that meets the state requirements including incidental take measures for minimization, mitigation, monitoring, and provide for a net recovery benefit to the affected species. Kennedy Wilson clearly has not conducted appropriate surveys for endangered species, has not coordinated with qualified agencies for assistance with a management plan, and has not procured a ITL. Under the endangered species act, killing an endangered species can result in a fine of up to $13,000. Wounding or injuring an endangered species can implement a fine of up to $10,000. Also listed are violations for significant habitat modification or degradation.*

Response: Through the EIS process and meetings, representatives of the landowner have sought input from federal and state jurisdictional agencies regarding endangered species. Appropriate minimization measures have been proposed in the Draft EIS based on this feedback, and the landowner will comply with all pertinent state and federal rules and regulations pertaining to endangered species.

13. *Allowing corrupt corporations like Kennedy Wilson to abuse land will negatively impact the already struggling endangered bird and bat species on O'ahu. If Dillingham Ranch is to be developed, an entirely new DEIA needs to be written to include details on impacts of endangered wildlife. If Kennedy Wilson continues to develop land at Dillingham Ranch, not only will they be detrimental to wildlife…*

Response: Please see answers to questions 3, 4, 5, 6, 7, 8 and 11.

14. *…but they will impact the North Shore community of hard-working families by driving up property taxes…*

Response: Section 4.9 of the Draft EIS, Socio-economic Characteristics, provides information on the potential economic effects of the Proposed Project. Page 4-36 states: "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities.*" Further, the "…development of the Project Area will result in significant expenditures by the Applicant, as well as by owners of the agricultural lots" (these expenditures are enumerated on pp, 4-36).

15. *…putting stress on an already overworked system for water…*

Response: Currently existing concerns regarding the water service provided in Mokulēʻia are outside the scope of the Draft EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. The deficiencies within the NSWC system pre-date NSWC's ownership of the system. However, the sole well owned by NSWC which serves the NSWC system is located within the Project Site.

The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source used by NSWC to supply its customers in Mokulēʻia. The improvements to be implemented as part of the Proposed Project involve the Applicant contributing two existing wells that it owns to NSWC, which are located within the Project Site. The Applicant will uncap and outfit these two wells for use, and construct two new water storage tanks to provide storage capacity for the agricultural subdivision and residents in Mokulēʻia, prior to transfer to NSWC. The contribution of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure. This should result in a substantial savings to the NSWC and its customers in that these improvements will be

transferred without cost from the Applicant to NSWC, pending approval of the Public Utilities Commission.

The Applicant's proposed improvements related to on-site water service is discussed in Draft EIS Section 4.11.2, and has been provided in more detail in the Final EIS Sections 3.4.2 and 4.11.2 (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, it is acknowledged that the development of the Proposed Project will entail improvements to the NSWC water system. Concerns regarding the existing transmission system are outside the boundaries of the Proposed Project.

16. *…and electric, misusing agriculture land to build a gated community for the rich, and many other issues. Please do not allow Kennedy Wilson to move forward with the plans to develop Dillingham Ranch.*

Response: Section 4.11.5 of the Draft EIS includes analysis of the potential impacts of the Proposed Project on electrical services. With respect to power outages, the Draft EIS states the following (p. 4-57): "*In addition to transformer pads, HECO will require several switchgear pads throughout the Project Site. The switchgear acts as a protective device and sectionalizer that is used to minimize outages to an affected building and protect its main circuits.*" The analysis in that Section concludes (p. 4-58) that "*…the Proposed Project will not have a significant effect on existing HECO resources or facilities. Therefore, no mitigation measures are required*".

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

<u>Permitting large family homes downwind from the heart of the North Shore's Core Intensive Ag Area Endangers Existing and Future Waialua Agriculture:</u> The proposed subdivision is incompatible with the North Shore Sustainable Communities Plan because it would result in permanent harm to existing intensive agriculture in Waialua and to the potential agricultural productivity of the project site. The proposed subdivision is in direct conflict with the North Shore Sustainable Communities Plan "*Policy. Preserve agricultural lands for current and future agricultural uses and support the diversified agriculture industry*." Situating 70 new residents with large homes (lot sizes from three acres, average size 11 acres, maximum home footprint 5,000 square feet) immediately west, downwind, from the North Shore's GMO corn operations and other intensively cultivated row crops (which appear to apply chlorpyrifos in addition to the various undisclosed pesticides used experimentally by the intensive agricultural operators) imperils the agricultural use of the very intensively cultivated ag because the owners of large family homes will express concern about the health effects of the dust and pesticides deposited on them from their upwind neighbors. The EIS is inadequate because it fails to disclose the many other ways the project's stated Purpose and Need to increase agricultural productivity on the site could be accomplished, other than subdividing the land and selling million+ dollar lots to the wealthy for residential development. The EIS assertion (p. 5-25) that the proposed residential subdivision is consistent with the conservation of agricultural land set forth in the North Shore Sustainable Communities Plan is ridiculous. Although much of Oahu's agricultural land is not currently used to its full potential, as food prices double and triple in the not too distant future, agricultural lands will become that much more important to our sustainability. Because the proposed action will adversely affect potential future use of the project site for agriculture and because it will adversely affect existing intensive agriculture in the adjacent upwind Waialua area, the proposed project is inconsistent with the North Shore Sustainable Communities Plan. This is an EIS, so the developer has every opportunity to (and should be required to) correct their failures to disclose and misrepresentations prior to decision making to save the County taxpayer from paying for defending a DPP approval in litigation.

Harm to existing Waialua Agriculture: The Draft EIS fails to disclose the adverse effects the property's subdivision into 70 residential lots will have to existing North Shore agriculture. Situating 70 new residents with large homes (lot sizes from three acres, average size 11 acres, maximum home footprint 5,000 square feet) immediately west, downwind, from the North Shore's GMO corn operations and other intensively cultivated row crops (which appear to apply chlorpyrifos in addition to the various undisclosed pesticides used experimentally by the intensive agricultural operators) imperils the agricultural use of the very intensively cultivated ag because the owners of large family homes will express concern about the health effects of the dust and pesticides deposited on them from their upwind neighbors.

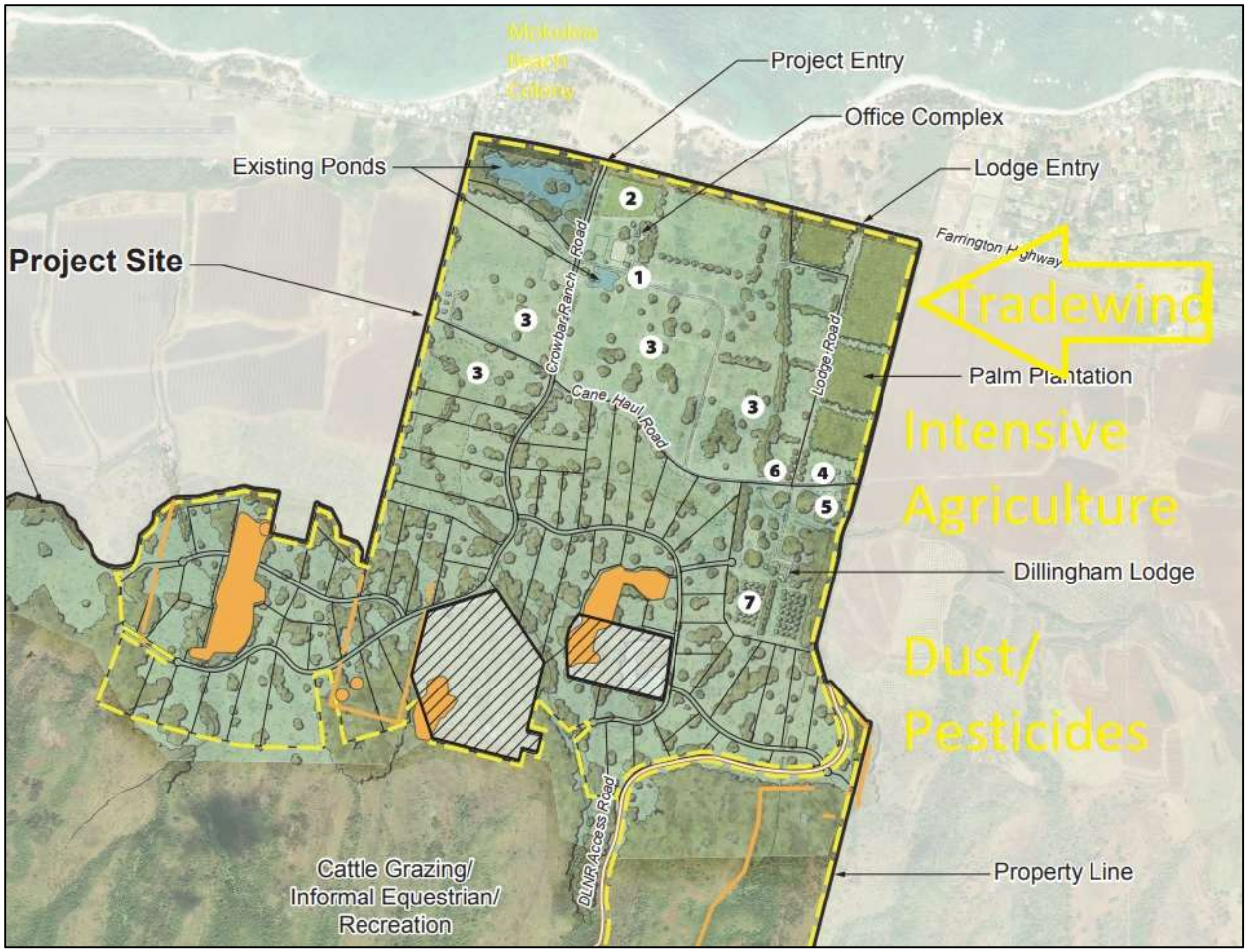

Figure 1. Construction of family residences downwind from Waialua's intensively managed agricultural lands will result in complaints about dust and pesticides that are likely to imperil Waialua's existing agriculture (yellow text added to DEIS Figure 5, Page 1-6).

In the absence of specific County or State agricultural requirements for construction of homes on agricultural land, specific conditions to this permit, or requirements registered on the land title as restrictions requiring agricultural use, the proposed project is essentially a residential subdivision, forever reducing the suitability of the site for actual agriculture). As you're aware, there are no restrictions or laws that require the aspects outlined in the EIS or promised verbally to the community or to Dept of Agriculture to be implemented – the residences can be built without any agricultural requirements. HB2632, currently under consideration by the legislature, requires gross agricultural receipts of $35,000/year for two years prior to receiving a residential building permit – but the legislation, even if it is passed, would not require the agricultural proceeds to continue after the home is built. As a residential subdivision, the proposed action will situate 70 new residences (not small, like Mokuelia Beach Colony's studio condos, but regular homes suitable for occupancy by children) immediately downwind from the heart of Waialua's intensive agricultural area where dust and pesticide spray drift and pesticide vitalization and offsite deposition will adversely affect these new residents thereby likely resulting in pressure, by these residents, to curtail existing Waialua ag.

I lived at Mokuleia Beach Colony, downwind from the Waialua ag fields, for seven years and experienced symptoms and inconvenience related to pesticide exposure – I had over one year of appointments with Dr. John McDonnell (Allergist-Immunologist in Kaneohe, HI) in a useless attempt to ease respiratory runny nose symptoms I had as a Beach Colony resident. The symptoms never respond to allergy treatments and they stopped completely when I moved to Sunset Beach six years ago, so I attribute the symptoms to chlorpyrifos exposure. The relationship between health effects of living downwind from intensive pesticide use (information from physicians, organophosphate literature) and information about effects residential areas have on curtailing agriculture should be disclosed in the EIS. Other than chlorpyrifos, I don't know what chemicals are used on Waialua agricultural fields, but muscle twitching and odd unexplained knee pain I also intermittently had living in Mokuleia (which I never felt before or after living there) could be related to the agricultural chemicals (Hawaii law does not require disclosure, so I don't know what caused the effects because I don't know what was being applied upwind from my home) or it could (though my doctor disagreed) been a reaction to the (unnecessary) allergy shots I was getting in my attempt to relieve my runny nose. Organophosphate chemicals are very volatile – essentially, they evaporate from the application site and are deposited downwind distances more than 10 miles. I recall the fields adjacent to Dillingham Ranch were frequently marked with 'do not enter' signs due to pesticide use. The Dillingham property is closer to and situated more directly downwind from the chemical application sites than where I lived at Mokuleia Beach Colony. Mokuleia Beach Colony studios are not occupied by children, but a home with a 5,000 square foot footprint should not be constructed downwind from heart of the North Shore's intensive agricultural area because children exposed to chlorpyrifos and other organophosphates often don't develop normally. I think it's obvious the new residents will press to shut down the heart of Waialua's intensive agriculture area; the EIS fails to disclose this significant adverse effect to Waialua agriculture.

Purpose and Need could be met without residential Subdivision:

DPP should require the draft EIS be updated to explain WHY THEY CAN'T ACCOMPLISH THE AGRICULTURAL USE WITHOUT THESE 70 RESIDENTIAL LOTS. They mention they can't afford the cost of infrastructure improvements absent the $ they get selling the residential lots - but if they didn't have the residential lots, they could lease the land (even in the 10-acre parcels they've platted) to legitimate agriculture users with long-term leases and up-front investment costs that would pay for the upgraded water system (half the water capacity increase needed because it would be for irrigation and watering livestock, not homes (and those users wouldn't need the paved roads and sewer lines for homes).

It would be a litigation risk for DPP to accept EIS because the draft fails to admit the project's "Purpose and Need" could be accomplished in many, many alternative ways. Even if the applicant doesn't select it as their "Preferred Alternative" the fact that the agricultural lease alternative would have all the benefits to agriculture, without the very negative effects, must be disclosed (or I assume some concerned member of the public will explain it to a judge). The site could be offered to farmers in long-term leases that would provide the Ranch with sufficient funding to upgrade the water system, without the need for the paved roads and sewer lines (the

applicant says they can't afford the upgrades to infrastructure without selling the lots - but just to upgrade the water system for just the agricultural productivity - you wouldn't need to sell 70 $1M-$2M lots.

Worse, as-written, subdividing the lower, richest agricultural land on the project into 70 residential lots does not, itself, accomplish the project's purpose and need (*2.2.1 Project Purpose. The purpose of the Proposed Project is to continue and expand historic agricultural uses that have occurred on Dillingham Ranch and provide opportunities for new agricultural activities and development in accordance with State Agricultural District and City and County Agricultural Zoning standards. 2.2.2 Project Need The Applicant recognizes a need for a development project that embraces the Ranch's historic use of the property, provides for low intensity agricultural activities, including farm dwellings, which increases agricultural production on the usable portions of Dillingham Ranch that facilitate such use."*

The applicant's assertion that:

"*While intensive farming is a way to increase food production, this factor is outweighed by the beneficial aspects of the Proposed Project. Therefore, the Large-scale Farming Alternative was dismissed from further consideration.*"

makes no sense. Intensive farming, offering long-term (more than 10-years) leases to agricultural entities and many other methods the developer failed to address would increase agricultural productivity on the site. The applicant's project, which fails to require any tangible agricultural use of all but the lower equestrian portion of the property, is a residential subdivision.

Adverse effect to Property Values of Small-Scale Existing Agricultural Operations:

Small-scale farmers who are currently making ends meet will be adversely affected when their property assessed values increase due to these 11-acre $1-$2M lot sales occur and they may not be able to afford to continue their current operations.

Harm to agricultural productivity potential of the project site:

The proposal to subdivide the Dillingham Ranch into 70 "agricultural" residential lots, will result in significant reduction of the footprint of agricultural use on the property itself, particularly the large cattle grazing of the Dillingham Ranch. The use of the lowland areas designated to be prime agricultural lands on the ALISH map (Figure 11, p. 3-10) for residential lots removes this fertile area from future use for intensive agriculture and food production. Current intermittent cattle grazing (by a landowner who everyone knows is a residential subdivision developer – agriculture does not appear to ever have been their intended use of the land) occurs over most of the area proposed for residential lots, yet the EIS falsely indicates the existing cattle grazing operations will be continued (It's an EIS, why not fully disclose the adverse effect?). The lower slopes of prime grazing land slated for residential subdivision are also relatively flat and converting it to a residential subdivision for wealthy people will also remove it from viability for development of landscape-scale solar PV development with cattle grazing under the PV system because the wealthy homeowners are known to fight against these types of projects (cattle and

PV in their back yard). Will there be any requirement that the lot owners install solar PV systems to be energy self-sufficient so as not to become an energy sink, further increasing reliance on offsite energy production? If the site will not be energy-independent, the EIS fails to disclose the adverse effects off-site alternative energy production will have to the residences and agriculture elsewhere on the North Shore.

As it's currently written, the DEIS allow the residential "ag" lot owners to keep their lots as open space (which could be lawns – The North Shore residents now have experience with similar agricultural subdivisions that have been built so we know there are no requirements –for example, the recent one at Waialee and the one on Kaukonahua Road) – there don't appear to be any requirements the lots be in agricultural production. The Covenants, Conditions, and Restrictions referred to in the EIS, which would specify the design, development, and land use standards for the Project must be disclosed and registered on the land title as restrictions for the DPP to rely on any agricultural use of the land in the permit decision. The DEIS indicates lot developers will receive $12,000 and given training about planting fruit trees, but the EIS fails to disclose whether or not the landowners will be required to meet any agriculture-related commercial production requirements. As-written, the project appears to require nothing that would distinguish it from any residential-zoned subdivision. The Draft EIS should be updated to disclose how lax the requirements in the Covenants, Conditions, and Restrictions will be – this decision should not be made without full disclosure of the restrictions.

That 2,000 acres of cattle grazing land would be owned and managed by an association of the residential lot owners would obviously result in removal of the grazing operation unless DPP requires grazing be required in a durable and enforceable agricultural conservation easement, filed with the land title, or otherwise required as a permit condition.

Local horse owners currently board horses at Dillingham Ranch and they believe the new owner will close the facility to local residents and restrict it to lot owners. As many as 150 local horses are boarded there and locals ride on the Dillingham property.

Other Comments:

Water Supply and Sewer: When I lived at Mokuleia Beach Colony, I recall the project landowner's water company was not meeting its current responsibilities for maintenance of the water distribution system for the water users in the Mokuleia community. The water line along Farrington Highway is in need of replacement – I recall the water pressure needs to be kept low to minimize blowouts of the old water line. Their failure to maintain the system puts at risk the Mokuleia community - why would they be permitted to essentially double the number of residents they serve when they've failed to show their ability to maintain the smaller system they currently have? The applicant must bring the existing water system, including the water line along Farrington Highway, up to operational standards before anyone considers giving them a permit to serve any more residents. The landowner's historic and current failure to meet their obligations regarding reliability and maintenance of their water system warrants denial of the requested subdivision. Regarding sewer, I am not a sewer specialist, but I know my single-family

residence has a 4" main sewer line to our septic system, so I question whether a 4" sewer line is sufficient to be the main service line size for the proposed subdivision.

Endangered Species: The EIS fails to disclose the adverse effect the residential pesticide use, and conversion of cattle grazing land to lawns, will have to the endangered Hawaiian hoary bat. Pesticide use is among the greatest threats to this insect-eating species. The bat will be harmed when it feeds on insects exposed to pesticides sprayed in the new residential landscaped areas. Residential pesticide use in ritzy communities can be higher than pesticide use on agricultural land. Removal of the subdivided lot area from cattle grazing will adversely affect insect abundance for bat feeding. Recent published work at Kahikinui on Maui detected a reduction in bat detections after grazing animals were removed Todd et al 2016) https://dspace.lib.hawaii.edu/bitstream/10790/2761/6/Bonaccorso_Kahikinui71116.pdf Figure 8, page 12, Todd, C.M., C.A. Pinzari, and F.J. Bonaccorso, 2016. Acoustic surveys of Hawaiian hoary bats in Kahikinui Forest Reserve and Nakula Natural Area Reserve on the Island of Maui, Technical Report HCSU-078, 22 pp), possibly because insect abundance is related to ungulate feces.

Vacation Rental Enforcement: The applicant must be required to give DPP enforcement officials unrestricted access to the property to enforce laws against transient accommodations rentals. The applicant must be required to put deed restrictions on the land to specifically prevent transient vacation rentals on the property.

Electrical distribution: The EIS fails to disclose the proposed subdivision will further burden an over-capacity electrical distribution system that already experiences frequent outages and brown-outs.

Summary: This is an inadequate EIS for a project with such negative effects to the North Shore community. I'm confident this project will never see the light of day because either you will not accept their inadequate EIS or because the community will prevail in litigation. More than 100 local residents (everyone present except the developer) expressed opposition to the proposed project in a show of hands at this Valentine's Day meeting at Waialua Community Association (Figure 2). No North Shore project has ever received such great public opposition as this one.

Figure 2. More than 100 local residents expressed opposition to the proposed project in a show of hands at this Valentine's Day meeting at Waialua Community Association.

HHF PLANNERS
places for people

January 7, 2019

Ms. Dawn Bruns
dawnbbruns@gmail.com

Dear Ms. Bruns:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 19, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Permitting large family homes downwind from the heart of the North Shore's Core Intensive Ag Area Endangers Existing and Future Waialua Agriculture: The proposed subdivision is incompatible with the North Shore Sustainable Communities Plan because it would result in permanent harm to existing intensive agriculture in Waialua and to the potential agricultural productivity of the project site. The proposed subdivision is in direct conflict with the North Shore Sustainable Communities Plan "Policy. Preserve agricultural lands for current and future agricultural uses and support the diversified agriculture industry."*

Response: Your interpretation of the North Shore Sustainable Communities Plan (NSSCP) and the potential effects of the Proposed Project is not correct. The current agricultural uses of the Project Site will be preserved, while portions of the Project Site will remain available for potential future agricultural uses.

As explained in Section 5.2.2 of the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. Each of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet. The remaining portions of each lot will be set aside for open space and cultivation. In addition, retaining the area makai of Cane Haul Road in equestrian facilities and the palm tree plantation leaves open the possibility for future alternative agricultural uses.

Your concerns regarding the potential for the Proposed Project to adversely affect existing intensive agricultural activities in the Waialua area, is addressed in response to Comment 2.

2. *Situating 70 new residents with large homes (lot sizes from three acres, average size 11 acres, maximum home footprint 5,000 square feet) immediately west, downwind, from the North Shore's GMO corn operations and other intensively cultivated row crops (which appear to apply chlorpyrifos in addition to the various undisclosed pesticides used experimentally by the intensive agricultural operators) imperils the agricultural use of the very intensively cultivated ag because the owners of*

large family homes will express concern about the health effects of the dust and pesticides deposited on them from their upwind neighbors.

Response: Under Hawaii's Right to Farm Act (Chapter 165, Hawaii Revised Statutes), no farming operation shall be declared a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. Furthermore, there is a rebuttable presumption that a farming operation does not constitute a nuisance. As such, farming, whether at the Proposed Project or within the general vicinity, will be able to proceed without interference. Chapter 165, contains the following provisions protecting farming operations, including dust and the use of pesticides, from nuisance complaints:

> ***Right to farm.*** *No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance.*

HRS § 165-2 defines "farming operation" to include:

> *(1) Agricultural-based commercial operations as described in section [205-2(d)(15)];*
> *(2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;*
> *(3) Operation of machinery and irrigation pumps;*
> *(4) Ground and aerial seeding and spraying;*
> *(5)* ***The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides***; *and* (emphasis added).
> *(6) The employment and use of labor*.

Governor David Ige also recently signed Act 45, Session Laws of Hawaii 2018 into law. This law will prohibit the use of pesticides containing chlorpyrifos beginning January 1, 2019.

3. *The EIS is inadequate because it fails to disclose the many other ways the project's stated Purpose and Need to increase agricultural productivity on the site could be accomplished, other than subdividing the land and selling million+ dollar lots to the wealthy for residential development.*

Response: Chapter 6 of the Draft EIS includes a discussion of alternatives to the Proposed Action. The following eight (8) alternatives were considered in addition to the Proposed Project: the "No Action Alternative;" the "Lower Density Alternative;" the "High Density Alternative;" the "Agriculture Cluster Housing Alternative;" the "Large-Scale Farming Alternative;" the "Rural Subdivision Alternative;" the "Resort/Residential Development Alternative;" and the "Rural Infrastructure Alternative." Chapter 6 includes a detailed discussion of the advantages and disadvantages of each alternative, and Dillingham Ranch Aina, LLC's (the Applicant) reasoning for eliminating each alternative in favor of the Proposed Project. It should also be noted that the stated "Need" for the Proposed Project, Section 2.2.2 (p. 2-2), includes the development of farm dwellings as one component of the low-intensity agricultural activities proposed for the Project Site.

In addition, the Project Site's potential for supporting expanded, large-scale agricultural activities is already limited by a number of factors, including topography, soils, exposure to flooding, and existing agricultural activities already in place, as discussed in Sections 3.2, 4.7 and Appendix H of the Draft EIS. The most attractive areas for intensive farming on the Project Site are already utilized for established and successful agricultural uses, such as a horse boarding facility and a palm tree plantation.

As shown Figure 8 of the Agricultural Plan (Appendix H), the vast majority of the proposed agricultural farm-dwelling lots do not include land classified as "High-Quality Farmland" (Land Survey Bureau (LSB) "A" and "B" Lands, and Agricultural Land of Importance to the State of Hawaii (ALISH) "Prime" Lands). In fact as shown in Figures 5, 10 and 11 of the Draft EIS, none of the proposed lots include LSB "A" land, and only a couple of lots that include ALISH "Prime" land.

Finally, it should also be noted that the Applicant has reduced the scope of the Proposed Project over the course of several years in an effort to minimize potential impacts, preserve and expand agricultural activities, and maintain the rural ambience of the larger Dillingham Ranch property and neighboring community.

4. *The EIS assertion (p. 5-25) that the proposed residential subdivision is consistent with the conservation of agricultural land set forth in the North Shore Sustainable Communities Plan is ridiculous. Although much of O'ahu's agricultural land is not currently used to its full potential, as food prices double and triple in the not too distant future, agricultural lands will become that much more important to our sustainability. Because the proposed action will adversely affect potential future use of the project site for agriculture and because it will adversely affect existing intensive agriculture in the adjacent upwind Waialua area, the proposed project is inconsistent with the North Shore Sustainable Communities Plan.*

Response: Your concerns expressed in Comment 4 have been addressed in the preceding responses.

Please see responses to Comment 1 regarding your concern that the Proposed Project is inconsistent with the language and policies of the NSSCP, Comment 2 regarding your concern that the Proposed Project will adversely affect neighboring agricultural operations that utilize pesticides and generate dust drift, and Comment 3 regarding your concern that the Proposed Project will adversely affect potential future use of the Project Site for more intensive agricultural uses.

5. *This is an EIS, so the developer has every opportunity to (and should be required to) correct their failures to disclose and misrepresentations prior to decision making to save the County taxpayer from paying for defending a DPP approval in litigation.*

Response: Your comment regarding the obligations of an applicant preparing an EIS is acknowledged. The Applicant is aware of the requirements of Chapter 343, HRS and Title 11, Chapter 200 of the Hawaii Administrative Rules (HAR), and has complied with them accordingly.

6. ***Harm to existing Waialua Agriculture:*** *The Draft EIS fails to disclose the adverse effects the property's subdivision into 70 residential lots will have to existing North Shore agriculture. Situating 70 new residents with large homes (lot sizes from three acres, average size 11 acres, maximum home footprint 5,000 square feet) immediately west, downwind, from the North Shore's GMO corn operations and other intensively cultivated row crops (which appear to apply chlorpyrifos in addition to the various undisclosed pesticides used experimentally by the intensive agricultural operators)*

imperils the agricultural use of the very intensively cultivated ag because the owners of large family homes will express concern about the health effects of the dust and pesticides deposited on them from their upwind neighbors.

Figure 1. Construction of family residences downwind from Waialua's intensively managed agricultural lands will result in complaints about dust and pesticides that are likely to imperil Waialua's existing agriculture (yellow text added to DEIS Figure 5, Page 1-6).

Response: Please see response to Comment 2 addressing your concern that the Proposed Project will adversely affect neighboring agricultural operations that utilize pesticides and generate dust drift.

7. *In the absence of specific County or State agricultural requirements for construction of homes on agricultural land, specific conditions to this permit, or requirements registered on the land title as restrictions requiring agricultural use, the proposed project is essentially a residential subdivision, forever reducing the suitability of the site for actual agriculture). As you're aware, there are no restrictions or laws that require the aspects outlined in the EIS or promised verbally to the community or to Dept of Agriculture to be implemented – the residences can be built without any agricultural requirements.*

Response: Chapter 5 of the Draft EIS provides a detailed discussion of the Proposed Project's relationship to and conformance with applicable State and City & County land use plans, policies, and controls. As noted in Section 5.2.3, farm dwellings are a permitted use in the AG-1 and AG-2 zoning districts, subject to certain additional standards. The Land Use Ordinance for the City & County of Honolulu defines a "farm dwelling" as "a dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling."

In addition, the subdivision for the Proposed Project is being processed under the City & County of Honolulu Subdivision Rules and Regulations governing agricultural subdivisions. Under Section 1-115 of the Subdivision Rules and Regulations, "*subdividers shall show that the subdivision will provide feasible agricultural use for subdivision purchasers or tenants*…" The Subdivision Rules and Regulations further provide that the Planning "Director may refer the Agricultural Subdivision proposal to the State Department of Agriculture for their review and recommendations." With respect to the Proposed Project, the agricultural plan has been provided to the State Department of Agriculture (DOA) for review, and the DOA has endorsed the plan. The plan is discussed in Chapter 4 of the Draft EIS and a copy attached as Appendix H. Under Hawaii Revised Statutes Chapter 205, any dwellings within the State Agricultural District must be farm dwellings or employee farm housing.

8. *HB2632, currently under consideration by the legislature, requires gross agricultural receipts of $35,000/year for two years prior to receiving a residential building permit – but the legislation, even if it is passed, would not require the agricultural proceeds to continue after the home is built. As a residential subdivision, the proposed action will situate 70 new residences (not small, like Mokulēʻia Beach Colony's studio condos, but regular homes suitable for occupancy by children) immediately downwind from the heart of Waialua's intensive agricultural area where dust and pesticide spray drift and pesticide vitalization and offsite deposition will adversely affect these new residents thereby likely resulting in pressure, by these residents, to curtail existing Waialua ag.*

Response: Your comment regarding House Bill 2632 is acknowledged. The Legislature did not pass House Bill 2632 during the 2018 Session.

Please see response to Comment 2 regarding your concerns about the potential for the Proposed Project to adversely affect neighboring agricultural operations utilizing pesticides and generating dust drift.

9. *I lived at Mokulēʻia Beach Colony, downwind from the Waialua ag fields, for seven years and experienced symptoms and inconvenience related to pesticide exposure – I had over one year of appointments with Dr. John McDonnell (Allergist-Immunologist in Kaneohe, HI) in a useless attempt to ease respiratory runny nose symptoms I had as a Beach Colony resident. The symptoms never respond to allergy treatments and they stopped completely when I moved to Sunset Beach six years ago, so I attribute the symptoms to chlorpyrifos exposure. The relationship between health effects of living downwind from intensive pesticide use (information from physicians, organophosphate literature) and information about effects residential areas have on curtailing agriculture should be disclosed in the EIS. Other than chlorpyrifos, I don't know what chemicals are used on Waialua agricultural fields, but muscle twitching and odd unexplained knee pain I also intermittently had living in Mokulēʻia (which I never felt before or after living there) could be related to the agricultural chemicals (Hawaiʻi law does not require disclosure, so I don't know what caused the effects because I don't know what was being applied upwind from my home) or it could (though my doctor disagreed) been a reaction to the (unnecessary) allergy shots I was getting in my attempt to relieve my runny nose. Organophosphate chemicals are very volatile – essentially, they evaporate from the application site and are deposited downwind distances more than 10 miles. I recall the fields adjacent to Dillingham Ranch were frequently marked with 'do not enter' signs due to pesticide use.*

Response: Your comment sharing your experience living at Mokulēʻia Beach Colony is acknowledged. The Proposed Project is an agricultural project located in a primarily agricultural and rural area. Potential buyers will be informed of such and will be free to make their decisions whether to purchase a lot within the Proposed Project.

10. *The Dillingham property is closer to and situated more directly downwind from the chemical application sites than where I lived at Mokulēʻia Beach Colony. Mokulēʻia Beach Colony studios are not occupied by children, but a home with a 5,000 square foot footprint should not be constructed downwind from heart of the North Shore's intensive agricultural area because children exposed to chlorpyrifos and other organophosphates often don't develop normally. I think it's obvious the new residents will press to shut down the heart of Waialua's intensive agriculture area; the EIS fails to disclose this significant adverse effect to Waialua agriculture.*

Response: -Please see response to Comment 2 regarding your concerns that the Proposed Project will adversely affect neighboring agricultural operations utilizing pesticides and generating dust drift. In addition, as also noted in response to Comment 2, as of January 1, 2019, the use of pesticides containing chlorpyrifos will be prohibited.

11. ***Purpose and Need count be met without residential Subdivision:*** *DPP should require the draft EIS be updated to explain WHY THEY CAN'T ACCOMPLISH THE AGRICULTURAL USE WITHOUT THESE 70 RESIDENTIAL LOTS. They mention they can't afford the cost of infrastructure improvements absent the $ they get selling the residential lots - but if they didn't have the residential lots, they could lease the land (even in the 10-acre parcels they've platted) to legitimate agriculture users with long-term leases and up-front investment costs that would pay for the upgraded water system (half the water capacity increase needed because it would be for irrigation and watering livestock, not homes (and those users wouldn't need the paved roads and sewer lines for homes).*

Response: Your comment regarding additional analysis that should be required by DPP is acknowledged. Also, the Proposed Project is an agricultural subdivision, not a residential subdivision.

HAR § 11-200-17(f), which sets forth the requirement that alternatives be considered in a draft EIS, provides that a "draft EIS shall describe in a separate and distinct section alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected." The law does not require that every conceivable alternative be considered, or that any alternative considered be pursued instead of the proposed action. As discussed in response to Comment 3, eight (8) alternatives to the Proposed Project were considered in the Draft EIS, including the "Large-Scale Farming Alternative." While this alternative is not identical to that proposed in your comment, the Draft EIS's analysis does explain in sufficient detail why an alternative focusing exclusively on agricultural production, and without farm dwellings, was rejected in favor of the Proposed Project.

Nevertheless, as explained in Section 2.3.4 and the Agricultural Plan for the Proposed Project (Appendix H), there will be a number of opportunities for farmers and ranchers to lease land from the association that will manage the common areas within the Proposed Project. These opportunities include land leased for cattle and horse ranching, an approximately 49 acre palm tree plantation, an approximately ten (10) acre mango tree orchard, and a hydroponic crop cultivation area.

12. *It would be a litigation risk for DPP to accept EIS because the draft fails to admit the project's "Purpose and Need" could be accomplished in many, many alternative ways. Even if the applicant doesn't select it as their "Preferred Alternative" the fact that the agricultural lease alternative would have all the benefits to agriculture, without the very negative effects, must be disclosed (or I assume some concerned member of the public will explain it to a judge). The site could be offered to farmers in long-term leases that would provide the Ranch with sufficient funding to upgrade the water system, without the need for the paved roads and sewer lines (the applicant says they can't afford the upgrades to infrastructure without selling the lots - but just to upgrade the water system for just the agricultural productivity - you wouldn't need to sell 70 $1M-$2M lots.*

Response: Your belief that acceptance of an EIS for the Proposed Project is a litigation risk for DPP is acknowledged.

An EIS is intended to be a public disclosure document that provides sufficient opportunities for public participation in governmental agency decision-making. An EIS is "legally sufficient" if it "adequately disclos[es] facts to enable a decision-making body to render an informed decision." *Price v. Obayashi Hawaii Corp.*, 81 Hawaii 171, 183 (1996). As the Hawaii Supreme Court explained:

> *"…an EIS need not be exhaustive to the point of discussing all possible details bearing on the proposed action but will be upheld as adequate if it has been compiled in good faith and sets forth sufficient information to enable the decision-maker to consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefit to be derived from the proposed action, as well as make a reasoned choice between alternatives."* Id.

As discussed in response to Comment 11, an EIS does not require an analysis of every conceivable alternative, or require an applicant to proceed with any alternative that only partially meets the objectives of the proposed action. Instead, an EIS must provide the decision-making agency with sufficient

information to evaluate the proposed action in light of the environmental impacts involved and the benefit to be derived from the proposed action. The Draft EIS has provided DPP with sufficient information to do so. While your belief that the farm dwelling component of the Proposed Project is itself a negative effect is acknowledged, as explained in response to Comment 7, the law allows the Applicant to pursue an agricultural subdivision for the Project Site.

13. *Worse, as-written, subdividing the lower, richest agricultural land on the project into 70 residential lots does not, itself, accomplish the project's purpose and need (2.2.1 Project Purpose. The purpose of the Proposed Project is to continue and expand historic agricultural uses that have occurred on Dillingham Ranch and provide opportunities for new agricultural activities and development in accordance with State Agricultural District and City and County Agricultural Zoning standards. 2.2.2 Project Need. The Applicant recognizes a need for a development project that embraces the Ranch's historic use of the property, provides for low intensity agricultural activities, including farm dwellings, which increases agricultural production on the usable portions of Dillingham Ranch that facilitate such use."*

    The applicant's assertion that:

    "While intensive farming is a way to increase food production, this factor is outweighed by the beneficial aspects of the Proposed Project. Therefore, the Large-scale Farming Alternative was dismissed from further consideration."

    makes no sense. Intensive farming, offering long-term (more than 10-years) leases to agricultural entities and many other methods the developer failed to address would increase agricultural productivity on the site. The applicant's project, which fails to require any tangible agricultural use of all but the lower equestrian portion of the property, is a residential subdivision.

Response: Your belief that the purpose and need for the Project is acknowledged. However, intensive agricultural productivity is not the stated purpose or need for the Proposed Project.

As you point out, the stated purpose (p. 2-2) of the Proposed Project is to "*to continue and expand historic agricultural uses that have occurred on Dillingham Ranch and provide opportunities for new agricultural activities and development in accordance with State Agricultural District and City and County Agricultural Zoning standards.*" As discussed in response to Comment 1, the Proposed Project preserves and expands the existing, historic agricultural uses of the Project Site, provides for new agricultural uses, and leaves open the possibility of future additional agricultural uses. As explained in response to Comment 7, the Proposed Project satisfies this purpose in accordance with City & County agricultural zoning and subdivision standards.

In addition, the stated need for the Proposed Project specifically provides for "low intensity agricultural activities" that include farm dwellings (p. 2-2). Intensive agriculture under the leasing alternative you propose, which does not provide for farm dwellings, would actually be inconsistent with the Proposed Project's stated need. Please note that the State Department of Agriculture has accepted the project Agricultural Plan (Section 4.7 and Appendix H of the Draft EIS) and has commended the Applicant for the lengths to which the Plan ensures future agricultural use of the Subject Property. This includes the expansion of agriculture with additional acreage for the mango orchard, retention of equestrian facilities, retention of the palm tree plantation, retention of cattle grazing, introduction of hydroponic farming, and

the addition of at least 100 acres of orchard crops. Given the physical constraints of much of the property (slope, boulders, flooding), the proposed Agricultural Plan does provide for reasonable agricultural use.

14. *Adverse effect to Property Values of Small-Scale Existing Agricultural Operations: Small-scale farmers who are currently making ends meet will be adversely affected when their property assessed values increase due to these 11-acre $1-$2M lot sales occur and they may not be able to afford to continue their current operations.*

Response: There are many factors which affect the valuations utilized for property tax assessment purposes, including the land value, building and improvement value, building age and condition, and use of the land. The Proposed Project is not anticipated to cause a significant increase in regional property values affecting the ability of farmers to operate.

15. *Harm to agricultural productivity potential of the project site: The proposal to subdivide the Dillingham Ranch into 70 "agricultural" residential lots, will result in significant reduction of the footprint of agricultural use on the property itself, particularly the large cattle grazing of the Dillingham Ranch. The use of the lowland areas designated to be prime agricultural lands on the ALISH map (Figure 11, p. 3-10) for residential lots removes this fertile area from future use for intensive agriculture and food production.*

Response: As explained in Section 4.7 of the Draft EIS (p. 4-27), and shown in Figures 10 (Land Study Bureau designations) and 11 (ALISH designations), the lower portions of the Project Site have higher rated soils than the rest of the property. This is reflected in the current zoning for this area, AG-1 Restricted Agriculture.

However, as shown Figure 8 of the Agricultural Plan (Appendix H), the vast majority of the proposed farm-dwelling lots do not include land classified as "High-Quality Farmland" (LSB "A" and "B" Lands, and ALISH "Prime" Lands). In fact, as indicated in Figures 5, 10 and 11 of the Draft EIS, none of the proposed lots include LSB "A" land, and only a couple of lots include ALISH "Prime" land.

Moreover, other factors affecting this land, primarily its propensity to flood due to the presence of a floodway affecting approximately 155 acres (see Figure 15 of the Draft EIS and Appendix H at p. 6), make intensive agriculture an imprudent venture, potentially exposing crops to destruction and ruin.

Additionally, the existing agricultural use of the makai portions of the Project Site should not be overlooked. The equestrian activities occurring in this portion of the Project site are recognized as established agricultural uses. Section 205-2(4)(d)(2), agricultural districts shall include "*Farming activities or uses related to animal husbandry and game and fish propagation*." Under the City and County Land Use Ordinance (LUO), livestock grazing is allowed as a principal use (Table 21-3, Master Use Table). The definition of livestock grazing in the LUO says that: *""Livestock grazing" means the raising or feeding of livestock by grazing or pasturing"(*Section 21-10.1) Equestrian use of these lands has been on-going for decades, and provides a highly desired service to horse owners of the North Shore and beyond.

16. *Current intermittent cattle grazing (by a landowner who everyone knows is a residential subdivision developer – agriculture does not appear to ever have been their intended use of the land) occurs over most of the area proposed for residential lots, yet the EIS falsely indicates the existing cattle grazing operations will be continued (It's an EIS, why not fully disclose the adverse effect?).*

Response: As explained in Section 2.3.4 of the Draft EIS (p. 2-9), under the Agricultural Plan (Appendix H), cattle grazing activities will be preserved but relocated upland to the lower foothills. The Agricultural Plan also notes (p. ES-3) that the Applicant will "*discount initial rents to allow viable operations, provide water lines to supply drinking water for the herd and to allow some pastures to be irrigated during dry conditions, and pay to fence off grazing lands from the agriculture/farm dwelling lots."*

17. *The lower slopes of prime grazing land slated for residential subdivision are also relatively flat and converting it to a residential subdivision for wealthy people will also remove it from viability for development of landscape-scale solar PV development with cattle grazing under the PV system because the wealthy homeowners are known to fight against these types of projects (cattle and PV in their back yard). Will there be any requirement that the lot owners install solar PV systems to be energy self-sufficient so as not to become an energy sink, further increasing reliance on offsite energy production? If the site will not be energy-independent, the EIS fails to disclose the adverse effects off-site alternative energy production will have to the residences and agriculture elsewhere on the North Shore.*

Response: You suggest that the lower slopes are slated for a "residential subdivision." The Proposed Project is an agricultural project and the homes will be required to be farm dwellings. The current agricultural use of the makai portions of the property are "agricultural." In fact, the raising and care of horses is a recognized agricultural use. Please see the response to comment #15, above. Equestrian use of these lands has been on-going for decades and is an accepted agricultural use of the property and providing a highly desired service to horse owners on the North Shore. Further, the raising of palm trees has been proven to be a successful enterprise for the Ranch, and is a legitimate agricultural use of the property, which will continue.

The Draft EIS analyzed the potential impacts of providing electrical service to the Proposed Project. As explained in Section 4.11.5.2 (p. 4-57), Hawaiian Electric Company (HECO) will be extending electrical service to the Project site from its existing distribution lines along Farrington Highway. In a letter dated November 2, 2016, HECO indicated that no off-site improvements (i.e., substation upgrades and/or HECO distribution system improvements) will be required to provide service to the Proposed Project. Although not required to do so, individual lot owners may choose to utilize alternative energy systems (i.e., solar water heating, photovoltaic panels) when developing their lots in the future (p. 4-57). The Draft EIS concludes in Section 4.11.5.3 (p. 4-58) that: "*The Proposed Project will not have a significant effect on existing HECO resources or facilities. Therefore, no mitigation measures are required*."

In addition, the Proposed Project's close proximity to Dillingham Airfield could make it unsuitable for a landscape-scale solar PV development (i.e., solar farm). As noted in Section 4.10.5 of the Draft EIS (p. 4-41), the State Department of Transportation, Airport Division discourages land uses that pose glint/glare hazards to airplanes, which could include a solar farm.

18. *As it's currently written, the DEIS allow the residential "ag" lot owners to keep their lots as open space (which could be lawns – The North Shore residents now have experience with similar agricultural subdivisions that have been built so we know there are no requirements –for example, the recent one at Waialeʻe and the one on Kaukonahua Road) – there don't appear to be any requirements the lots be in agricultural production. The Covenants, Conditions, and Restrictions referred to in the EIS, which would specify the design, development, and land use standards for the Project must be disclosed and registered on the land title as restrictions for the DPP to rely on any agricultural use of the land in the permit decision. The DEIS indicates lot developers will receive*

$12,000 and given training about planting fruit trees, but the EIS fails to disclose whether or not the landowners will be required to meet any agriculture-related commercial production requirements. As-written, the project appears to require nothing that would distinguish it from any residential-zoned subdivision. The Draft EIS should be updated to disclose how lax the requirements in the Covenants, Conditions, and Restrictions will be – this decision should not be made without full disclosure of the restrictions.

Response:-The City & County standards and requirements for agricultural subdivisions and farm dwellings are discussed in response to Comment 7. The Proposed Project is being designed consistent with these standards, and the Covenants, Conditions, and Restrictions (CC&Rs) governing the future use of the Proposed Project will have to be approved by DPP. In addition, once approved, the CC&Rs will be recorded against all of the lots within the Proposed Project.

19. *That 2,000 acres of cattle grazing land would be owned and managed by an association of the residential lot owners would obviously result in removal of the grazing operation unless DPP requires grazing be required in a durable and enforceable agricultural conservation easement, filed with the land title, or otherwise required as a permit condition.*

Response: As discussed in response to Comment 16, under the Agricultural Plan (Appendix H of the Draft EIS), cattle grazing activities will be preserved but relocated upland to the lower foothills. It should also be noted that the land suitable for cattle grazing is far less than the entirety of the 2,721 acres that comprise the larger Dillingham Ranch property. A majority of the property is not appropriate for grazing due to topography and access.

In addition to their agricultural function, grazing cattle also serve to provide fire protection by keeping wild grasses and undergrowth in check, which provides a clear benefit to future lot owners. The Applicant has no plans to encumber the Proposed Project with a conservation easement.

20. *Local horse owners currently board horses at Dillingham Ranch and they believe the new owner will close the facility to local residents and restrict it to lot owners. As many as 150 local horses are boarded there and locals ride on the Dillingham property.*

Response: Existing equestrian uses on the Project Site include an equestrian complex with facilities for paddock boarding, recreational trail riding, two dressage rings, a jumping course, practice polo fields, a large sand arena, and horse pasturing areas. As explained throughout the Draft EIS, these existing equestrian uses will not only continue under the Proposed Project, but will be expanded to cover approximately 205 acres (see p. S-1)

21. ***Water Supply:*** *When I lived at Mokulēʻia Beach Colony, I recall the project landowner's water company was not meeting its current responsibilities for maintenance of the water distribution system for the water users in the Mokulēʻia community. The water line along Farrington Highway is in need of replacement – I recall the water pressure needs to be kept low to minimize blowouts of the old water line. Their failure to maintain the system puts at risk the Mokulēʻia community - why would they be permitted to essentially double the number of residents they serve when they've failed to show their ability to maintain the smaller system they currently have? The applicant must bring the existing water system, including the water line along Farrington Highway, up to operational standards before anyone considers giving them a permit to serve any more residents.*

The landowner's historic and current failure to meet their obligations regarding reliability and maintenance of their water system warrants denial of the requested subdivision.

Response: The private water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by Dillingham Ranch Aina LLC (DRA) and not by NSWC.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (outdated pipes, low water pressure), and expenses related to any required improvements to address those deficiencies are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the PUC. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. . As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system. The development of the Proposed Project does not put the existing NSWC system at risk, in fact development of the Proposed Project entails improvements that are intended to benefit NSWC

NSWC owns only one well and it is located within the Proposed Project. DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection capability, and limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, DRA will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project is expected to entail improvements to the NSWC water system.

22. ***Sewer:*** *Regarding sewer, I am not a sewer specialist, but I know my single-family residence has a 4" main sewer line to our septic system, so I question whether a 4" sewer line is sufficient to be the main service line size for the proposed subdivision.*

Response: The size of the wastewater transmission lines are intended to function in conjunction with a low-pressure collection system (see Section 2.3 of Appendix A, the Preliminary Engineering Report) for each farm dwelling and a series of pump stations servicing other areas of the Proposed Project.

The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, and without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

23. ***Endangered Species:*** *The EIS fails to disclose the adverse effect the residential pesticide use, and conversion of cattle grazing land to lawns, will have to the endangered Hawaiian hoary bat. Pesticide use is among the greatest threats to this insect-eating species. The bat will be harmed when it feeds on insects exposed to pesticides sprayed in the new residential landscaped areas. Residential pesticide use in ritzy communities can be higher than pesticide use on agricultural land. Removal of the subdivided lot area from cattle grazing will adversely affect insect abundance for bat feeding. Recent published work at Kahikinui on Maui detected a reduction in bat detections after grazing animals were removed Todd et al 2016)*
https://dspace.lib.hawaii.edu/bitstream/10790/2761/6/Bonaccorso_Kahikinui71116.pdf
Figure 8, page 12, Todd, C.M., C.A. Pinzari, and F.J. Bonaccorso, 2016. Acoustic surveys of Hawaiian hoary bats in Kahikinui Forest Reserve and Nakula Natural Area Reserve on the Island of Maui, Technical Report HCSU-078, 22 pp), possibly because insect abundance is related to ungulate feces.

Response: Your statement that farm dwellings will have a higher use of pesticides than agricultural activities is unfounded. Further, cattle grazing activities are being moved within the Ranch property, they are not being eliminated, and horse grazing areas will be expanded, thereby having a beneficial effect on insect abundance. In terms of general impacts to the species as a result of pesticides, literature and research do not present conclusive findings either way. It can certainly be argued that the bat population on Oahu is not declining. However, there have been no studies on Hawaiian Hoary Bats to sample them in a way that affords the ability to model overall population numbers. They are apparently present in most areas that have tree cover in the main Hawaiian Islands.

24. ***Vacation Rental Enforcement:*** *The applicant must be required to give DPP enforcement officials unrestricted access to the property to enforce laws against transient accommodations rentals. The applicant must be required to put deed restrictions on the land to specifically prevent transient vacation rentals on the property.*

Response: The CC&Rs will include prohibitions for the use of any buildings within the Proposed Project for transient vacation rental (TVR) purposes. Access for City & County officials to inspect for compliance with all applicable TVR regulations will be made available as required by law.

25. ***Electrical distribution:*** *The EIS fails to disclose the proposed subdivision will further burden an over-capacity electrical distribution system that already experiences frequent outages and brown-outs.*

Response: Section 4.11.5 of the Draft EIS addresses potential impacts to the regional electrical distribution system operated by HECO, and concludes that the Proposed Project will not negatively impact the system. As noted in response to Comment 17, in a letter dated November 2, 2016, HECO indicated that no off-site improvements (i.e., substation upgrades and/or HECO distribution system improvements) will be required to provide service to the Proposed Project. With respect to power outages, the Draft EIS states (p. 4-57) that: "*In addition to transformer pads, HECO will require several switchgear pads throughout the Project Site. The switchgear acts as a protective device and sectionalizer that is used to minimize outages to an affected building and protect its main circuits*."

26. ***Summary:*** *This is an inadequate EIS for a project with such negative effects to the North Shore community. I'm confident this project will never see the light of day because either you will not accept their inadequate EIS or because the community will prevail in litigation. More than 100 local residents (everyone present except the developer) expressed opposition to the proposed project in a show of hands at this Valentine's Day meeting at Waialua Community Association (Figure 2). No North Shore project has ever received such great public opposition as this one.*

Response: Your comment regarding the adequacy of the Draft EIS, which should be directed to DPP, is acknowledged. As stated in the response to Comment 5, the Applicant is aware of the requirements of Chapter 343, HRS and Title 11, Chapter 200 of the Hawaii Administrative Rules, and has complied with them accordingly.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Scott Ezer

From: Lara Charnin <lcharnin@hotmail.com>
Sent: Tuesday, February 20, 2018 4:18 PM
To: Dave Eadie; jyago@honolulu.gov ; Scott Ezer
Subject: Comments on subdivision of Dillingham Ranch

Hello,
After having read the DEIS there are many concerns:

- There is no mention of continuing to provide water for the Mokuleia residents, or improving their water delivery system, or allowing the existing fire hydrants to have water access!
- What about protecting the habitat of the endangered Hoary Bat, Oahu Tree snail, as well as endangered plant species.
- Does treating "effluent" water equal dumping and contaminating the soil and ground water?
- Separate from the DEIS, why does this property allow it's sand and rocks to be mined?
- With 70 lots, only 4 dwellings for employees does not seem like a correct proportion for agricultural workers to manage these farming.

Department of Planning and Permitting, please do not allow this property to be subdivided. It will not be used for the purpose intended of Ag Land, in part due to the price the lots will be sold for, but instead become luxury home and most likely illegal vacation rentals. Kennedy Wilson has many thousands of properties, but does not manage farms and agriculture- this is not their area of expertise, whereas they do know a lot about multifamily, commercial and residential properties.

Sincerely,
Lara Charnin
68-615 Farrington Hwy.
Waialua, HI 96791

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

HHF PLANNERS
places for people

January 7, 2019

Ms. Lara Charnin
68-615 Farrington Highway
Waialua, HI 96791

Dear Ms. Charnin:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 20, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *There is no mention of continuing to provide water for the Mokuleia residents, or improving their water delivery system, or allowing the existing fire hydrants to have water access!*

Response: Your comments regarding the problems with the current North Shore Water Company (NSWC) system are acknowledged.

The Applicant (Dillingham Ranch Aina LLC) is the developer of the Proposed Project. The private water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by Dillingham Ranch Aina LLC (DRA) and not by NSWC. . NSWC will continue to supply water to the Mokulēiʻa Community unrelated to the development of the Proposed Project

Concerns about the current water service and related infrastructure provided by NSWC to the Mokulēʻia community, and expenses related to any required improvements to address any deficiencies are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Notwithstanding the scope of the EIS, we note that Applicant's development of the Proposed Project should have a beneficial effect on NSWC's access to source and storage. Currently, the single well owned by NSWC and that is used to serve the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawai'i 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure. Water service and maintenance of infrastructure will remain the responsibility of NSWC.

2. *What about protecting the habitat of the endangered Hoary Bat, Oahu Tree snail, as well as endangered plant species.*

Response: With respect to the ʻōpeʻapeʻa (Hawaiian hoary bat), biological resources for the Proposed Project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the DEIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The DEIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 3.7 of the DEIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. Botanical resources are discussed in detail in Section 3.6 and Appendix C of the DEIS. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the

proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

3. *Does treating "effluent" water equal dumping and contaminating the soil and ground water?*

Response: You question whether the soil and aquifer will be damaged from the wastewater treatment plant on the Project Site. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems.

4. *Separate from the DEIS, why does this property allow its sand and rocks to be mined?*

Response: A State Special Use Permit was approved by the State Land Use Commission in 1972 to allow sand mining on the Dillingham Ranch property. Sand mining operations ceased by the 1980s, and no such activities occur today. The landowner is actively pursuing a process to ensure this permit is extinguished to prevent any future sand mining in the future.

5. *With 70 lots, only 4 dwellings for employees does not seem like a correct proportion for agricultural workers to manage these farming.*

Response: The provision of four employee housing units is not intended to provide housing for all employees that would be needed for activities on the property. The landowner wanted to accommodate some housing for employees.

6. *Department of Planning and Permitting, please do not allow this property to be subdivided. It will not be used for the purpose intended of Ag Land, in part due to the price the lots will be sold for, but instead become luxury home and most likely illegal vacation rentals. Kennedy Wilson has many thousands of properties, but does not manage farms and agriculture- this is not their area of expertise, whereas they do know a lot about multifamily, commercial and residential properties.*

Response: You state that the farm dwellings will be used for vacation rentals. The Covenants, Conditions and Restrictions (CC&Rs) that will govern the Lot Owners Association for the future subdivision will specifically prohibit vacation rentals.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

66-474 Kilioe Place

Haleiwa, Hi 96712

Feb. 20, 2018

HHF/Scott Ezer

733 Bishop Street, Suite 2590

Honolulu, Hawaii 96813

Dear HHF, Scott Ezer and other decision makers:

Re: Opposed to Kennedy Wilson INC/Dillingham Ranch Aina LLC development of Agricultural Land in Mokuleia.

Those in attendance at the NorthShore special Neighborhood Board meeting made it abundantly clear with a multitude of reasons why this development is wrong, inappropriate and should not be approved. Its EIS is based on many false assumptions and research. 1. What was your impressions of the meeting and how will that impact your plans to develop this area?

There are numerous endangered species in this area. The Hawaiian Oahu tree snail was once abundant in this area and are now all extant species are endangered. They were mentioned extensively in Hawaiian folklore and songs and their shells were used for lei and other ornaments. All 41 species are of the genus Achatinella also known as the O'ahu tree snail are federally listed as endangered.

The Hawaiian hoary bat or ope'ape'a is found in the, above mentioned development area. It is also listed on the federal endangered species list.

This property is part of the IAL designated agricultural land on O'ahu. This fertile land needs to remain totally in agriculture. There is not room for 5,000 to 7,000 sq. ft homes/mansions on agriculture land. These 70 lots are obviously for the very rich who might or might not plant a few trees or have their own horses. The obvious intent is to create a gated community for the super-rich and not to provide food and agriculture jobs and businesses for the community. This developer can easily hire lawyers who know how to follow the letter of existing laws, but there must be room to also consider what is the obvious intent. 2. How are you going to address this misuse of IAL and the issue of endangered species on this area where you plan your development?

Water is scarce as it is now for the Mokuleia community. There have been threats by the developer that they could make water scarcer and more expensive or not available at all. 3. How are you going to address these water concerns expressed by the community?

When the development representatives were asked at the community meeting the meaning of Mokuleia. They did not have any answer. It seems they did not bother to acknowledge any of the great

Hawaiian meanings and connections to this area which symbolizes the abundance and importance of the "the bread basket of O'ahu". 3. Why wasn't more thought given to the historical and agricultural value of this land?

Sewage is a huge issue. An injection sewage plant would have the same effect as the one in Lahaina which the court system has deemed actionable. It is obvious that sewage will end up in the ocean damaging the coral, fish population and polluting the water. 4. What are your plans that will guarantee this will not happen?

The traffic study you have in your statement is obviously inaccurate to anyone who lives or visits in this area. You have heard the community voice this. 5. What are your plans to address the traffic issue?

The property tax for all the residence will go up based on the high value of the homes and property in your development. 6. How is this fair to those who have lived for years and even generations in this area?

What about a community assessment? 7. Did you talk to anyone in the community?

8. Would you disagree with this statement? If so, why? This is a luxury commercial development taking away real ag land.

9. Why do you think members of the community are upset to know rocks are being taken and moved from the property?

10. How can you stop this gated community from becoming rentals and Airbnb?

11. Are you willing to talk to the Northshore Land Trust? Why or why not?

12. How do you plan to update the electrical, road and water?

I was told you will answer in writing all questions. Please answer the above 12 questions.

Sincerely,

Mary and Herbert Chun

Mary and Herbert Chun

Homeowners in Haleiwa and long time residence

HHF PLANNERS
places for people

January 7, 2019

Mary and Herbert Chun
66-474 Kilioe Place
Haleʻiwa, HI 96712

Dear Mr. and Ms. Chun:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 20, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *Those in attendance at the North Shore special Neighborhood Board meeting made it abundantly clear with a multitude of reasons why this development is wrong, inappropriate and should not be approved. Its EIS is based on many false assumptions and research. What was your impressions of the meeting and how will that impact your plans to develop this area?*

Response: This question is not directly related to the content of the Draft EIS. However, the Draft EIS contains information and analyses that provides answers to many of the comments at the meeting. The Draft EIS was available for a 45-day public review period, commencing on January 8 and ending on February 22. In addition, we received a comment letter from the North Shore Neighborhood Board that includes all the oral comments presented at the February 14, 2018 meeting. A response to the North Shore Neighborhood Board letter will be included in the Final EIS.

2. *There are numerous endangered species in this area. The Hawaiian Oʻahu tree snail was once abundant in this area and are now all extant species are endangered. They were mentioned extensively in Hawaiian folklore and songs and their shells were used for lei and other ornaments. All 41 species are of the genus Achatinella also known as the Oʻahu tree snail are federally listed as endangered.*

   The Hawaiian hoary bat or ʻōpeʻapeʻa, is found in the, (sic) above mentioned development area. It is also listed on the federal endangered species list.

   How are you going to address the issue of endangered species on this area where you plan your development?

Response: With respect to the ʻōpeʻapeʻa (Hawaiian hoary bat), biological resources for the Proposed Project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the Project Site, including in 1992, 2008 and 2014. This

species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. Botanical resources are discussed in detail in Section 3.6 and Appendix C of the DEIS. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional was commissioned study to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

3. *This property is part of the IAL designated agricultural land on Oʻahu. This fertile land needs to remain totally in agriculture. There is not room for 5,000 to 7,000 sq. ft homes/mansions on agriculture land. These 70 lots are obviously for the very rich who might or might not plant a few trees or have their own horses. The obvious intent is to create a gated community for the super-rich and not to provide food and agriculture jobs and businesses for the community. This*

developer can easily hire lawyers who know how to follow the letter of existing laws, but there must be room to also consider what is the obvious intent.

How are you going to address this misuse of IAL on this area where you plan your development?

Response: The property is not currently designated as Important Agricultural Land (IAL) by the City and County of Honolulu. It is identified as IAL on Draft maps that have been transmitted to the Honolulu City Council for consideration before they can forwarded to the State Land Use Commission for adoption. This process could possibly take several months to complete and is not pertinent to the EIS. The landowner is following the letter of the agricultural subdivision rules and regulations, including a requirement to prepare an Agricultural Plan that must be reviewed and accepted by the State Department of Agriculture. In fact, such a plan was prepared, and is discussed in Sections 2.3.4 and 4.7 and Appendix H of the DEIS. This plan, in fact, was accepted by the State Department of Agriculture.

4. *Water is scarce as it is now for the Mokulēʻia community. There have been threats by the developer that they could make water scarcer and more expensive or not available at all. How are you going to address these water concerns expressed by the community?*

Response: The Applicant is unaware of any threats that have been made to curtail or restrict water service to Mokulēʻia residents. The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC), not by the Applicant. The Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by Dillingham Ranch Aina LLC (Applicant or DRA) and not by NSWC. The PUC is the regulatory entity that establishes rates to be paid by customers for water and other utility services.

Concerns about water availability for NSWC to service the Mokulēʻia community are existing conditions that are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Although addressing existing concerns related to the NSWC service is unrelated to the Proposed Project and is beyond the scope of this EIS, Applicant's development of the Proposed Project is expected to enhance source and storage for NSWC.

NSWC owns only one well and it is located within the Proposed Project. The Applicant will make improvements to the existing NSWC system by transferring two of Applicant's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). Applicant will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In

addition, Applicant will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed).

5. *When the development representatives were asked at the community meeting the meaning of Mokulēʻia. They did not have any answer. It seems they did not bother to acknowledge any of the great Hawaiian meanings and connections to this area which symbolizes the abundance and importance of the "the bread basket of Oʻahu ". Why wasn't more thought given to the historical and agricultural value of this land?*

Response: We acknowledge that neither the Applicant nor its consultant were able to respond accurately when asked for the literal translation of "Mokulēʻia" at the Neighborhood Board meeting. We respect the significance of Hawaiian names and their role in recognizing and preserving the history and culture of a region, an ahupuaʻa, a stream, a hill, a pōhaku or any other manifestation of the physical environment. Section 4.5 of the Draft EIS describes the cultural resources of the property and the region, based on a Cultural Impact Assessment that is included in its entirety in Appendix G of the EIS.

6. *Sewage is a huge issue. An injection sewage plant would have the same effect as the one in Lahaina which the court system has deemed actionable. It is obvious that sewage will end up in the ocean damaging the coral, fish population and polluting the water.*

   What are your plans that will guarantee this will not happen?

Response: Neither the groundwater nor the ocean water will be adversely impacted by the proposed wastewater treatment plant on the Project Site. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the DEIS. The proposed wastewater treatment plant does not include an injection well. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems.

7. *The traffic study you have in your statement is obviously inaccurate to anyone who lives or visits in this area. You have heard the community voice this. What are your plans to address the traffic issue?*

Response: You express concern about increased traffic and suggest that the Draft EIS traffic study is flawed. The Traffic Impact Analysis Report (TIAR) was conducted specifically for the Proposed Project and is discussed in detail in Section 4.11.1 and Appendix I of the Draft EIS. The report concluded that all traffic movements in the area will remain at acceptable levels of service. Based on the findings of the traffic study, the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term, construction-related traffic) are required.

8. *The property tax for all the residence will go up based on the high value of the homes and property in your development. How is this fair to those who have lived for years and even generations in this area?*

Response: Property tax assessments are complex and consider many factors, including the age of the structure, the size of the structure, the use of the land, and its location. It is not anticipated that the Proposed Project will affect regional property tax structures.

9. *What about a community assessment? Did you talk to anyone in the community?*

Response: Your comment is not clear. A Cultural Impact Assessment (CIA) was prepared for the Draft EIS, and is discussed in detail in Section 4.5 and Appendix G of the DEIS. The Proposed Project was reviewed at several community meetings, including with the Mokulēʻia Community Association (9/10/16 and 6/19/17) and the Northshore Neighborhood Board No. 27 (8/10/15, 6/27/17 and 2/14/18).

10. *Would you disagree with this statement? If so, why? This is a luxury commercial development taking away real ag land.*

Response: The proposed project is an agricultural subdivision. There are no commercial retail activities included in the project. The Dillingham Lodge will continue to operate as a venue hosting weddings and other private events (in compliance with a variance granted by the Department of Planning and Permitting in 2000, and horse boarding will continue to be offered to individuals who need a place to keep their horses. As explained in Section 5.2.2 of the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. Each of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet. Real agriculture will take place on the property, in conformance with an Agricultural Plan for the Project accepted by the State Department of Agriculture (Appendix H of the Draft EIS).

11. *Why do you think members of the community are upset to know rocks are being taken and moved from the property?*

Response: In the recent past, neighbors of Dillingham Ranch have approached Ranch employees on occasions of high surf events causing coastal erosion, to provide rack material to stabilize their shorelines in emergency situations. These rocks were taken from existing piles of rocks remaining from sugar cane operations at the Ranch and did not involve activities related to commercial sale of rock materials from the Ranch, which does not occur.

12. How can you stop this gated community from becoming rentals and Airbnb?

Response: Conditions, Covenants and Restrictions (CC&Rs) will be prepared for the Lot Owners Association and will include prohibitions on transient vacation rental use. The CC&Rs will be the rules governing the operation of the agricultural subdivision for the Lot Owners Association and will be recorded with the State of Hawai‘i.

13. Are you willing to talk to the Northshore Land Trust? Why or why not?

Response: The landowner is not willing to have a conversation with the Northshore Land Trust, or any other entity that wishes to purchase the property.

14. How do you plan to update the electrical, road and water?

Response: Section 4.11 and Appendix A of the DEIS discuss infrastructure requirements and plans in detail. This includes water, wastewater, drainage, electricity and roadways. All infrastructure improvements must meet City and County subdivision standards.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Dear HHF Planners and the Department of Planning and Permitting,

I strongly oppose the development by Dillingham Ranch Aina, LLC on Dillingham Ranch. Not only will it cause more traffic and more congestion and more deterioration of Farrington Highway, and not just the neglecting of our ancestral sites but for the fact that they are tearing up the land that has been available to all in the community, but for the fact that they just want to take care of just a few cultural sites when there is a lot more that they did not propose to preserve by restoring. I am a native Hawaiian that grew up here and have lived on this side of the island for all my life which is 44 years. I have seen so much drastic change in not just the amount of people and traffic but what it has done to the wildlife and our forests. As a native Hawaiian that is the most important, the land that provides not just for the wildlife but also for the people. We can use this land in so many better ways then to just build and subdivide, which will not only destroy its natural inhabitants, but what Hawaiians protected their whole life. Without the land there is no future for our people. I truly believe in this way of life and would like it to be preserved not just for my child but generations to come. It's such a good feeling when I come home from being in town all day to such a quite and peaceful life in this small corner of the island. The rest of the island on the South side is so terrible, you can see as more years go by the less people care of their surroundings. Everybody wants to build on this island we need to keep open space. Enough building, I propose we protect this land and put into perpetuity.

Samson Chun
68-024 Laau Paina Pl.
Waialua, Hi 96791

2/21/2018

HHF PLANNERS
places for people

January 7, 2019

Mr. Samson Chun
68-024 Laau Paina Place
Waialua, HI 96791

Dear Mr. Chun:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I strongly oppose the development by Dillingham Ranch Aina, LLC on Dillingham Ranch. Not only will it cause more traffic and more congestion and more deterioration of Farrington Highway…*

Response: Your comment of Proposed Project is acknowledged. Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that *"…the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required"*.

2. *…and not just the neglecting of our ancestral sites but for the fact that they are tearing up the land that has been available to all in the community, but for the fact that they just want to take care of just a few cultural sites when there is a lot more that they did not propose to preserve by restoring.*

Response: Section 4.4 of the Draft EIS, Archaeological and Historic Resources, and Section 4.5, Cultural Resources, are based, in part, on the findings of the Cultural Impact Assessment prepared in 2017 for the Proposed Project (contained in its entirety in Appendix G to the Draft EIS), and also on documents contained in Appendix E (prepared in 2017), which include a summary of archaeological studies and reviews by the Hawaiʻi State Historic Preservation Division. The Preservation Plan for archaeological resources is required to be reviewed and accepted by the State Historic Preservation Division. Compliance with the Preservation Plan specified in the mitigation measures is required. Your comment that the land has been available to all in the community is acknowledged, although this is not accurate as the property has been privately owned for over 100 years..

3. *I am a native Hawaiian that grew up here and have lived on this side of the island for all my life which is 44 years. I have seen so much drastic change in not just the amount of people and traffic but what it has done to the wildlife and our forests. As a native Hawaiian that is the most important, the land that provides not just for the wildlife but also for the people.*

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Response: Botanical Resources are discussed in Section 3.6 and Biological Resources are discussed in Section 3.7 of the Draft EIS. No listed, threatened or endangered species have been found on the Project Site during surveys conducted for the EIS. It is acknowledged that some species may use the Project Site, although they were not identified during the surveys. It is acknowledged that there are four endangered species of water birds that inhabit a man-made pond near Farrington Highway, which was created during sand mining activities that were ongoing during the 1970s and 1980s. These include the: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is not near any of the construction activities proposed for the agricultural subdivision. Mitigation measures have been included in the Draft EIS to ensure that these species and their habitat are not harmed.

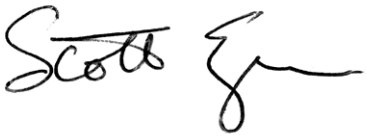
4. *We can use this land in so many better ways then to just build and subdivide, which will not only destroy its natural inhabitants, but what Hawaiians protected their whole life. Without the land there is no future for our people. I truly believe in this way of life and would like it to be preserved not just for my child but generations to come. It's such a good feeling when I come home from being in town all day to such a quiet and peaceful life in this small corner of the island. The rest of the island on the South side is so terrible, you can see as more years go by the less people care of their surroundings. Everybody wants to build on this island we need to keep open space. Enough building, I propose we protect this land and put into perpetuity.*

Response: Your comment on the importance of the land is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2): *"It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property."*

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Letter of Opposition

Date: 2/17/18

To Whom it May Concern,
I am Jennifer Clark, a North Shore resident living at
68-059 Waialua Beach Rd #B
Waialua HI 96791

Please stop the Kennedy Wilson development at Dillingham Ranch which will only lead to more and more "fake" farms that will overburden an already fragile and unsupported infrastructure of roads, water, schools and public services

Why can't the State or county do a bond issue to raise funds to buy the Ranch, develop a coconut farm, which would generate jobs, income for the State and still preserve this pristine environment that hosts endangered Coots, other birds, rare plants and wildlife? Part of this land could be made into a public park as well! There are historic Hawaiian cultural sites, including Heiaus sprinkled throughout the Ranch which also would be destroyed

Lastly, these developments will mostly end up as large houses *pretending* to be farms (gentlemen farms and/or illegal vacation rentals). Importantly, these developments will end up cheating the State out of much needed tax dollars because when falsely zoned Ag 2, owners will pay a*much* lower tax rate
Stop the Kennedy Wilson development of Dillingham Ranch! Please!

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you

Respectfully,
Phone 808-594-0061

HHF PLANNERS
places for people

January 7, 2019

Ms. Jennifer Clark
68-059 Waialua Beach Road #B
Waialua, HI 96712

Dear Ms. Clark:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 17, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Please stop the Kennedy Wilson development at Dillingham Ranch which will only lead to more and more "fake" farms that will overburden an already fragile and unsupported infrastructure of roads, water, schools and public schools.*

Response*:* Your comment on the Proposed Project is acknowledged. Your request to stop the subdivision should be directed to the Department of Planning and Permitting. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

With respect to roads and traffic, the Draft EIS includes a full discussion of traffic impacts in Section 4.11.1 and Appendix I; water is discussed in Section 4.11.2 and Appendix A; and impacts associated with public schools in Section 4.10.2.

2. *Why can't the State or county do a bond issue to raise funds to buy the Ranch develop a coconut farm which would generate jobs income for the State and still preserve this pristine environment that hosts endangered Coots other birds rare plants and wildlife? Part of this land could be made into a public park as well. There are historic Hawaiian cultural sites including Heiaus sprinkled throughout the Ranch which also would be destroyed.*

Response*:* The question of whether any governmental entity wishes to condemn the Dillingham Ranch property for public purposes is not a decision that rests with the Applicant (Dillingham Ranch Aina LLC). Such a decision must be taken up and approved by either the Hawai'i State Legislature or the City Council for the City and County of Honolulu. Even if the land were to be condemned, the government would still need to pay the land owner the appraised value of the land. In the event the landowner and the government could not agree on the appraised value, the matter would be decided by the courts.

3. *Lastly, these developments will mostly end up as large houses pretending to be farms (gentlemen farms and/or illegal vacation rentals). Importantly, these developments will end up cheating the State out of much needed tax dollars because when falsely zoned AG2 owners will pay a much lower tax rate. Stop the Kennedy Wilson development of Dillingham Ranch! Please!*

   Please DO NOT allow this development of Dillingham Ranch AG2 zoned property. Once the project has started, there is no rewinding the process.

Response*:* Your comment on the Proposed Project, and your request to stop the subdivision are acknowledged. This comment is better directed to the Department of Planning and Permitting. As explained in Section 5.2.2 of the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet. The Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final subdivision

approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix J of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

Letter of Opposition

2-16-2018

2018 FEB 20 PM 4:17
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

To whom it may concern,

I am Andrew Cole, a North Shore resident living at 67-395 Farrington Highway, Waialua, HI. 96791.

I strongly opposed the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine arrears on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zone laws, which remove vital farmlands that should instead be used for growing food, rather than oversize houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy two acre Ag 2 plots sold by these developers! Stop this development please!

Thank you,

Please DO NOT allow this development on Dillingham Ranch AG@ zoned property. Once the project has started there is no rewinding the process.

Respectfully,
Andrew Cole
Phone 808-637-6488
Andrew D. Cole

HHF PLANNERS
places for people

January 7, 2019

Mr. Andrew Cole
67-395 Farrington Highway
Waialua, HI 96791

Dear Mr. Cole:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 16, 2018 providing comments during the public review period for the Draft Environmental Impact Statement (Draft EIS) for the agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I strongly opposed the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulēʻia. It puts at risk one of the last pristine areas on the North Shore.*

Response: Your comment on the Proposed Project is acknowledged. Your characterization of the project site as "pristine" is not accurate. Over the last 100 years, Dillingham Ranch has been the site of intensive agriculture (sugar cane, cattle grazing), equestrian activities (horse boarding and grazing), a commercial event venue and sand mining operations. It is more accurate to say that Dillingham Ranch has retained its rural character. The Proposed Project will also retain the rural character of Dillingham Ranch.

2. *With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zone laws, which remove vital farmlands that should instead be used for growing food, rather than oversize houses.*

Response: The Applicant (Dillingham Ranch Aina LLC) has followed all applicable State and County laws and policies related to agriculture, as discussed in Chapter 5 of the Drat EIS. Your comment on the importance of the land is acknowledged.

As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet. The Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted

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Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix J of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish. The objectives of the Proposed Project are discussed as follows (p. 2-2): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*".

3. *We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy two acre Ag 2 plots sold by these developers! Stop this development please!*

Response: With respect to agricultural production, please see response to Question#2, above.

4. *Please DO NOT allow this development on Dillingham Ranch AG@ zoned property. Once the project has started there is no rewinding the process.*

Response: Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawai'i, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls, including Hawai'i Revised Statutes Chapter 226.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

15 February 2018

HHF Planners
733 Bishop St., Suite 2590
Honolulu, HI 96813

Dear HHF Planners and the Department of Planning and Permitting,

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia for the following reasons:

Water: Dillingham Ranch currently manages a public utility that provides water to all of Mokuleia. Water pressure to the fire hydrants is inadequate, and occasionally when the electrical generator fails at the Ranch, there is no water (at all) for residents along Farrington Highway toward Ka'ena Point. This is a serious fire hazard. Kennedy Wilson has stated they would not upgrade water service, thus holding the rest of Mokuleia residents captive.

Wealth: this project does not help the North Shore nor a majority of its residents, especially small farmers, for whom these lots are seriously out of reach financially. There is something seriously wrong with the abuse of current regulations for the Ag2 zoning designation that allows million dollar lots at a time when affordable housing is difficult to obtain for local people. Offering a modest annual amount of $50,000 to North Shore schools (extending from Waialua to Laie) does not establish a connection to the community but merely serves as a token gesture! If this project moves forward it also opens the door to other developers using the Ag2 designation on over 18,000 acres for sale on the North Shore. Wealthy hobby farmers or those that pretend to farm and use their property for vacation rentals just exacerbates the existing problems in this region.

Infrastructure: Farrington Highway is in terrible shape! There are often heavy vehicles from military convoys, as well as more and more people using the road to get away and enjoy nature, but there is no future repaving projected by the state (according to their website). More people building and living in the region will tax the poor-quality highway and public services.

Nature and culture: many people hike, bike, run, fish, surf and swim in this region. There are endangered species of birds, plants and wildlife on the property and just above it in the mountains, as well as historic cultural sites that warrant protection.

Homeowners Association(?): it seems risky and dangerous to leave decisions about water for others, sewage treatment, public access for recreation and cultural sites, and self-enforcement of "farming" rules to the 70 owners of the lots!

This section of Oahu, from Waialua to Ka'ena Point, needs to be protected and preserved as one of the last regions of true "country." The inevitable march of development and encroachment on open land is CANNOT be compared to the large open spaces remaining on the U.S. mainland. We need stricter zoning laws! Please stop the Kennedy Wilson development of Dillingham Ranch!

Thank You,

Thomas Danner and Helen Kalili
68-615 Farrington Highway, Apt. 25A
Waialua, HI 96791
kalili.danner@gmail .com
808-200-5528

HHF PLANNERS
places for people

January 7, 2019

Mr. Thomas Danner and Ms. Helen Kalili
68-615 Farrington Highway, Apt. 25A
Waialua, HI 96791

Dear Mr. Danner and Ms. Kalili:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 15, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulēʻia for the following reasons.*

Response: Your comment regarding the Proposed Project is acknowledged.

Water: Dillingham Ranch currently manages a public utility that provides water to all of Mokulēʻia. Water pressure to the fire hydrants is inadequate, and occasionally when the electrical generator fails at the Ranch, there is no water (at all) for residents along Farrington Highway toward Kaʻena Point. This is a serious fire hazard. Kennedy Wilson has stated they would not upgrade water service, thus holding the rest of Mokulēʻia residents captive.

Response: The water system that supplies certain residential customers (approximately 100) in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by Dillingham Ranch Aina LLC (DRA) and not by NSWC.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (low water pressure for fire hydrants, electrical failures), and expenses related to any required improvements to address those deficiencies, are outside the scope of this EIS and are not part of the Proposed Project. Those are matters are to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.
Currently existing concerns regarding the water service provided in Mokulēʻia are outside the scope of the EIS. The concerns related to the water distribution system noted in your comment letter exist

today, irrespective of the development of the Proposed Project. The deficiencies within the NSWC system pre-date NSWC's ownership of the system. However, the sole well owned by NSWC which serves the NSWC system is located within the Project Site.

Nevertheless, the development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source used by NSWC.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. As a part of the development of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service to serve the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, the Applicant's proposed improvements to the NSWC system, described above, should address certain current deficiencies in the NSWC source and storage. However, water system improvements to address concerns with the present operations of NSWC, unrelated to the effects of the Proposed Project, remain the responsibility of NSWC.

2. *Wealth: this project does not help the North Shore nor a majority of its residents, especially small farmers, for whom these lots are seriously out of reach financially. There is something seriously wrong with the abuse of current regulations for the Ag2 zoning designation that allows million dollar lots at a time when affordable housing is difficult to obtain for local people. Offering a modest annual amount of $50,000 to North Shore schools (extending from Waialua to Lāʻie) does not establish a connection to the community but merely serves as a token gesture! If this project moves forward it also opens the door to other developers using the Ag2 designation on over 18,000 acres for sale on the North Shore. Wealthy hobby farmers or those that pretend to farm and use their property for vacation rentals just exacerbates the existing problems in this region.*

Response: The landowner is following all land use laws and policies regarding agricultural land (Chapter 205, Hawaii Revised Statutes, North Shore Sustainable Communities Plan, Land Use Ordinance and Subdivision Rules and Regulations), including a requirement to prepare an Agricultural Plan that must be reviewed and accepted by the State Department of Agriculture. Such a plan was prepared, and is discussed in Sections 2.3.4 and 4.7 and Appendix H of the Draft EIS. This plan, was accepted by the State Department of Agriculture. You suggest that the landowner's offer

of $50,000 a year for 10 years for North Shore schools to promote education on hydroponic farming is "modest." The total proposal is for $500,000, which is a significant contribution.

As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix J of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

3. *Infrastructure: Farrington Highway is in terrible shape! There are often heavy vehicles from military convoys, as well as more and more people using the road to get away and enjoy nature, but there is no future repaving projected by the state (according to their website). More people building and living in the region will tax the poor-quality highway and public services.*

Response: The DEIS discusses infrastructure in Section 4.11. This Section discusses roadways/traffic, the water system, the wastewater system, the drainage system and the electrical/communications systems. Potential impacts associated with infrastructure are mitigated, as discussed in Section 4.11.

Traffic attributable to the residents and development of the agricultural subdivision is not a significant percentage of the overall traffic movements on Farrington Highway. The condition of Farrington Highway is the responsibility of the State Department of Transportation (DOT), Highways Division, and the scheduling of repaving for Farrington Highway would follow their maintenance protocols. It should be noted that DOT-Highways plans to resurface Farrington Highway from Weed Circle to the Makaleha Bridge in 2021

Section 4.10, Public Services, of the Draft EIS analyzes potential impacts associated with police and fire services. That Section concludes that (p. 4-37): *"The Proposed Project will not affect areas presently served by police, fire, and EMS responders nor will it place undue demands on their ability to provide service in accordance with their service standards…The Proposed Project will not have a significant effect upon public safety care providers. Therefore, no mitigation measures are required.*"

4. *Nature and culture: many people hike, bike, run, fish, surf and swim in this region. There are endangered species of birds, plants and wildlife on the property and just above it in the mountains, as well as historic cultural sites that warrant protection.*

Response: With respect to recreational activities, access to hiking trails in the region will not be affected, and there is no development proposed along the shoreline; therefore, access to marine resources and recreational activities will not be affected.

No federally listed species (birds, plants, animals) have been discovered within the Project Site as a result of any of the studies conducted for this Draft EIS, or previous surveys. There is some critical habitat established by the U.S. Fish and Wildlife Service on the far western end of the Ranch property, but this is approximately one mile from any of the areas to be disturbed by activities for the proposed agricultural subdivision. These resources are discussed in detail in Sections 3.6 and 3.7 and Appendices C and D of the Draft EIS.

The potential impact of the Proposed Project on endangered species are discussed in Section 3.7 of the Draft EIS. During the most recent biological resources survey of the project site (contained in the Draft EIS, Appendix D, Avifaunal and Feral Animal Field Survey) conducted in 2014, the endangered Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck and Black-necked stilt were all observed on the project site (p. 3-36).

The habitat for these endangered water birds is located within man-made ponds mauka of Farrington Highway that were created during sand mining operations on the property in the 1970s and 1980s. The birds seem to be thriving in this location, which is not included in the land area to be subdivided for farm lots, and will not be subject to any development activities. Nevertheless, Section3.7 provides mitigation measures to ensure that these birds are not disturbed.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the DEIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaii on the island of Oahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaii Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional was commissioned study to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

5. *Homeowners Association (?): it seems risky and dangerous to leave decisions about water for others, sewage treatment, public access for recreation and cultural sites, and self-enforcement of "farming" rules to the 70 owners of the lots!*

Response: With regard to potable water, the North Shore Water Company (NSWC), a private utility provider, operates the water system. The Lot Owners Association (LOA) will have no responsibility for potable water. The rest of the infrastructure on the site (roads, wastewater, drainage) will be the responsibility of the LOA. In turn, the LOA will contract the operation and maintenance of these services/facilities to third parties with expertise in their respective disciplines. The Conditions, Covenants and Restrictions (CC&Rs) governing the LOA will include requirements to farm. The CC&Rs will be enforceable by the City and County of Honolulu.

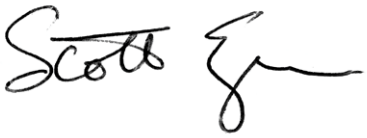
6. *This section of O'ahu, from Waialua to Ka'ena Point, needs to be protected and preserved as one of the last regions of true "country." The inevitable march of development and encroachment on open land is CANNOT be compared to the large open spaces remaining on the U.S. mainland. We need stricter zoning laws! Please stop the Kennedy Wilson development of Dillingham Ranch!*

Response: Your comments regarding restricting development and your desire for stricter zoning laws are acknowledge d. They are outside the ability of the landowner to affect. Your comments are better directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

2/15/2018

HHF Planners
733 Bishop St.
Suite 2590
Honolulu HI 96813

To whom it may concern,

I am Erika Dittmar, a concerned North Shore resident in opposition of the Kennedy Wilson development at Dillingham Ranch in Mokule'ia.

The so-called "agricultural development" proposed in the plan for development of Dillingham ranch is not an appropriate use of precious agricultural land on O'ahu. Examining the DEIS released by Scott Ezer on December 21, 2017, it is clear the underlying intentions developers have for the property. Cleverly disguising the development as "agricultural lots" it is clear when reading the entire DEIS that this rich and corrupt company has no intention to make money on agriculture. Kennedy Wilson invests in "luxury real-estate and investments" and is based out of Beverly Hills, CA. This 18 billion-dollar company thrives on destroying land in small communities to build housing for the rich. This is not a company interested in agriculture or giving back to the community and people like them do not belong on the North Shore.

In the DEIS, Kennedy Wilson states they will use 2,721.02 acres for agricultural development. Of that land, only 778.70 acres will actually be used as "agricultural lots" and each will have a home no larger than 5,000 square feet. This large footprint is excessive as the average home size on O'ahu is roughly 1,500 square feet. This along with the other information provided in the DEIS makes it clear that Kennedy Wilson is building a gated community for millionaires, complete with fruit trees in each yard, quaint, manicured ponds, and a short walk to the beach. This development shows no benefit to the local community and will further put strain on an already struggling working-class on the North Shore being pushed out by rich foreign investors buying second homes or coming over for a luxury vacation at an Air BnB.

The DEIS written by Scott Ezer, representing Kennedy Wilson, is incomplete, inaccurate, and utterly unethical. There are too many issues to point out so this letter focuses on the portion of the DEIS that pertains to endangered wildlife. Hawai'i has more threatened and endangered species than any place on the planet. It is appalling that Kennedy Wilson's DEIS includes nearly nothing regarding these species, no details of the surveys that were completed, and a questionable resume for the one individual listed as surveying and writing the wildlife section of the DEIS. The DEIS submitted for Kennedy Wilson is 1,782 pages with only 4 pages reserved for endangered wildlife survey methods, results, discussion, and mitigation efforts. The lack of effort on the part of Kennedy Wilson shows, as at least 8 endangered bird and bat species could be impacted by proposed actions of Dillingham Ranch.

Survey methods for endangered species need to be completed by trained specialists who understand the biology and behaviors of the species in question. All endangered species surveys

were poorly conducted and reported in the DEIS. Surveys were only conducted in 1992, 2008, and 2014 and it was not stated specifically when data was collected, as many avian/bat species have yearly, seasonal and even daily habitat use patterns. All surveys for listed endangered wildlife species were likely done incorrectly and in an incomplete manner as trained expert surveyors for each of these species were not cited. Further evidence of the lack of understanding of the behaviors and biology of each of these species is in the mitigation measures proposed in the DEIS, although it is impossible to design thorough management actions when incomplete surveys were conducted.

Pueo (Hawai'ian Short-eared Owl , *Asio flammeus sandwichensis)* is an endangered species only detectable for short periods of time at dawn and dusk. Ornithologist Javier Cotin is the current specialist on O'ahu who works exclusively surveying for Pueo and should be contacted to conduct a thorough survey of the land as this species is extremely difficult to detect. Pueo have been detected in habitat similar to that at Dillingham Ranch on O'ahu and have been detected in land adjacent to the ranch. All proposed ranch activities would negatively impact Pueo breeding, roosting, and foraging.

The DEIS states that four endangered waterbird species were found nesting and/or using ponds at Dillingham Ranch. These species include: 'Alae Ke'oke'o (Hawai'ian Coot, *Fulica alai*), 'Alae'ula (Hawai'ian Moorhen, *Gallinula chloropus sanvicensis*), Koloa Maoli (Hawai'ian Duck, *Anas wyvilliana*), and Ae'o (Hawai'ian Stilt, *Himantopus mexicanus knudseni*). As stated correctly in the DEIS, the four species listed above, are endangered due to the lack of suitable wetland habitat and even small ponds like those on Dillingham Ranch, could be critical habitat for nesting and foraging endangered birds. These four species are directly impacted by altered hydrology, modifications to habitat to make areas suitable for municipal water sources, which is clearly the proposed plan by Dillingham Ranch. Building private wells will alter the ponds at Dillingham Ranch drastically and during dry season, the ponds could dry up completely.

The DEIS survey states that no endangered seabirds were detected at Dillingham Ranch but these species only use land during nesting seasons and can easily be overlooked with improper survey methods. The area should be surveyed in January-February for nesting Moli (Laysan Albatross, *Phoebastria immutabilis*) as many of these endangered seabirds are now nesting outside of the nearby Ka'ena Natural Area Reserve colony. Wildlife Services at Dillingham Airfield monitors nesting Moli around the airstrip, directly adjacent to the Dillingham Ranch property. December nesting surveys for 'Ua'u kani (Wedge-tailed Shearwater, *Puffinus pacificus*) should be conducted. 'Ua'u kani are difficult to detect since adults dig tunnels and lay eggs underground. These underground nests are extremely vulnerable to vehicles and foot traffic. Groups specifically trained to survey for endangered seabirds exist on O'ahu (i.e. Pacfic Rim Conservation and DLNR) and should conduct detailed surveys as many of these species can be difficult to detect. The poor survey methods presented in the DEIS (vehicle and foot surveys) are likely to miss detection of these species.

The endangered Ope'ape'a (Hawai'ian Hoary Bat, *Lasiurus cinereus semotus*) was not observed in the 2014 survey but again, surveying for this elusive species takes the work of trained professionals as bats are difficult to detect. Ope'ape'a are small and dark-colored and nearly impossible to detect visually. Proper survey methods should include either forward-looking infrared systems or acoustic monitoring partnered with foliage density indices. The DEIS states

falsely that Ope'ape'a are not commonly seen on O'ahu. This species has been documented in Hale'iwa as well as Waialua, neighbors of Dillingham Ranch. There are many trained professional on O'ahu (i.e. DLNR and UH-Manoa) that specialize in surveying for Ope'ape'a and these should be the groups conducting surveys. Ope'ape'a are declining due to loss of roosting habitat (trees >15' tall). The stated mitigation measures of not removing potential roosting trees during pupping season is inadequate. Proper surveys should be conducted first in order to determine if Ope'ape'a use the area to roost, forage, and/or raise young. Only after a complete survey is conducted can proper mitigation measures be established. If Ope'ape'a are using the area, removal of trees any time of the year can be detrimental to the this endangered species.

Nowhere in the Dillingham Ranch DEIS is it stated that The Endangered Species Recovery Committee (ESRC) has reviewed the survey methods, results, and mitigation methods. Before any decision is made to move forward with Kennedy Wilson's proposal, ESRC should be contacted and Kennedy Wilson should work with ESRC to develop legal, appropriate, and safe protocols and practices. It is disgraceful that one of the mitigation measures stated in the DEIS will be to "develop an Endangered Species Awareness Training Program, both in a PowerPoint format and as a hard copy handout to be used to train all construction workers and all managers on what to do…" The proposed idea that Dillingham Ranch will design and be responsible for their own endangered species management plan (i.e. a PowerPoint presentation) is unethical and does not follow the rules and regulations under the endangered species act. Designing a cheap and uneducated awareness program is not the proper protocol for dealing with endangered species on private land and the ESRC in coordination with the Hawai'i Department of Fish and Wildlife (DOFAW), Hawai'i Department of land and Natural Resources (DLNR), US Fish and Wildlife Services (USFWS), or any other properly trained authority should be contacted and put in charge of mitigation measures for endangered species. Anyone who has worked on a construction site understands the limitations of detecting small and conspicuous wildlife species due to the lack of visibility and noise created by heavy equipment operations. Due to Dillingham Ranch's private gate which allows minimal access, it is doubtful that any of the measures they propose to do to protect endangered wildlife will actually be implemented and there will be no proper authority representing wildlife present to hold Dillingham Ranch managers accountable for detrimental impacts to endangered birds and bats. Unless the ranch specifically hires qualified, local endangered species biologists, the proposed construction project and land use will negatively impact native species and Dillingham Ranch will not be held accountable.

According to the State of Hawai'i endangered species law, it is unlawful to harass, harm, wound, or kill any endangered species. It is likely that endangered birds and bats will be negatively impacted by the actions proposed by Kennedy Wilson. If they wish to follow the law, ranch owners should work with ESRC, Hawai'i DLNR, USFWS, and other credible organizations to arrange proper surveys for each endangered species prior to any changes to the current landscape. When development projects like that proposed by Kennedy Wilson cannot avoid take of endangered species, the landowner may seek an Incidental Take License (ITL) from the state for take of endangered species. The ITL must be accompanied by a Habitat Conservation Plan (HCP) that meets the state requirements including incidental take measures for minimization, mitigation, monitoring, and provide for a net recovery benefit to the affected species. Kennedy Wilson clearly has not conducted appropriate surveys for endangered species, has not coordinated with qualified agencies for assistance with a management plan, and has not procured

a ITL. Under the endangered species act, killing an endangered species can result in a fine of up to $13,000. Wounding or injuring an endangered species can implement a fine of up to $10,000. Also listed are violations for significant habitat modification or degradation.

Allowing corrupt corporations like Kennedy Wilson to abuse land will negatively impact the already struggling endangered bird and bat species on O'ahu. If Dillingham Ranch is to be developed, an entirely new DEIA needs to be written to include details on impacts of endangered wildlife. If Kennedy Wilson continues to develop land at Dillingham Ranch, not only will they be detrimental to wildlife, but they will impact the North Shore community of hard-working families by driving up property taxes, putting stress on an already overworked system for water and electric, misusing agriculture land to build a gated community for the rich, and many other issues. Please do not allow Kennedy Wilson to move forward with the plans to develop Dillingham Ranch.

Sincerely,

Erika Dittmar
66-029 Waialua Beach Road
Haleiwa HI 96712

Letter of Opposition

2018 FEB 22 PM 4:08

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/15/2018

To Whom it May Concern,

I am Erika Dittmar, a North Shore resident living at
66-029 ~~Haleiwa~~ Waialua Beach Rd Haleiwa HI 96712

Please stop the Kennedy Wilson development at Dillingham Ranch which will only lead to more and more "fake" farms that will overburden an already fragile and unsupported infrastructure of roads, water, schools and public services.

Why can't the State or county do a bond issue to raise funds to buy the Ranch, develop a coconut farm which would generate jobs, income for the State and still preserve this pristine environment that hosts endangered Coots, other birds, rare plants and wildlife? Part of this land could be made into a public park as well! There are historic Hawaiian cultural sites, including Heiaus sprinkled throughout the Ranch which also would be destroyed.

Lastly, these developments will mostly end up as large houses *pretending* to be farms (gentlemen farms and/or illegal vacation rentals). Importantly, these developments will end up cheating the State out of much needed tax dollars because when falsely zoned Ag 2, owners will pay *a much* lower tax rate.
Stop the Kennedy Wilson development of Dillingham Ranch! Please!

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you,

Respectfully, Erika Dittmar
Phone 808-284-2836

HHF PLANNERS
places for people

January 7, 2019

Ms. Erika Dittmar
66-029 Waialua Beach Road
Haleʻiwa, HI 96712

Dear Ms. Dittmar:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your two letters both dated February 15, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

The following is in response to the four-page letter addressed to HHF Planners.

1. *The so-called "agricultural development" proposed in the plan for development of Dillingham ranch is not an appropriate use of precious agricultural land on Oʻahu. Examining the DEIS released by Scott Ezer on December 21, 2017, it is clear the underlying intentions developers have for the property. Cleverly disguising the development as "agricultural lots" it is clear when reading the entire DEIS that this rich and corrupt company has no intention to make money on agriculture. Kennedy Wilson invests in "luxury real-estate and investments" and is based out of Beverly Hills, CA. This 18 billion-dollar company thrives on destroying land in small communities to build housing for the rich. This is not a company interested in agriculture or giving back to the community and people like them do not belong on the North Shore.*

Response: As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. The Agricultural Plan, which was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate

agricultural. As required to receive final subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix J of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

2. *In the DEIS, Kennedy Wilson states they will use 2,721.02 acres for agricultural development. Of that land, only 778.70 acres will actually be used as "agricultural lots" and each will have a home no larger than 5,000 square feet. This large footprint is excessive as the average home size on O'ahu is roughly 1,500 square feet. This along with the other information provided in the DEIS makes it clear that Kennedy Wilson is building a gated community for millionaires, complete with fruit trees in each yard, quaint, manicured ponds, and a short walk to the beach. This development shows no benefit to the local community and will further put strain on an already struggling working-class on the North Shore being pushed out by rich foreign investors buying second homes or coming over for a luxury vacation at an Air BnB.*

Response: First, although the entire property owned by Dillingham Ranch Aina, LLC is about 2,721 acres, a large portion of the land will not be used for agriculture because of its unsuitability for agricultural uses (poor soils, steep slopes). The Draft EIS does not represent that the entirety of the Dillingham Ranch property will be used for Agricultural purposes. With respect to the reference to 5,000 square-foot dwellings, the City's zoning requirements (Land Use Ordinance) specifically limit farm dwellings and their accessory uses (carport, garage, etc.) to no more than a 5,000 square-foot footprint. The actual size of any farm dwelling that might be built could be highly variable.

As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. The Agricultural Plan (appendix H of the Draft EIS), was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

With respect to using any individual property as a transient vacation rental, the Conditions, Covenants and Restrictions (CC&Rs) for the agricultural subdivision will expressly prohibit these activities. The CC&Rs will be recorded with the State of Hawaiʻi.

3. *The DEIS written by Scott Ezer, representing Kennedy Wilson, is incomplete, inaccurate, and utterly unethical. There are too many issues to point out so this letter focuses on the portion of the DEIS that pertains to endangered wildlife. Hawaiʻi has more threatened and endangered species than any place on the planet. It is appalling that Kennedy Wilson's DEIS includes nearly nothing regarding these species, no details of the surveys that were completed, and a questionable resume for the one individual listed as surveying and writing the wildlife section of the DEIS. The DEIS submitted for Kennedy Wilson is 1,782 pages with only 4 pages reserved for endangered wildlife survey methods, results, discussion, and mitigation efforts. The lack of effort on the part of Kennedy Wilson shows, as at least 8 endangered bird and bat species could be impacted by proposed actions of Dillingham Ranch.*

Response: Your interest and concern for Hawaiʻi's endangered species is acknowledged. The Draft EIS includes information on botanical and biological surveys conducted within the Project Area over the last several years. In questions and comments that follow, detailed responses are provided to your questions referring to important native species that could be relevant to the Dillingham Ranch property. It should be noted that no federally endangered or threatened species were observed within the area that would be exposed to construction activities implementing the Proposed Project, during numerous surveys of the property.

4. *Survey methods for endangered species need to be completed by trained specialists who understand the biology and behaviors of the species in question. All endangered species surveys were poorly conducted and reported in the DEIS. Surveys were only conducted in 1992, 2008, and 2014 and it was not stated specifically when data was collected, as many avian/bat species have yearly, seasonal and even daily habitat use patterns. All surveys for listed endangered wildlife species were likely done incorrectly and in an incomplete manner as trained expert surveyors for each of these species were not cited. Further evidence of the lack of understanding of the behaviors and biology of each of these species is in the mitigation measures proposed in the DEIS, although it is impossible to design thorough management actions when incomplete surveys were conducted.*

Response: With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed agricultural subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

5. *Pueo (Hawaiian Short-eared Owl, Asio flammeus sandwichensis) is an endangered species only detectable for short periods of time at dawn and dusk. Ornithologist Javier Cotin is the current specialist on Oʻahu who works exclusively surveying for Pueo and should be contacted to conduct a thorough survey of the land as this species is extremely difficult to detect. Pueo have been detected in habitat similar to that at Dillingham Ranch on Oʻahu and have been detected in land adjacent to the ranch. All proposed ranch activities would negatively impact Pueo breeding, roosting, and foraging.*

Response: With respect to the Pueo, this species has not been observed during any of the formal surveys conducted within the Dillingham Ranch Property in 1992, 2008 and 2014. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaii on the island of Oahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

Dr. Bruner's complete report will be attached to Final EIS in Appendix D.

6. *The DEIS states that four endangered waterbird species were found nesting and/or using ponds at Dillingham Ranch. These species include: ʻAlae Keʻokeʻo (Hawaiian Coot, Fulica alai), ʻAlaeʻula (Hawaiian Moorhen, Gallinula chloropus sanvicensis), Koloa Maoli (Hawaiian Duck, Anas wyvilliana), and Aeʻo (Hawaiian Stilt, Himantopus mexicanus knudseni). As stated correctly in the DEIS, the four species listed above, are endangered due to the lack of suitable wetland habitat and even small ponds like those on Dillingham Ranch, could be critical habitat for nesting and foraging endangered birds. These four species are directly impacted by altered hydrology, modifications to habitat to make areas suitable for municipal water sources, which is clearly the proposed plan by Dillingham Ranch. Building private wells will alter the ponds at Dillingham Ranch drastically and during dry season, the ponds could dry up completely.*

Response: Section 3.7 of the Draft EIS discusses biological resources on the Project Site. As discussed in this section, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location.

Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS. It is incorrect to state that the use of upland wells to supply potable water for the Proposed Project and other Mokulēiʻa residents could "dry up" or otherwise "drastically" affect the ponds which provide habitat for the species listed above.

7. *The DEIS survey states that no endangered seabirds were detected at Dillingham Ranch but these species only use land during nesting seasons and can easily be overlooked with improper survey methods. The area should be surveyed in January-February for nesting Mōlī (Laysan Albatross, Phoebastria immutabilis) as many of these endangered seabirds are now nesting outside of the nearby Kaʻena Natural Area Reserve colony. Wildlife Services at Dillingham Airfield monitors nesting Mōlī around the airstrip, directly adjacent to the Dillingham Ranch property. December nesting surveys for ʻUaʻu kani (Wedge-tailed Shearwater, Puffinus pacificus) should be conducted. ʻUaʻu kani are difficult to detect since adults dig tunnels and lay eggs underground. These underground nests are extremely vulnerable to vehicles and foot traffic. Groups specifically trained to survey for endangered seabirds exist on Oʻahu (i.e. Pacfic Rim Conservation and DLNR) and should conduct detailed surveys as many of these species can be difficult to detect. The poor survey methods presented in the DEIS (vehicle and foot surveys) are likely to miss detection of these species.*

Response: With regard to the Laysan Albatross and Wedge-tailed Shearwater, no individuals of these species have been observed on the property during previous surveys. It is possible that individuals have visited Dillingham Ranch. These species are not endangered. The Laysan Albatross is the most numerous of the three North Pacific albatrosses, and the second most numerous Hawaiian seabird. The Laysan Albatross breeds in large numbers across all of the Northwestern Hawaiian Islands, as well as small populations on Kauaʻi and Oʻahu. Its population was estimated at 2.5 million individuals in 1990, with the largest breeding colony being on Midway Island, consisting of 400,000 breeding pairs. Populations of Laysan Albatross continue to increase due to protection at its primary breeding grounds in the Northwestern Hawaiian Islands (https://kauaiseabirdproject.org/laysan-albatross/).

In Hawaiʻi, the Wedge-tailed shearwater population is estimated at 270,000 breeding pairs with the largest colonies occurring on Laysan (125,000 - 175,000 pairs), Nihoa (30,000 - 40,000 pairs), and Lisianski (10,000 - 30,000 pairs). The population in the Main Hawaiian Islands is estimated at between 40,000 and 60,000 breeding pairs with the largest colonies occurring on the offshore islands of Mānana (10,000 - 20,000 pairs), Moku Loa (10,000 - 20,000 pairs), Lehua (23,000 pairs), and Kaʻula (1,500 - 2,500 pairs). Smaller populations occur on Moku Manu, Mokuʻauia, Kāpapa, Molokini, (source: https://dlnr.hawaii.gov/wildlife/files/2013/09/Fact-Sheet-Wedge-Tailed-Shearwater.pdf)

8. *The endangered ʻōpeʻapeʻa (Hawai'ian Hoary Bat, Lasiurus cinereus semotus) was not observed in the 2014 survey but again, surveying for this elusive species takes the work of trained professionals as bats are difficult to detect. ʻŌpeʻapeʻa are small and dark-colored and nearly impossible to detect visually. Proper survey methods should include either forward-looking infrared systems or acoustic monitoring partnered with foliage density indices. The DEIS states falsely that ʻōpeʻapeʻa are not commonly seen on Oʻahu.*

> *This species has been documented in Haleʻiwa as well as Waialua, neighbors of Dillingham Ranch. There are many trained professional on Oʻahu (i.e. DLNR and UH-Manoa) that specialize in surveying for ʻōpeʻapeʻa and these should be the groups conducting surveys. ʻŌpeʻapeʻa are declining due to loss of roosting habitat (trees >15' tall). The stated mitigation measures of not removing potential roosting trees during pupping season is inadequate. Proper surveys should be conducted first in order to determine if ʻōpeʻapeʻa use the area to roost, forage, and/or raise young. Only after a complete survey is conducted can proper mitigation measures be established. If ʻōpeʻapeʻa are using the area, removal of trees any time of the year can be detrimental to this endangered species.*

Response: With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

9. *Nowhere in the Dillingham Ranch DEIS is it stated that The Endangered Species Recovery Committee (ESRC) has reviewed the survey methods, results, and mitigation methods. Before any decision is made to move forward with Kennedy Wilson's proposal, ESRC should be contacted and Kennedy Wilson should work with ESRC to develop legal, appropriate, and safe protocols and practices.*

Response: The Endangered Species Recovery Committee (ESRC) serves as a consultant to the Board of Land and Natural Resources. They have no regulatory oversight. The EIS Preparation Notice, and Draft Environmental Impact Statement were both sent to the Department of Land and Natural Resources (DLNR). It would be up to the DLNR and its various divisions (in this case most likely the Division of Forestry and Wildlife) to determine the efficacy of consulting with the ESRC regarding wildlife at Dillingham Ranch.

10. *It is disgraceful that one of the mitigation measures stated in the DEIS will be to "develop an Endangered Species Awareness Training Program, both in a PowerPoint format and as a hard copy handout to be used to train all construction workers and all managers on what to do..." The proposed idea that Dillingham Ranch will design and be responsible for their own endangered species management plan (i.e. a PowerPoint presentation) is unethical and does not follow the rules and regulations under the endangered species act. Designing a cheap and uneducated awareness program is not the proper protocol for dealing with endangered species on private land and the ESRC in coordination with the Hawai'i Department of Fish and Wildlife (DOFAW), Hawai'i Department of land and Natural Resources (DLNR), US Fish and Wildlife Services (USFWS), or any other properly trained authority should be contacted and put in charge of mitigation measures for endangered species.*

Response: The detailed biological resources mitigation measure also discusses endangered species awareness training program during the pre-construction phase. This program would be formulated by a biologist; however, to address your concerns regarding ensuring implementation of the program to meet the intent of the mitigation measure, the mitigation measure will be revised in the Final EIS as follows (revised text shown in italics): "The following mitigation measures will be *developed and* implemented *with the assistance of a biologist to ensure compliance with the State of Hawai'i endangered species law and* to minimize potential impacts to the Hawaiian Duck, Hawaiian Common Moorhen, Hawaiian Coot, Black-necked Stilt O'ahu 'Elepaio and Hawaiian hoary bat."

11. *Anyone who has worked on a construction site understands the limitations of detecting small and conspicuous wildlife species due to the lack of visibility and noise created by heavy equipment operations. Due to Dillingham Ranch's private gate which allows minimal access, it is doubtful that any of the measures they propose to do to protect endangered wildlife will actually be implemented and there will be no proper authority representing wildlife present to hold Dillingham Ranch managers accountable for detrimental impacts to endangered birds and bats. Unless the ranch specifically hires qualified, local endangered species biologists, the proposed construction project and land use will negatively impact native species and Dillingham Ranch will not be held accountable.*

Response: Dillingham Ranch Aina, LLC is fully aware of its responsibilities as a steward of its property and its obligations related to the protection of important native species. The mitigation measures included in the Draft EIS are intended to address these concerns and provide a framework to ensure appropriate action is taken to protect these species. Many of the recommended mitigation measures will be included as terms of any contract executed with companies that are hired to implement the subdivision construction.

12. *According to the State of Hawai'i endangered species law, it is unlawful to harass, harm, wound, or kill any endangered species. It is likely that endangered birds and bats will be negatively impacted by the actions proposed by Kennedy Wilson. If they wish to follow the law, ranch owners should work with ESRC, Hawai'i DLNR, USFWS, and other credible organizations to arrange proper surveys for each endangered species prior to any*

changes to the current landscape. When development projects like that proposed by Kennedy Wilson cannot avoid take of endangered species, the landowner may seek an Incidental Take License (ITL) from the state for take of endangered species. The ITL must be accompanied by a Habitat Conservation Plan (HCP) that meets the state requirements including incidental take measures for minimization, mitigation, monitoring, and provide for a net recovery benefit to the affected species. Kennedy Wilson clearly has not conducted appropriate surveys for endangered species, has not coordinated with qualified agencies for assistance with a management plan, and has not procured a ITL. Under the endangered species act, killing an endangered species can result in a fine of up to $13,000. Wounding or injuring an endangered species can implement a fine of up to $10,000. Also listed are violations for significant habitat modification or degradation.

Response: Through the EIS process and meetings, representatives of the landowner have sought input from federal and state jurisdictional agencies regarding endangered species. Appropriate minimization measures have been proposed in the Draft EIS based on this feedback, and the landowner will comply with all pertinent state and federal rules and regulations regarding endangered species.

13. *Allowing corrupt corporations like Kennedy Wilson to abuse land will negatively impact the already struggling endangered bird and bat species on Oʻahu. If Dillingham Ranch is to be developed, an entirely new DEIA needs to be written to include details on impacts of endangered wildlife. If Kennedy Wilson continues to develop land at Dillingham Ranch, not only will they be detrimental to wildlife,*

Response: Please see answers to questions 3, 4, 5, 6, 7, 8 and 11.

14. *"….but they will impact the North Shore community of hard-working families by driving up property taxes, putting stress on an already overworked system for water and electric, misusing agriculture land to build a gated community for the rich, and many other issues. Please do not allow Kennedy Wilson to move forward with the plans to develop Dillingham Ranch …"*

Response: Section 4.9 of the Draft EIS, Socio-economic Characteristics, provides information on the potential economic effects of the Proposed Project. Page 4-36 states: "*From a long-term perspective, the Proposed Project will bolster the local economy as Ranch operations and residents of the agricultural subdivision contribute to the local economy through the payment of sales and property taxes and the purchase of goods and services from local businesses as well as through the sale of products and services associated with commercial and agricultural activities.*" Further, the "…development of the Project Area will result in significant expenditures by the Applicant, as well as by owners of the agricultural lots" (these expenditures are enumerated on pp, 4-36). With regard to agricultural use of the property, please see answers to Question #s 1 and 2, above.

15. *…putting stress on an already overworked system for water…*

Response: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities

Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Concerns about the current water system provided by NSWC to the Mokulēʻia are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Regarding concerns about overworking the water system, the water system improvements proposed by the Applicant in connection with the Proposed Project should actually result in an increase to the unallocated supply of water within the Mokulēiʻa Aquifer System. In addition, Applicant's development of the Proposed Project will involve a substantial upgrade to NSWC's source and storage, subject to the approval of the PUC. NSWC owns only one well and it is located within the Proposed Project. DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project will entail improvements to the benefit of the NSWC water system.

16. *…and electric, misusing agriculture land to build a gated community for the rich, and many other issues. Please do not allow Kennedy Wilson to move forward with the plans to develop Dillingham Ranch.*

Response: Section 4.11.5 of the Draft EIS includes analysis of the potential impacts of the Proposed Project on electrical services. With respect to power outages, the Draft EIS states the following (p. 4-57): "*In addition to transformer pads, HECO will require several switchgear pads throughout the Project Site. The switchgear acts as a protective device and sectionalizer that is*

used to minimize outages to an affected building and protect its main circuits." The analysis in that Section concludes (p. 4-58) that "…*the Proposed Project will not have a significant effect on existing HECO resources or facilities. Therefore, no mitigation measures are required*".

The following is in response to the one-page form letter entitled "Letter of Opposition" and addressed "To Whom it May Concern."

17. *Please stop the Kennedy Wilson development at Dillingham Ranch which will only lead to more and more "fake" farms that will overburden an already fragile and unsupported infrastructure of roads, water, schools and public schools.*

Response: Your comment urging the project be stopped is acknowledged. This comment should be directed to the Department of Planning and Permitting. Sections 4.11.1, 4.11.2 and 4.10.2 of the Draft EIS discuss the subjects of water, roads and schools, respectively). For a fuller description of water issues, please see Question #15, above. With respect to agriculture, please see the response to Question #2.

18. *Why can't the State or county do a bond issue to raise funds to buy the Ranch develop a coconut farm which would generate jobs income for the State and still preserve this pristine environment that hosts endangered Coots other birds rare plants and wildlife? Part of this land could be made into a public park as well. There are historic Hawaiian cultural sites including Heiaus sprinkled throughout the Ranch which also would be destroyed.*

Response: The landowner has no control over any actions the State or County government might take to condemn the Dillingham Ranch property. Any such action would have to be justified as a "public purpose," and the land owner would have to be compensated for the purchase at appraised value. These decisions would need to be executed by either the Hawaii State Legislature or the City and County of Honolulu City Council, depending on which division of government would be interested in condemning the property. If the landowner and the government cannot agree on a fair price for condemnation, the question of value would have to be decided by the courts.

Discussion of endangered species is addressed in Questions 3, 4, 5, 6, 7, 8, and 9, above. With respect to historic sites, archaeology is analyzed in Section 4.4 of the Draft EIS, based on reports found in Appendices E and J of the Draft EIS. All significant historic sites located on the property will be preserved in accordance with a Preservation Plan to be accepted by the State Historic Preservation Division. No significant archaeological sites will be destroyed.

19. *Lastly, these developments will mostly end up as large houses pretending to be farms (gentlemen farms and/or illegal vacation rentals). Importantly, these developments will end up cheating the State out of much needed tax dollars because when falsely zoned AG2 owners will pay a much lower tax rate. Stop the Kennedy Wilson development of Dillingham Ranch! Please!*

Response: The agricultural uses proposed as part of the agricultural subdivision are addressed in Questions 1 and 2, above. With regard to your statement about "cheating the State out of

much needed tax dollars," the State is not the recipient of property taxes. Rather, it is the City and County of Honolulu. In fact, the proposed subdivision will increase the overall amount collected by the City and County for property tax as a result of any future improvement made on the property. Your statement to stop the project should be directed to the Department of Planning and Permitting.

20. *Please DO NOT allow this development of Dillingham Ranch AG2 zoned property. Once the project has started, there is no rewinding the process.*

Response: Your comment regarding the Proposed Project is acknowledged. This comment should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

To: Joyette Yago
Dept of Planning and Permitting
650 South King Street 7th Floor
Honolulu, HI 96813

Dear ms. Yago,

I am a resident of the North Shore (Mokuleia , born and Raised)

I strongly oppose the the development of Dillingham Ranch in the way it is being proposed as farm dwellings which cleary it is not.

I am also very concerned about the Water to our area being compromised.

I am concerned about traffic congestion, air quality, and light pollution as well

This project does not benefit the community in farming for food, but in growing homes.

Sincerly,

brandonells00@gmail.com
Brandon Ells
68-001 Laau Paina Place
Mokuleia, Hi 96791

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January 7, 2019

Mr. Brandon Ells
68-001 Laʻau Paina Place
Mokulēʻia, HI 96791

Dear Mr. Ells:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter which we received during the public comment period for the Draft Environmental Impact Statement (DEIS) for the proposed agricultural subdivision (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am a resident of the North Shore (Mokulēʻia , born and Raised). I strongly oppose the development of Dillingham Ranch in the way it is being proposed as farm dwellings which clearly it is not.*

Response: We acknowledge your opposition to the proposed agricultural subdivision**.**

2. *I am also very concerned about the Water to our area being compromised.*

Response: With respect to your comment regarding water supply, Section 4.11.2 and Appendix A of the DEIS discuss this issue in detail. The design of the water system will be in compliance with Chapter 11-20 of the Hawaiʻi Administrative Rules, and the system will be regulated by the Department of Health Safe Drinking Water Branch. Design will include provisions for adequate fire flow, storage tanks and transmission lines. The landowner will not use more water than is currently allowed by existing well permits obtained from the State Commission on Water Resource Management.

3. *I am concerned about traffic congestion, air quality, and light pollution as well.*

Response: You express concern about increased traffic. The Traffic Impact Analysis Report (TIAR) was conducted specifically for the Proposed Project and this DEIS and is discussed in detail in Section 4.11.1 and Appendix I of the DEIS. The report concluded that all traffic movements in the area will remain at acceptable levels of service.

Section 4.2 of the DEIS discusses air quality. The DEIS concludes that:

> *"In the short term, air quality will be temporarily affected by fugitive dust from Project-related construction activities. To a lesser extent, exhaust emissions from stationary and mobile construction-related machinery, vehicle, and equipment could also affect air quality during construction.*

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> *From a long-term perspective, vehicle exhaust emissions will have a negligible effect on air quality in the Project Area. Therefore, carbon monoxide levels are expected to remain within State and Federal ambient air quality standards."*

A number of measures are recommended to mitigate possible impacts to air quality during the construction phase, as follows:

- *To control dust, active work areas and any temporary unpaved work roads will be watered at least twice daily on days without rainfall.*
- *The use of wind screens and/or limiting the area that is disturbed at any given time will help contain fugitive dust emissions.*
- *Mulching or chemical soil stabilizers will be used on disturbed, inactive areas of the site to help control wind-generated erosion.*
- *Dirt-hauling trucks will be covered when traveling on roadways to prevent windborne.*
- *A routine road cleaning and/or tire washing program will help reduce fugitive dust emissions from trucks tracking dirt onto paved roadways in the Project Area.*
- *Establishing landscape plantings early on during the construction phase will help dust control.*
- *Monitoring dust at the Project Site boundary during construction will evaluate the effectiveness of the Proposed Project's dust control program. Adjustments to dust control BMPs will then be made if necessary.*
- *Increased emissions resulting from traffic disruptions attributable to construction equipment and/or commuting construction workers can be alleviated by moving equipment and personnel onto the site during off-peak traffic hours, if practicable.*

Any development of an agricultural subdivision must contain a system of internal roads. The subdivision rules and regulations must provide for street lighting for reasons of safety. The landowner is cognizant of the issue related to night skies, which is also a consideration for the protection of migratory birds that have nocturnal foraging and activity habits. For these reasons, all street lighting will be shielded to prevent light from being projected skyward.

4. *This project does not benefit the community in farming for food, but in growing homes.*

Response: You state that the Project Site does not benefit the community in farming for food. The landowner is following the letter of the agricultural subdivision rules and regulations, including a requirement to prepare an Agricultural Plan that must be reviewed and accepted by the State Department of Agriculture. In fact, such a plan was prepared and accepted by the Department of Agriculture. The plan is discussed in Sections 2.3.4 and 4.7 and Appendix H of the DEIS. Further, the plan proposed by the landowner will provide more food crops than have been grown on this property in decades. This plan includes the continuation of current agricultural activities related to cattle grazing, equestrian activities, palm tree production, and a mango

orchard. In addition, the project proposes to add hydroponic farming and over 100 acres of orchard crops throughout the subdivision.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

TO: Joette Yago
c/o HFF

FEB 21, 2018

1. A May 1, 2015 letter from the North Shore Water Company to the customers, which is attached, states that the subdivision application filed on 8/29/14 includes replacing the supply lines for the NSWC consumers down Farrington Highway and down the lateral streets of Ho'omana Place and La'au Paina Place. The letter also says there are plans for the replacement of the consumer supply lines that are available to interested water consumers. We request a copy of those plans. We understand that the foregoing commitment is not a part of the current subdivision application. Why was that commitment withdrawn, who will be responsible for replacement of the supply lines and when will that occur?

2. North Shore Water Company LLC has Dillingham Ranch Aina LLC as its managing member. Dillingham Ranch Aina LLC is the applicant listed in the EIS, and is the entity owning the property. If the property is developed as proposed, and Kennedy Wilson is no longer involved, who will be the manager of NSWC and what will assure the financial capability of NSWC to immediately address a major break in the water line that affects the flow of the water to the customers along Farrington Highway?

3. The proposed development will almost double the number of users of the water system. How can the existing users be assured that the added users do not increase the probability of a water shortage for the existing users. What safeguards can be provided so that such a shortage, which has never occurred in the past, does not occur in the future?

Sincerely

Kathleen Ellis
68-001 Laau Paina Place
Mokuleia, HI 96791

ellslagoon@aol.com

NORTH SHORE WATER COMPANY
9701 Wilshire Blvd. Suite 700
Beverly Hills, CA 90212

May 1, 2015

SENT TO EACH CUSTOMER
OF THE NORTH SHORE WATER COMPANY

RE: Status Report to NSWC Water Consumers

Dear Owner(s):

First and foremost, we wish to acknowledge the work of the Ranch staff, Leilani, James, Levi, and Derrick, and our neighbor Steve Wojtowicz for their fine efforts to ensure timely repair of recent line breaks on Hoomana Place and at Camp Mokuleia. Their on call availability is greatly appreciated.

North Shore Water Company ("NSWC") as an affiliate of Dillingham Ranch AINA, LLC ("DRA") is operating consistent with the Action Plan filed with the PUC regarding the Infrastructure Conditions of the water supply lines. Please recall that twice the Board of Water Supply has rejected our requests to bring a replacement line down Farrington Highway. The following excerpt is a copy of the first two conditions of the PUC Order.

1. The question of ownership of the supply line must be resolved;

2. Assuming that it is found that there is no legal owner, NSWC should develop plans to replace the supply line with a NSWC installed and owned pipeline that meets all applicable standards;

Regarding Condition 1 and since January 2013, NSWC has searched title company and agency records attempting to establish ownership of the supply line. No evidence of ownership or permits has been located. Additionally, the supply lines to the water consumers appear to have been installed by developer interests without any DRA requests for approval since no such records are on file with DRA.

Regarding Condition 2, DRA and NSWC understand the need now to develop plans to replace the supply line.

On August 29, 2014, DRA has filed its application for subdivision of Dillingham Ranch into 91 for sale agriculture lots. That application ***includes*** replacing the supply lines for the NSWC consumers down Farrington Highway and down the lateral streets of Ho'omana Place and La'au Paina Place. The supply lines will connect to a storage tank of approximately 370,000 gallons at an elevation of 220 feet on Dillingham Ranch. Those conditions are the required size and elevation for fire flow to both the subdivided lots, 10 feet to 90 feet, and the line down Farrington Highway ending at Camp Mokuleia -- determined to be a commercial water consumer.

On May 14, 2015, a full size set of plans for replacement of the consumer supply lines will be available for review in the Ranch office. The plans can also be sent via email pdf to interested water consumers.

If there are any questions at this time please call Cliff Smith at (310) 887-3438. We look forward to a successful processing of our subdivision application and subsequent further development of plans to replace the supply line down Farrington Highway to the consumers.

Sincerely,

Clifford R. Smith

On behalf of North Shore Water Company

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January 7, 2019

Ms. Kathleen Ells
68-001 Laʻau Paina Place
Mokulēʻia, HI 96791

Dear Ms. Ells:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *A May 1, 2015 letter from the North Shore Water Company to the customers, which is attached, states that the subdivision application filed on 8/29/14 includes replacing the supply lines for the NSWC consumers down Farrington Highway and down the lateral streets of Hoʻomana Place and Laʻau Paina Place. The letter also says there are plans for the replacement of the consumer supply lines that are available to interested water consumers. We request a copy of those plans. We understand that the foregoing commitment is not a part of the current subdivision application. Why was that commitment withdrawn, who will be responsible for replacement of the supply lines and when will that occur?*

Response: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC. Water service from the NSWC to its existing customers will continue, and will be expanded to provide service to the Proposed Project.

Concerns about the current water service provided by NSWC to the Mokulēʻia community are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

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The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.49.2 and 4.11.2 of the Final EIS (enclosed). Unlike an earlier and now defunct subdivision plan for the Dillingham Ranch property, the current subdivision plans for the Proposed Project do not entail any improvements outside of the Dillingham Ranch property. Although concerns regarding continued service to the area by NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project contemplates improvements to the NSWC water system. Questions or concerns about the NSWC infrastructure should be directed to NSWC.

2. *North Shore Water Company LLC has Dillingham Ranch Aina LLC as its managing member. Dillingham Ranch Aina LLC is the applicant listed in the EIS, and is the entity owning the property. If the property is developed as proposed, and Kennedy Wilson is no longer involved, who will be the manager of NSWC and what will assure the financial capability of NSWC to immediately address a major break in the water line that affects the flow of the water to the customers along Farrington Highway?*

Response: The management and operations of NSWC are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the Hawaii Public Utilities Commission. As stated above in the response to Question No. 1, this EIS considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. The management structure of NSWC will not be affected by the construction of the Proposed Project.

3. *The proposed development will almost double the number of users of the water system. How can the existing users be assured that the added users do not increase the probability of a water shortage for the existing users. What safeguards can be provided so that such a shortage, which has never occurred in the past, does not occur in the future?*

Response: The Proposed Project will not use more water than is currently allowed by existing well permits obtained from the State Commission on Water Resource Management. The average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).The projected average daily non-potable water use is 704,150 gallons a day (0.70 MGD). The combined water use of the three wells that will supply the Proposed Project is projected to be 1.163 MGD, an increase of 1.02 MGD over the current use by wells on the Property (see Draft EIS p.3-19). The total amount of water currently authorized to be withdrawn by NSWC (as to Well 3410-01) under its Water Use Permit, and by Applicant under its existing Water Use Permits, is 2.85 MGD. In connection with the development of the Proposed Project, the Applicant will evaluate water consumption on the Project Site after development has occurred and will consider a voluntary reduction of permitted water use, as appropriate, thereby increasing the amount of unallocated water within the Mokulēiʻa Aquifer System

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS

(enclosed). Development of the Proposed Project will entail improvements to the water source currently used by NSWC.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure. The two additional wells and two newly constructed storage tanks should meet the increased water demand from the Proposed Project.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Yago, Joette P

From: Malia Evans <evansmas@hawaii.edu>
Sent: Wednesday, February 21, 2018 9:25 PM
To: Yago, Joette P
Subject: Response to DEIS for Dillingham Ranch
Attachments: DEISMokes2018.pdf

Aloha Joette;
I am attaching a pdf of my community response to the above DEIS. Mahalo,
Malia Evans

Malia K Evans
PO Box 796
Waialua, Hawai'i 96791

February 14, 2018

Re: DEIS Comments on the Dillingham Ranch Agricultural Subdivision

To whom ever cares to seriously read the concerns of the people who live here and will be impacted by this proposed housing subdivision:

Questions regarding the Draft EIS:

1. How will developer protect the 11 archaeological sites (which have been identified) and 6 historic buildings? What is the process? What are the buffer zones? How will they be marked? Who will monitor? What safeguards are in place to ensure proper communication between those protecting the sites and the construction crews? What authority will oversee this process to ensure compliance? Will there be a Cultural Monitor onsite for all grading, excavation and construction activities?
2. What is the process for un-documented archaeological/cultural features that are uncovered during construction activities?
3. How many long-term employees (not initial construction/infrastructure crews) will be hired and maintained for this proposed Ag subdivision? Who will oversee this? What mechanisms are in place to ensure local hires?
4. The proposed project indicates an increase of 31 school age children in the Waialua School District. What data was utilized to calculate this estimate and please provide age relevant information...elementary, middle school, high school.
5. How will the construction of these supposed "farm dwellings" on 2,000 acres not impact the public infrastucture...such as roads, utilities, sewage, water availability, etc...
6. A portion of the proposed subdivision is on a floodplain. This area floods often. How does the developer plan to contain, capture, filter, convey the flood/stormwater? What long term infrastucture is planned to minimize all impacts to the coastal ecosystem? These are prolific fishing grounds downstream. How is the developer going to contain construction impacts so it doesn't degrade/destroy the marine resources downstream?
7. Why is Appendix D-Avifaunal & Feral Mammal Field Study (7/2016) missing from the document? There are numerous 'ōpe'ape'a in the vicinity of the project area. Why is the developer not including this info for the public to review?
8. There are several endangered species that will be affected by this proposed development. Why has the developer downplayed the negative impacts to these endangered species?
9. I would propose that the No Action Alternative be implemented. The only people who benefit from this development are the developers.

HHF PLANNERS
places for people

January 7, 2019

Ms. Malia K. Evans
P. O. Box 796
Waialua, HI 96791

Dear Ms. Evans:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 14, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *How will developer protect the 11 archaeological sites (which have been identified) and 6 historic buildings? What is the process? What are the buffer zones? How will they be marked? Who will monitor? What safeguards are in place to ensure proper communication between those protecting the sites and the construction crews? What authority will oversee the process to ensure compliance? Will there be a Cultural Monitor onsite for all grading, excavation and construction activities?*

Response: Section 4.4 of the Draft EIS, Archaeological and Historic Resources, and Appendices E, F, and J, discuss the subjects of Archaeology and Historic Buildings, in detail. All three of these reports have been accepted by the State Historic Preservation Division (SHPD). An outcome of these reports has been the identification of 12 archaeological sites that will be preserved, and six buildings eligible for the national register will also be preserved. Each of these sites and buildings is described in the Draft EIS. The Preservation Plan for archaeological resources is required to be reviewed and accepted by the State Historic Preservation Division. Compliance with the requirements specified in the mitigation measures is required.

Process. Refer to P. 4-18 through p. 4-22 of the Draft EIS which enumerates the preservation requirements and the monitoring requirements for mitigating potential archaeological impacts during construction. Those monitoring requirements include an archaeologist to be on site during construction to ensure compliance with the requirements of the Archaeological Monitoring Plan. Procedures for addressing inadvertent archaeological discoveries are also identified. Refer to P. 4-18 through p. 4-22 of the Draft EIS which enumerates the preservation requirements (including buffer zone safeguards).

Construction safeguards. See answer to Monitoring, above.

Oversight to ensure compliance. See answer to Monitoring, above.

Cultural monitoring during construction. See answer to Monitoring above.

2. *What is the process for un-documented archaeological/cultural features that are uncovered during construction activities?*

Response: The treatment of such finds will be addressed in the Monitoring Plan**.**

3. *How many long-term employees (not initial construction/infrastructure crews) will be hired and maintained for this proposed Ag subdivision? Who will oversee this? What mechanisms are in place to ensure local hires?*

Response: Long-term employment. Section 4.9.2 of the Draft EIS projects that at full build-out the Proposed Project could require 12-20 full-time equivalent employees. Some of these employees will be hired by the Lot Owners Association (LOA), while other employees will be hired by the lessees of the Ranch (hydroponic farmer, mango farmer, palm tree farmer, equestrian activities, and cattle operations).

Oversight of employment practices. At the present time, all Ranch employees are Hawai'i residents, and it is the landowner's intent that all future positions can be staffed by Hawai'i residents as well.

4. *The proposed project indicates an increase of 31 school age children in the Waialua School District. What data was utilized to calculate this estimate and please provide relevant information…elementary, middle school, high school.*

Response: Section 4.10.2 of the Draft EIS discusses the Proposed Project's potential impacts on schools. In Section 4.10.2.2, the Draft EIS states (p. 4-38): "The estimated 31 school age children generated by the Proposed Project is less than 25 percent of the total 2016-2017 enrollment for Waialua Elementary School….." This language has been amended based on communications with the State Department of Education to include the four employee dwellings that are proposed as part of the overall project in Section 4.10.2.2, as follows (deleted language is crossed out, added language is in italics):

"….estimated to generate a total of ~~31~~ *33* school age children, including ~~17.5~~ *18.5* elementary school age students (~~70~~ *74* x .25 = ~~17.5~~ *18.5* students); ~~6.3~~ *6.7* intermediate school age students (~~70~~ *74* x .09 = ~~6.3~~ *6.7* students); and ~~7.0~~ *7.4* high school age students (~~70~~ *74* x .10 = ~~7~~ *7.4* students)." Estimates were based on data elsewhere on O'ahu, and were confirmed by the State Department of education as a "worst-case" scenario..

5. *How will the construction of these supposed "farm dwellings" on 2,000 acres not impact the public infrastructure such as roads, utilities, sewage, water availability, etc…*

Response: Roads. The potential impacts of the Proposed Project on infrastructure are discussed in Section 4.11 of the Draft EIS, based on a Traffic Impact Assessment Report (TIAR), included in

the Draft EIS as Appendix I. Information for the TIAR was collected during 2017. The report concluded that all traffic movements in the area will remain at acceptable levels of service. Based on the findings of the traffic study, the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term, construction-related traffic) are required.

Utilities. The potential impacts of the Proposed Project on infrastructure are discussed in Section 4.11 of the Draft EIS. This Section discusses the water system, the wastewater system, the drainage system and the electrical/communications systems. Potential impacts associated with infrastructure are mitigated, as discussed in Section 4.11. Water, wastewater treatment and drainage facilities will be provided by private infrastructure, will be maintained by Lot Owners Association of the agricultural subdivision and will not affect public utilities. Likewise, all roadways within the subdivision and will be privately-owned and maintained. Electricity will be provided by HECO, as discussed in Section 4.11.

6. *A portion of the proposed subdivision is on a floodplain. This area floods often. How does the developer plan to contain, capture, filter, convey the flood/stormwater?*

Response: Flood hazards are discussed in Section 3.5, Natural Hazards, of the Draft EIS. As part of the Proposed Project, a flood determination study was prepared (and is contained in Appendix A, Preliminary Engineering Study, of the Draft EIS). That study performed a hydrologic analysis to determine peak flows, develop a hydraulic model, define floodplain and floodway areas, and address the suitability of developing lots within the limits of flooding. The results of the 2016 flood determination study reflect the current flood hazard conditions at the Project Site. Figure 15 of the Draft EIS, Flood Hazard Map, reflects the configuration of the building pads associated with the agricultural lots to avoid the 100-year floodplain and floodway.

Although the building pads are configured to be positioned outside the limits of the 100-year floodplain and floodway, the Draft EIS contains a mitigation measure (p. 3-30) requiring that the Proposed Project "*…comply with Title 44, Part 10 of the Code of Federal Regulations (44 CFR 10) pertaining to the National Flood Insurance Program for development within Special Flood Hazard Areas (SFHA), and Chapter 21A of the Revised Ordinances pertaining to Flood Hazard Areas for any actions involving development within floodplains on the Project Site*".

7. *What long term infrastructure is planned to minimize all impacts to the coastal ecosystem?*

Response: Section 4.11.4 contains a detailed discussion of drainage, and mitigation of impacts related to stormwater and possible sedimentation. A system of bioswales, vegetated swales and bioretention basins will be constructed to intercept stormwater before leaving the property to allow for the settling of sediment and other pollutants. Roadways will be above 100-year flood elevations, except those in the lower reaches of the property near Farrington Highway, and roadway culverts will be provided throughout the Project Site to prevent flooding of roadways. Please refer to Section 4.11.14 (pages 4-51 through 4-56) and Appendix A of the Draft EIS for a

through explanation of the approach to designing with regard to flood hazards and mitigating the impacts of stormwater.

8. *These are prolific fishing grounds downstream. How is the developer going to contain construction impacts to it doesn't degrade/destroy the marine resources downstream?*

Response: Section 4.11.4 and Appendix A (Preliminary Engineering Report) of the Draft EIS contain a detailed description of the manner in which erosion control will be managed during the construction period and long-term occupation of the property.

9. *Why is Appendix D-Avifaunal & Feral Mammal Field Study (7/2016) missing from the document?*

Response: Appendix D of the Final EIS will be amended to include Dr. Bruner's full 2014 report.

10. *There are numerous ope ape a in the vicinity of the project area. Why is the developer not including this info for the public to review?*

Response: See answer to question 11, below**.**

11. *There are several endangered species that will the affected by this proposed development. Why has the developer downplayed the negative impacts to these endangered species?*

Response: You assert that a number of endangered species will be affected by proposed development. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the DEIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation*

> *is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaii on the island of Oahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaii Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded:

"*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

12. *I proposed that the No Action Alternative be implemented. The only people who benefit from this development are the developers.*

Response: Your comment expressing preference for the No Action Alternative is acknowledged.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Yago, Joette P

From: Brandon Eveland <brandonvland@gmail.com>
Sent: Thursday, February 22, 2018 12:09 PM
To: Yago, Joette P
Subject: Save mokuleia

We don't need more development, when our roads can't even handle it!! Traffic is already a menace!! Please listen to our voices and stop this madness!!! Enough is enough no more development

Sent from my iPhone

HHF PLANNERS
places for people

January 7, 2019

Mr. Brandon Eveland
brandonvland@gmail.com

Dear Mr. Eveland:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your email and offer the following response.

1. *We don't need more development, when our roads can't even handle it!! Traffic is already a menace!! Please listen to our voices and stop this madness!!! Enough is enough no more development.*

Response: Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required.*" Please refer to this section of the DEIS should you wish to read the full text.

Your comment in opposition to further development is acknowledged. It should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Yago, Joette P

From: Kay Fischer <punkyreggae808@hotmail.com>
Sent: Thursday, February 22, 2018 12:44 PM
To: Yago, Joette P
Subject: Save mokuleia

Please save the sacred land of Mokuleia. It is one of the only untouched places on Oahu. Keep the country country and allow our future to grow with this land and appreciate it for all it nurtures. If this land is industrialized the whole north shore is doomed. It is such a wild life sanctuary for whales and sea turtles and so many other animals in the eco system. If the land is destroyed and made concrete the animals go with it. I hope our voices are heard and the land kept sacred, what would our ancestors do ? How do we want our children to grow up ? There are plenty of areas already taken over let's keep this sacred aina clean !!
Sent from my iPhone

HHF PLANNERS
places for people

January 7, 2019

Kay Fischer
punkyreggae808@hotmail.com

Dear Ms. Fischer:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018, which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Please save the sacred land of Mokulēʻia. It is one of the only untouched places on Oʻahu. Keep the country country and allow our future to grow with this land and appreciate it for all it nurtures. If this land is industrialized the whole north shore is doomed. It is such a wild life sanctuary for whales and sea turtles and so many other animals in the eco system. If the land is destroyed and made concrete the animals go with it.*

Response: You suggest that the Proposed Project would "industrialize" the North Shore and impact wildlife sanctuaries for whales and sea turtles. The objectives of the Proposed Project are discussed as follows (p. 2-2) of the Draft EIS: "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*". This project (70 agricultural lots and a wide variety of agricultural uses) will not industrialize the North Shore. With the exception of areas designated for farm dwellings and roadways, the overwhelming majority of the 2,721 acres will remain in open space.

The project is not a shoreline project and will have no impact on sea turtles or whale sanctuaries.

2. *I hope our voices are heard and the land kept sacred, what would our ancestors do? How do we want our children to grow up? There are plenty of areas already taken over let's keep this sacred ʻāina clean!!*

Response: Please refer to Sections 4.4 and 4.5 and Appendices E, G, and J of the Draft EIS discuss historic and cultural resources in detail, including how these resources will be protected and preserved.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Tony Freitas <juniorhawaii@gmail.com>
Sent: Thursday, February 22, 2018 1:31 PM
To: Yago, Joette P
Subject: Mokuleia

Please SAVE Mokuleia for future generations.
Wrong type of development in my view. I understand that developing these lands is somewhat inevitable but I sincerely believe this is not the right fit for the community and these are not the right people for the job. I was at the Gym last week and they totally failed to support their case. NOT PONO.
Much Mahalos,
Tony Freitas

HHF PLANNERS
places for people

January 7, 2019

Tony Freitas
juniorhawaii@gmail.com

Dear Mr. Freitas:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018, which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following response.

1. *Please SAVE Mokulēʻia for future generations. Wrong type of development in my view. I understand that developing these lands is somewhat inevitable but I sincerely believe this is not the right fit for the community and these are not the right people for the job. I was at the Gym last week and they totally failed to support their case. NOT PONO.*

Response: You comment that the Proposed Project is not appropriate is acknoweldged. The landowner has considered many different alternatives for improvements at Dillingham Ranch and is comfortable that this plan is compatible with the North Shore community and works to preserve and enhance the agricultural use of the property. The proposed subdivision is rural in nature, and the overall appearance of the 2,721 acres that comprise the Ranch will continue to be characterized by open space.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

To Whom It May Concern:

My name is Chloe Ganahl. I am writing to you today to express my concerns and opposition for the proposed Dillingham Ranch subdivision. The project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa/Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiian Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

To my surprise, the EIS stated that no Pueo, or native Hawaiian owl were spotted during the survey. Pueo are most common in open habitats such as grasslands and shrublands, which take up the majority of Dillingham ranch. I have lived a half a mile away from the ranch for the past nine years and have had visits from these owl's multiple times in my yard. I have a hard time believing that no Pueo live at Dillingham ranch, which contains over 2,000 acres of prime Pueo habitat. To Kennedy Wilson, the Pueo is just another bird. To scientists, it's an endangered species that *must* be protected. For Hawaiians, the Pueo is a family spirit and a sign of hope for a culture that was once almost lost.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

Question 3: Why did Kennedy Wilson use a land survey that was four years old in this EIS? Especially since bird populations can change drastically in a short amount of time.

Question 4: Why did Kennedy Wilson not do more to find the Native Hawaiian owl for their EIS?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation

rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 5: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

The EIS claims that there will be no significant traffic increase with this project. This does not seem likely, as large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old two-lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.

Over 350 community members opposed the project at a special neighborhood board meeting to discuss the draft EIS on February 14, 2018. As of February 21, 2018, there are over 6,500 online petition signatures against this project with more signatures each day. The petition can be found at the following link:

https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development

Question 7: Is Kennedy Wilson considering any changes to the plan in consideration of recent community opposition?

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Chloe Ganahl 67-255 Kahaone Loop Apt B Waialua, HI 96791

HHF PLANNERS
places for people

January 7, 2019

Ms. Chloe Ganahl
67-255 Kahaone Loop Apartment B
Waialua, HI 96791

Dear Ms. Ganahl:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *I am writing to you today to express my concerns and opposition for the proposed Dillingham Ranch subdivision. The project will place a sewage treatment plant above an Aquifer that spreads from Mokulēʻia to First Hawaiian Bank in Haleʻiwa. In the event of a power outage or natural disaster which often occurs in Mokulēʻia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleʻiwa/Waialua area. Once this happens, the effects can never be reversed.*

   Question: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

Response: You express concern that the Mokulēiʻa aquifer will be damaged from the wastewater treatment plant on the Project Site, especially in the event of a power outage or natural disaster. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

The wastewater plant will have a generator back-up system, which is a design requirement.

2. *The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiian Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, four are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oʻahu. The species had to be re-introduced from Kauaʻi. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.*

   To my surprise, the EIS stated that no Pueo, or native Hawaiian owl were spotted during the survey. Pueo are most common in open habitats such as grasslands and shrublands, which take up the majority of Dillingham ranch. I have lived a half a mile away from the ranch for the past nine years and have had visits from these owl's multiple times in my yard. I have a hard time believing that no Pueo live at Dillingham ranch, which contains over 2,000 acres of prime Pueo habitat. To Kennedy Wilson, the Pueo is just another bird. To scientists, it's an endangered species that ***must*** *be protected. For Hawaiians, the Pueo is a family spirit and a sign of hope for a culture that was once almost lost.*

   Question: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

Response: Biological Resources are discussed in Section 3.7 of the Draft EIS. During the most recent biological resources survey of the project site conducted in 2014, the endangered Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck and Black-necked stilt were all observed on the project site (p. 3-36 of the Draft EIS).

Further, the Draft EIS states that during the 2014 avifaunal and feral animal field survey, no native land birds were observed. With respect to the Short-eared Owl or *Pueo*, the Draft EIS states (p. 3-36) that owl "…*might forage in this area on occasion*".

With respect to the ʻōpeʻapeʻa (Hawaiian hoary bat), it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups*

in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 : "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

Mitigation measures to ensure protection of these species included in the Draft EIS (p. 3-38) were formulated by the project biologists based on input received from the USFWS at a meeting in March 2017 to minimize potential impacts. The mitigation measures relate to all six species discussed at the above-referenced meeting, and include mitigation requirements during the pre-construction planning phase, the construction phase and the post-construction operational phase.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. Botanical resources are discussed in detail in Section 3.6 and Appendix C of the Draft EIS. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

3. *Question 3: Why did Kennedy Wilson use a land survey that was four years old in this EIS? Especially since bird populations can change drastically in a short amount of time.*

Response: Appendix D of the Draft EIS is a letter report provided by the biologist who had prepared a full avifaunal and feral mammal survey (2014) for a previous Environmental

Assessment for a different project on the Dillingham Ranch property. In addition to the 2014 full survey, there have been other surveys of the property in 1992 and 2008. Based on previous surveys of the property, and the relatively short period of time since the 2014 survey, the biologist stated in 2017 that no further work was necessary.

4. *Question 4: Why did Kennedy Wilson not do more to find the Native Hawaiian owl for their EIS?*

Response: With respect to the Native Owl (or Pueo), Dr. Bruner noted in 2014 that: "*The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."* He further elaborated that no native land birds, including the Pueo, were noted during his survey. He does not discount the possibility that they could be found on the property. There is no critical habitat identified by the U.S Fish and Wildlife Service within the Project Area.

5. *The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet. The average Hawaiʻi home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oʻahu or to the mainland. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?*

   Question 5: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

Response: The landowner has committed to only allowing one farm dwelling on each parcel. This limitation will be memorialized in the Conditions Covenants and Restrictions (CCRs) governing the subdivision. There will also be a specific prohibition on the use of the property as vacation rentals.

6. *The EIS claims that there will be no significant traffic increase with this project. This does not seem likely, as large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old two-lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.*

Response: You suggest that it is likely that the project will have significant traffic impacts, particularly during the construction process. Traffic is discussed in detail in Section 4.11.1 and Appendix I of the Draft EIS. The Traffic Impact Analysis Report (TIAR) concluded that after completion of the Proposed Project, all external intersections are expected to operate at acceptable levels of service, and mitigation is not required. Any impacts associated with the construction period will be temporary in nature, and a mitigation measure to address those potential construction-related traffic impacts is included in the Draft EIS. A Construction Management Plan related to construction-related traffic must be prepared prior to the commencement of construction. It should be noted that most construction-related traffic will occur in on-peak hours, and/or in a direction opposite from the peak flow.

7. *Over 350 community members opposed the project at a special neighborhood board meeting to discuss the draft EIS on February 14, 2018. As of February 21, 2018, there are over 6,500 online petition signatures against this project with more signatures each day. The petition can be found at the following link: https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development*

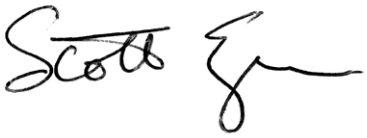
   Question 7: Is Kennedy Wilson considering any changes to the plan in consideration of recent community opposition?
   Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Response: No changes to the project are contemplated.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Constance Hale Ganahl
67-255 Kahaone Loop
Waialua, Hawaii ~ 96791
(617) 909-1439

HHF/ Scott Ezer
733 Bishop Street, Suite 2590
Honolulu, HI 96813

February 21, 2018

To Whom It May Concern:

I was born in the Waialua Plantation Hospital in 1957 and raised in Mokulēʻia, where members of my family still live. I am now based in Pūpūkea, Oʻahu, and Oakland, California. I return to Mokulēʻia every year to lead the Writers Retreat at Camp Mokulēʻia, which has taught me even more about the value of this area for creative inspiration and environmental care. The Mokulēʻia area is precious to me not just as my birthplace, and the place I will return to later in life, but also as a spiritual and creative wellspring. And it is precious to all true Hawaiʻi residents who seek to preserve everything that is most distinctive about our home.

Therefore, I am writing to express my opposition to the Dillingham Ranch development project.

Encourage agriculture
In the Hawaiian language, Mokulēʻia means "place of abundance." Indeed, the fertile lands here once supported a large population of farmers and fishermen. Farming later extended, of course to the raising of chickens, cows for dairies, and cattle. And, later, to the cultivation of sugar. Agriculture has always been, and should remain, the foundation of Mokulēʻia. The rhythms of nature and the seasons of the harvest are in the DNA of the place and of the people who call it home. A visit to the Farmer's Market at the Waialua Sugar Mill on Saturdays will show you that many enterprising farmers continue to till the soil—producing wonderful asparagus, cacao, long beans, tomatoes, papayas, and sunflowers. The possibilities are much richer than a hydroponic farm, a few fruit orchards, and "equestrian activities." The 70 lots in the plan are hardly realistic for agriculture, especially those that are only three acres. This is not the "viable plan for agriculture" required by the city Department of Planning and Permitting in order to turn ag land into subdivisions! Many local people want to keep serious agriculture in our community and long to work the land themselves, if it can be kept affordable by keeping real-estate development out. They cannot afford lots in excess of $1 million. We do not need any more housing for wealthy mainlanders; we require real farms on real ag land for a real self-sustaining community.

> **Question: What regulation from the state and city will ensure that the 70 lots will be farms? What will be the penalties for those who pledge to farm and do not? What responsibility will the developer bear?**

The 70 lots in the plan will sell for millions of dollars and are allow a "farm residence" with of up to 5,000 sq. feet. *These are not farms and homes for the people of the North Shore*;

these are estates and palaces for the wealthy. The entire North Shore community has been overrun by AirBnB and illegal vacation rentals, resulting in skyrocketing rents, the displacement of local families, and residents who work in Honolulu or who work remotely on the mainland. What is being done by the state and *these developers* to build affordable housing? Who will regulate these "farm homes" to be sure that there are no illegal vacation rentals? Where is the sense of social responsibility? Where is the concern for *'ohana*? Where are the values that the Waialua community has long stood for?

> **Question: What regulation from the state and city will ensure that the 70 lots will not include structures that can be used as vacation rentals? What plan does the state have to use rare available real estate to benefit the families of Hawai'i and to ensure affordable housing? What is the developer contemplating to really help our community by building housing the community urgently needs? Where can my 27-year-old niece, born in Waialua and a resident to this day, find suitable rental housing in our community?**

Do not worsen traffic

Much ink has been spilled about the worsening traffic on O'ahu, which has spread to the North Shore. Kamehameha Highway in Hale'iwa is so congested that residents of the area must plan in extraordinary ways just to go to work, pick kids up at school, visit the dump, and buy groceries. Development of Dillingham Ranch is sure to worsen traffic on Farrington Highway as well. Kaukonahua Rd. will become even more dangerous, first during the years of construction when residents will have to share the road with semis and utility vehicles, and later with the increased cars of the development. The burden of dealing with ever-increasing infrastructure needs, of course, will fall on Hawaii taxpayers, not Kennedy Wilson Inc, not absentee landlords, and not tourists staying in vacation rentals.

> **Question: What is the plan to mitigate the horrible roadway congestion this development will bring?**

Protect animals

Of course, the other distinctive feature of Mokulē'ia is its shoreline, with the pristine beaches and coves that stretch to Ka'ena Point. The area is home to countless fish, native seabirds, *honu*, and Hawaiian monk seals, all of which thrive because the area is remote. The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiian Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In addition, the *pue'o*, Hawaiian Butterflies, native snails, and the Hawaiian Hoary bat can all be found at Dillingham. The coastal dune area of Ka'ena Point is being powerfully restored to its native habitat, harboring the Laysan albatross and a multitude of native plant life.

I am deeply concerned about the destruction of the habitat of these animals, the effect of construction noise and traffic, the impact of humans not attuned to wildlife, and the impact of a larger population on all wildlife. (The horrendous 2015 incident of partying teenagers at Ka'ena Point killing Laysan albatrosses and destroying nests and eggs is a testament to how fatal to animals humans can be.)

> **Question: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?**

Respect Hawaiian culture
Then, of course, there are the majestic Waianae Mountains and the legendary Ka'ena Point. These places are of great cultural significance and must be considered in the overall planning and development of Mokulēʻia.

I am a hula practitioner as well as a writer who covers Hawaiian culture. This area is sacred. Ancient Hawaiian legend says that a goddess named Kaʻena, a cousin of the volcano goddess Pele lived here. The demigod Māui once stood on the shore of Kauaʻi and cast his powerful hook toward Oʻahu to unite the two islands. He managed only to loosen a huge boulder, which fell and remains to this day in the waters off Kaʻena Point.

Another prominent boulder at Kaʻena Point is believed to hold an important role in the cycle of life. This large limestone rock, in view of the setting sun, is known as Leina a Ka ʻUhane, or "soul's leap." When a person dies, ancient Hawaiians believed, the soul leaves the body and wanders about the island, first going to a fishing shrine and eventually approaching the limestone rock. From there the soul leaps into Pō, the Hereafter. This is the spiritual realm where the soul joins the ancestors and lives on forever.

The Native Hawaiian interest extends also to gathering rights, which should have primacy when we think of land use and access.

> **Question: How will you protect archaeological sites scattered throughout the property of Dilllingham Ranch? How will you mitigate the threat to Hawaiian gathering rights and to cultural sites like Kaʻena Point, which should never be overrun by vacationers?**

Please listen to the people of the Waialua District. Do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson. It does nothing to encourage agriculture, support the community, protect animals, or respect Native Hawaiian culture. It would bring too many people to this small town, worsen traffic, and it would fail to address the very real needs for affordable real estate and rental housing.

Mahalo,

Constance Hale Ganahl
67-255 Kahaone Loop
Waialua, Hawaii ~ 96791

CC:
Joette Yago
Department of Planning and Permitting
650 South King Street
Honolulu,
HI 96813

HHF PLANNERS
places for people

January 7, 2019

Ms. Constance Hale Ganahl
67-255 Kahaone Loop
Waialua, HI 96791

Dear Ms. Ganahl:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *I was born in the Waialua Plantation Hospital in 1957 and raised in Mokulēʻia, where members of my family still live. I am now based in Pūpūkea, Oʻahu and Oakland, California. I return to Mokulēʻia every year to lead the Writers Retreat at Camp Mokulēʻia, which has taught me even more about the value of this area for creative inspiration and environmental care. The Mokulēʻia area is precious to me not just as my birthplace, and the place I will return to later in life, but also as a spiritual and creative wellspring. And it is precious to all true Hawaiʻi residents who seek to preserve everything that is most distinctive about our home.*
   Therefore, I am writing to express my opposition to the Dillingham Ranch development project.

Response: Your comment regarding the Proposed Project is acknowledged.

2. *Encourage agriculture**.** In the Hawaiian language, Mokulēʻia means "place of abundance." Indeed, the fertile lands here once supported a large population of farmers and fishermen. Farming later extended, of course to the raising of chickens, cows for dairies, and cattle. And, later, to the cultivation of sugar. Agriculture has always been, and should remain, the foundation of Mokulēʻia. The rhythms of nature and the seasons of the harvest are in the DNA of the place and of the people who call it home. A visit to the Farmer's Market at the Waialua Sugar Mill on Saturdays will show you that many enterprising farmers continue to till the soil—producing wonderful asparagus, cacao, long beans, tomatoes, papayas, and sunflowers. The possibilities are much richer than a hydroponic farm, a few fruit orchards, and "equestrian activities." The 70 lots in the plan are hardly realistic for agriculture, especially those that are only three acres. This is not the "viable plan for agriculture" required by the city Department of Planning and Permitting in order to turn ag land into subdivisions! Many local people want to keep serious agriculture in our community and long to work the land themselves, if it can be kept affordable by keeping real-estate development out. They cannot afford lots in*

excess of $1 million. We do not need any more housing for wealthy mainlanders; we require real farms on real ag land for a real self-sustaining community.

Question: What regulation from the state and city will ensure that the 70 lots will be farms? What will be the penalties for those who pledge to farm and do not? What responsibility will the developer bear?

Response: Both State of Hawai'i and City and County of Honolulu land use regulations allow only "farm dwellings" on land within the State agricultural district and land zoned "agricultural" by the County. In order to get building permits for a farm dwelling, the owner must sign an affidavit that the dwelling will be used as a farm dwelling. The most significant regulatory control over failure to farm relates to the use of property tax exemptions granted by the County for dedication of property for agricultural use. If the landowner cannot demonstrate agricultural use on the property, the tax exemption will be removed.

The landowner will be including language in the Covenants, Conditions and Restrictions (CCRs) that will govern the subdivision that will limit the number of farm dwellings on any parcel to one, will restrict future subdivision, perpetuate agricultural use on the common areas of the subdivision and provide incentives for all landowners to pursue agricultural activities on the individual lots. These conditions are part of the Agricultural Plan for the Proposed Project that is discussed in Section 4.7 and Appendix H of the EIS. As a requirement of the County agricultural subdivision process, the Agricultural Plan must be reviewed and accepted by the State Department of Agriculture. The department did accept the proposed Agricultural Plan.

As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

3. *The 70 lots in the plan will sell for millions of dollars and allow a "farm residence" with up to 5,000 sq. ft. These are not farms and homes for the people of North Shore; these are estates and palaces for the wealthy. The entire North Shore community has been overrun by AirBnB and illegal vacation rentals, resulting in skyrocketing rents, the displacement of local families, and residents who work in Honolulu or who work remotely on the mainland. What is being done by the state and these developers to build affordable housing? Who will regulate these "farm homes" to be sure that there are no illegal vacation rentals? Where is the sense of social responsibility? Where is the concern for ʻohana? Where are the values that the Waialua community has long stood for?*

   Question: What regulation from the state and city will ensure that the 70 lots will not include structures that can be used as vacation rentals? What plan does the state have to use rare available real estate to benefit the families of Hawaiʻi and to ensure affordable housing? What is the developer contemplating to really help our community by building housing the community urgently needs? Where can my 27-year-old niece, born in Waialua and a resident to this day, find suitable rental housing in our community?

Response: The landowner will include language in the abovementioned CCRs that prohibit use of the property as a vacation rental. Parcels will only be allowed one farm dwelling. The City and County of Honolulu Department of Planning and Permitting has regulatory oversight for controlling illegal vacation rentals. Landowners can be issued citations for illegal vacation rentals, and if they fail to correct the violation, would be subject to civil fines.

With respect to affordable housing, if you are suggesting that Dillingham Ranch be used for affordable housing, there would be a significant inconsistency with current City and State land use policies affecting the Ranch property. Such a proposal would contravene the State Land Use Law (Chapter 205, Hawaiʻi Revised Statutes), the County General Plan, the *North Shore Sustainable Communities Plan* and County Zoning. Placing a large number of single-family dwellings on the property would trigger more significant requirements for urban amenities (wastewater treatment, water consumption, traffic, etc.). In addition to which, there would be no agricultural use of the property. Refer also to the analysis of the environmental impacts associated with the Higher Density Alternative in Section 6.4 of the Draft EIS.

4. ***Do not worsen traffic.*** *Much ink has been spilled about the worsening traffic on Oʻahu Oʻahu, which has spread to the North Shore. Kamehameha Highway in Haleʻiwa is so congested that residents of the area must plan in extraordinary ways just to go to work, pick kids up at school, visit the dump, and buy groceries. Development of Dillingham Ranch is sure to worsen traffic on Farrington Highway as well. Kaukonahua Rd. will become even more dangerous, first during the years of construction when residents will have to share the road with semis and utility vehicles, and later with the increased cars of the development. The burden of dealing with ever-increasing infrastructure needs, of course, will fall on Hawaiʻi taxpayers, not Kennedy Wilson Inc, not absentee landlords, and not tourists staying in vacation rentals.*

Question: What is the plan to mitigate the horrible roadway congestion this development will bring?

Response: You suggest that it is likely that the Proposed Project will have significant traffic impacts, particularly during the construction process. Traffic is discussed in detail in Section 4.11.1 and Appendix I of the Draft EIS. The Traffic Impact Analysis Report (TIAR) concluded that after completion of the Proposed Project, all external intersections are expected to operate at acceptable levels of service, and no mitigation is required. Any impacts associated with the construction period will be temporary in nature, and mitigation is included to address those impacts. It should be noted, that the State Department of Transportation has a project to re-pave Farrington Highway between Weed Circle and the Makaleha Bridge that is scheduled to go out to bid in August 2021.

5. ***Protect animals.*** *Of course, the other distinctive feature of Mokulēʻia is its shoreline, with the pristine beaches and coves that stretch to Kaʻena Point. The area is home to countless fish, native seabirds, honu, and Hawaiian monk seals, all of which thrive because the area is remote. The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiian Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, four are endangered. In addition, the pueo, Hawaiian Butterflies, native snails, and the Hawaiian Hoary bat can all be found at Dillingham. The coastal dune area of Kaʻena Point is being powerfully restored to its native habitat, harboring the Laysan albatross and a multitude of native plant life.*

   I am deeply concerned about the destruction of the habitat of these animals, the effect of construction noise and traffic, the impact of humans not attuned to wildlife, and the impact of a larger population on all wildlife. (The horrendous 2015 incident of partying teenagers at Kaʻena Point killing Laysan albatrosses and destroying nests and eggs is a testament to how fatal to animals humans can be.)

   Question: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

Response: The four endangered water birds you mention occupy habitat that is man-made (dating from sand mining activities on the property dating back to the 1970s and 1980s). This habitat is not part of the area where any construction activities associated with the Proposed Project will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the Draft EIS.

With respect to the ʻōpeʻapeʻa (Hawaiian Hoary bat), biological resources for the Proposed Project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the Project Area, including in 1992, 2008 and 2014. This species

was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 3.7 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional was commissioned study to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

With respect to the Pueo, it has never been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt*

et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."

While Dr. Bruner did not observe any Pueo during his survey, he did not rule out their presence on the Ranch. There is no critical habitat established by the U.S. Fish and Wildlife Service within the Project Site, and the overall use, topography and plant characteristics of the Project Site will not be significantly impacted.

With regard to the Laysan Albatross and Wedge-tailed Shearwater, no individuals of these species have been observed on the property during previous surveys. It is possible that individuals have visited Dillingham Ranch. These species are not endangered. This is not correct. The Laysan Albatross is the most numerous of the three North Pacific albatrosses, and the second most numerous Hawaiian seabird. The Laysan Albatross breeds in large numbers across all of the Northwestern Hawaiian Islands, as well as small populations on Kaua'i and O'ahu . Its population was estimated at 2.5 million individuals in 1990, with the largest breeding colony being on Midway Island, consisting of 400,000 breeding pairs. Populations of Laysan Albatross continue to increase due to protection at its primary breeding grounds in the Northwestern Hawaiian Islands (https://kauaiseabirdproject.org/laysan-albatross/).

6. ***Respect Hawaiian culture.*** *Then, of course, there are the majestic Wai'anae Mountains and the legendary Ka'ena Point. These places are of great cultural significance and must be considered in the overall planning and development of Mokulē'ia.*

   I am a hula practitioner as well as a writer who covers Hawaiian culture. This area is sacred. Ancient Hawaiian legend says that a goddess named Ka'ena, a cousin of the volcano goddess Pele lived here. The demigod Maui once stood on the shore of Kaua'i and cast his powerful hook toward O'ahu to unite the two islands. He managed only to loosen a huge boulder, which fell and remains to this day in the waters off Ka'ena Point.

   Another prominent boulder at Ka'ena Point is believed to hold an important role in the cycle of life. This large limestone rock, in view of the setting sun, is known as Leina a Ka 'Uhane, or "soul's leap." When a person dies, ancient Hawaiians believed, the soul leaves the body and wanders about the island, first going to a fishing shrine and eventually approaching the limestone rock. From there the soul leaps into Pōo, the Hereafter. This is the spiritual realm where the soul joins the ancestors and lives on forever.

   The Native Hawaiian interest extends also to gathering rights, which should have primacy when we think of land use and access.

   Question: How will you protect archaeological sites scattered throughout the property of Dillingham Ranch? How will you mitigate the threat to Hawaiian gathering rights and to cultural sites like Ka'ena Point, which should never be overrun by vacationers?

Response: Archaeological and Historic Resources are discussed in detail in Section 4.4 and Appendices E and J of the Draft EIS. It is noted that the Dillingham Ranch property has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that covered property not previously surveyed, and a Summary AIS prepared for this Draft EIS (Appendix E) that provides information from all relevant AISs in one document. All historic properties identified have been assessed for their significance and 12 of 16 archaeological sites located within the Project Area were evaluated as significant and are recommended for preservation by the Proposed Project's cultural resources consultant. These resources will be clearly marked on subdivision maps submitted to the Department of Planning and Permitting. Many of these sites will be assigned their own parcel or will be protected by an easement. These resources will be protected by the Covenants, Conditions and Restrictions (CCRs) that will be adopted for the subdivision.

With respect to Native Hawaiian gathering rights, cultural resources are discussed in detail in Section 4.5 and Appendix G (Cultural Impact Assessment) of the Draft EIS. No gathering rights were documented on the property. In regard to your observation regarding Ka'ena Point, this area is under the jurisdiction and management oversight of the State Department of Land and Natural Resources (DLNR), and the entrance to Ka'ena Point State Park is over 4 miles away from the Project Site.

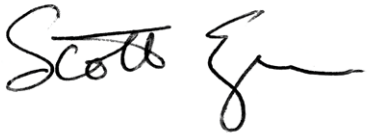
7. *Please listen to the people of the Waialua District. Do NOT allow the development of Dillingham Ranch by Kennedy Wilson. It does nothing to encourage agriculture, support the community, protect animals, or respect Native Hawaiian culture. It would bring too many people to this small town, worsen traffic, and it would fail to address the very real needs for affordable real estate and rental housing.*

Response: Your comment on the Proposed Project is acknowledged**.** With respect to your comments about agriculture, protection of fauna, traffic and affordable housing, those comments have been addressed in our responses, above.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

HHF Planners
2018
733 Bishop Street, Suite 2590
Honolulu, HI 96813

February 16th,

Joette Yago, Planner, Urban Design Branch
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear HHF Planners and the Department of Planning and Permitting,

As a resident of Mokuleia I am protesting with deep concerns about the recently submitted DEIS for Dillingham Ranch in Mokuleia by Kennedy Wilson. This DEIS **does not address** the overburdening our already fragile and unsupported **infrastructure of roads given the increased traffic it will bring, nor** does it address **our malfunctioning water supply system despite Kennedy Wilson having been declared our PUC by the State.** We have no working fire hydrants!

And what about run-off from the wastewater plant which when we have heavy rains, can spill over and pollute our rivers and fragile surf?

More traffic will destroy our roads, already in terrible disrepair, and **more traffic and buildings will kill more birds and risk our endangered wildlife and native species**, like Hoary Bats and Hawaiian snails, coots, Iwi birds and albatross that are very active in this area.

Thank you for considering these serious issues and risks to our precious aina.

Sincerely,
Ann Gommers
68-615 Farrington Highway
Waialua, HI 96791

HHF PLANNERS
places for people

January 7, 2019

Ms. Ann Gommers
68-615 Farrington Highway
Waialua, HI 96791

Dear Ms. Gommers:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 16, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *As a resident of Mokulēʻia I am protesting with deep concerns about the recently submitted DEIS for Dillingham Ranch in Mokulēʻia by Kennedy Wilson. This DEIS does not address the overburdening our already fragile and unsupported infrastructure of roads given the increased traffic it will bring, nor does it address our malfunctioning water supply system despite Kennedy Wilson having been declared our PUC by the State. We have no working fire hydrants!*

Response: Roads and Traffic. Section 4.11.1, Roadways and Traffic, of the Draft EIS includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

Water. The entity that was issued a Certificate of Public Convenience and Necessity to provide water service to the public from the Hawaii Public Utilities Commission (PUC) by Decision and Order dated June 27, 2012 is North Shore Water Company LLC (NSWC). NSWC is the entity that supplies water service to approximately 100 residential customers in the Mokulēʻia community. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Currently existing deficiencies related to NSWC's water service and fire hydrants are outside the scope of the Draft EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As your comment indicates, these concerns exist today, irrespective of the development of the Proposed Project. The deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Nevertheless, the Applicant's development of the Proposed Project will involve substantial upgrades that will benefit NSWC's access to source and storage. As a part of the Proposed Project, the Applicant

will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project will entail improvements to the NSWC water system.

2. *And what about run-off from the wastewater plant which when we have heavy rains, can spill over and pollute our rivers and fragile surf?*

Response: Section 4.11.3 of the Draft EIS, Wastewater System, discusses in detail the new wastewater collection and treatment facilities that will be provided as part of the Proposed Project, including discussing the location of the wastewater treatment plant/facilities. As stated on Page 4-48, the system will be "…*designed, built and operated in accordance with the City and County Design Standards of the Department of Wastewater Management, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to Wastewater Systems."* Wastewater will be treated to an R-1 level of quality, the highest level of treatment, and can essentially be re-used for agricultural purposes without restriction. This is a far more environmentally sensitive method of treatment than either cesspools or septic systems, which are prevalent throughout the North Shore, as there is no municipal system to service the majority of the community. It should be noted that treated effluent will be stored in steel containers before re-used for irrigation purposes.

Groundwater quality is discussed in Section 3.4, Water Resources, of the Draft EIS. The analysis contained in that section states that the "…*Project Area is located on sedimentary material of poor permeability….this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project*" (p. 3-20). With respect to construction activities, this Section includes a mitigation measure to minimize potential impacts to surface and groundwater resources within the Project Area.

3. *More traffic will destroy our roads, already in terrible disrepair, and more traffic and buildings will kill more birds and risk our endangered wildlife and native species, like Hoary Bats and Hawaiian snails, coots, Iwi birds and albatross that are very active in this area.*

Response: <u>Traffic</u>. See response to Question #1, above.

Endangered wildlife and native species. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The*

> *introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

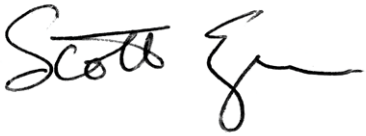
In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

With regard to the Laysan Albatross and Wedge-tailed Shearwater, no individuals of these species have been observed on the property during previous surveys. It is possible that individuals have visited Dillingham Ranch. These species are not endangered. The Laysan Albatross is the most numerous of the three North Pacific albatrosses, and the second most numerous Hawaiian seabird. The Laysan Albatross breeds in large numbers across all of the Northwestern Hawaiian Islands, as well as small populations on Kaua'i and O'ahu. Its population was estimated at 2.5 million individuals in 1990, with the largest breeding colony being on Midway Island, consisting of 400,000 breeding pairs. Populations of Laysan Albatross continue to increase due to protection at its primary breeding grounds in the Northwestern Hawaiian Islands (https://kauaiseabirdproject.org/laysan-albatross/).

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

HHF Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813

February 18th, 2018

Joette Yago, Planner, Urban Design Branch
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear HHF Planners and the Department of Planning and Permitting,

I reside in Mokuleia and write to complain that the recently submitted DEIS for Dillingham Ranch in Mokuleia by Kennedy Wilson does not address several critical issues for us all.

1) Polluting runoff from water treatment and during building process.
2) Overloaded roads that are already broken
3) Risk to our endangered species habitat as we are one of the few places they can live.
4) The Mokuleia water system.

I bike every day back and forth on Farrington and see dead birds lining the road, hit by cars. What will all the building and increased traffic do to the endangered species; like Hoary Bats and Hawaiian snails, coots, Iwi birds and albatross in this area?

The DEIS does not address the run-off from the wastewater plant which, especially when we have heavy rains, could pollute our drink water aquifers and fragile surf area?

What about burdens to other public services? Kennedy Wilson is our PUC for water for over 125 homes. Their water system is substandard, no working hydrants, and low water pressure. It is not addressed in the DEIS as to how the water system will integrate with the current water system.

Thank you for considering these serious issues and risks to our precious Aina.

Sincerely,
Peter Gommers
68-615 Farrington Highway
Waialua, HI 96791

Petition to Stop development

We, the undersigned, are AGAINST

The Kennedy Wilson Development of "Dillingham Ranch" in Mokule'ia

Printed Name	Signature	Address	Email	Date
MEGAN HELF		68-615 FARRINGTON HWY Apt 1B	mhelfile@gmail.	3 FEB
CLINT ADAIR		68-615 FARRINGTON HWY Apt 1B Waialua	mhelfile@gmail INWITHCLINT@GMAIL.COM	3 FEB
Judith Machian	JMachian	68.615 Farrington Hwy 23B	gjmachian@gmail	3 FEB
CAROL GOLD	Carol Gold	68-615 Farrington 3B	—	
Donna Nathanson	Donna Nathanson	68-615 Farrington #19A	donnaberg@email.com	2/3/18
Melannie Namoca	Melannie Namoca	68-615 Farrington Hwy 25B	namocam003@hawaii.rr.com	2-3-18
Ann Dommers		68-615 Farrington Hwy Waialua HI 96791	anniebi@hotmail.com	2/-3-18

Petition to Stop development

We, the undersigned, are AGAINST

The Kennedy Wilson Development of "Dillingham Ranch" in Mokule'ia

Printed Name	Signature	Address	Email	Date
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Randy Pacheco	[illegible]	68-615 Farrington Hwy 22-B	Findrandypacheco@Gmail.com	2-3-18
Reno Soverns	Reno Soverns	68-615 Farrington #wy 22B	fortyniner4me@sbcglobal.net	2-3-18
MELVIN NAMOCA	[illegible]	68-615 Farrington Hway #25B	namocam003@hawaii.rr.com	2-3-18
Ann Marie Namoca	[illegible]	68-615 Farrington Hwy #25B	namocam003@hawaii.rr.com	2-3-18
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PATTY JENSEN	[illegible]	68-615 FARRINGTON HWY 7A		2/3/18
ANNA METCALFE	[illegible]	68-615 FARRINGTON HWY	anna.metcalfe77@yahoo.com	2/3/18
Peter Gommers	[illegible]	68-615 Farrington Hwy 17B	annie4bi@hotmail.com	2/3/18
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PETER BROADLEY	[illegible]	68-615 FARRINGTON Hwy	PeterBroadley@Hotmail.com	2-3-18

Petition to Stop development

We, the undersigned, are AGAINST

The Kennedy Wilson Development of "Dillingham Ranch" in Mokule'ia

Printed Name	Signature	Address	Email	Date
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Row Whitehead		67-268 Goodale WAIALUA H	Skydiverow@gmail	2/3/18
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Jason Epps		67-019 Nalualu Rd Waialua HI 96791	jdepps7@yahoo.com	2/5/18
Mathieo St+Louis		68-024 APUHIHI ST 101W Waialua	Aloha4ola@gmail.com	2/5/18
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Jeremy Delia		59-617 Akanoho Pl Haleiwa HI 96712	Jeremydelia72@yahoo.com	2/5/18
Kita Devitt		68-677 Farrington Hwy Waialua, HI 96791	kita.devitt@gmail.com	2/5/18
Kelly Mathew		59-619 Akanoho Place Haleiwa Hi 96712	Kellytellym@gmail.com	2/5/18
Lindsay Wheeler	Lindsay Wheeler	68-1010 Hoomana Place Waialua HI 96791	Lindze189@yahoo.com	2/5/18
Julia Rovnan		67-239 KUKEA CIR WAIALUA HI 96791	JULIAROVNAN@GMAIL.COM	2/5/18

Petition to Stop development

We, the undersigned, are AGAINST

The Kennedy Wilson Development of "Dillingham Ranch" in Mokule'ia

Printed Name	Signature	Address	Email	Date
JOHN LANE		68-666 Hoomana CT	JACKLANE611@GMAIL.COM	2-5-18
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Stepan Cuseh		55-542 Lehiwa dr Mililani, HI 96789	uastep@gmail.com	2-5-18
MYHAYLO SYRGIY		95-205 Helinole PL. MILILANI	mishakudasov@gmail.com	2-5-18
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Connor LaFrancois		59-515 Akanoho Pl	Connor1841B6@gmail	2/6/18
Greg Meyer		67-348 Kupuhu St Waialua HI	northshoreaddictionsports@gmail	2/5/18
LÚCIA ALMEIDA	Lúcia Almeida	—	—	2.5.18

Petition to Stop development

We, the undersigned, are AGAINST

The Kennedy Wilson Development of "Dillingham Ranch" in Mokule'ia

Printed Name	Signature	Address	Email	Date
Mark Hewitt		PO Box 255 Haleiwa HI 96712	tikirigging@yahoo.com	2 5 18
Rich Beauvais			richbeauvais3@gmail.com	2/5/2018
Nicholas Armstrong		7800 Auburn Woods Dr. Citrus Heights, CA 95610	Nick Armstrong84@gmail.com	2/6/18
Valerie Armstrong		7800 Auburn Woods Dr. Citrus Heights, CA 95610	valquest76@gmail.com	2/6/18

ps send by 2/10/18

Petition to Stop development

We, the undersigned, are AGAINST

The Kennedy Wilson Development of "Dillingham Ranch" in Mokule'ia

Printed Name	Signature	Address	Email	Date
DeBORAH	Deborah	1261 Auupu Pl	adarialoha@	2.7.18
DUVAL	Duval	Kailua HI 96734	hotmail.com	
D. WEINGAND	D. Weingand	2550 Kuhio, HNL 96815	weingand@me.com	2/7/18
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Susan Killeen	Susan Killeen	3670 Kalihi St, Hon 96815	skilleen8@gmail.com	2/7/18
Miho Teipel	[illegible]	1888 Kalakaua Ave	alohabutterfly@hawaii.rr.	2/7/18
Mary Bertolino	Mary M Bertolino	2888 Ala Ilima St #1504	olinbert@gmail.com	2/7/18

ps send to Ann Gommers 68-615 Farrington Hwy. 173, Waialua, HI 96791

ps send by 2/10/18

Petition to Stop development

We, the undersigned, are AGAINST

The Kennedy Wilson Development of "Dillingham Ranch" in Mokule'ia

Printed Name	Signature	Address	Email	Date
D ANGE	[illegible]	1615 Ruth Place 96816 Honolulu	candledc@gmail.com	2/7/18
J GENCARELLI	[illegible]	1250 MOKAPU BLVD KAILUA 96734	KISHEVEN@HAWAIIANTEL.NET	2/7/18
[illegible]	[illegible]	125 Hangape Loop	CACTUSFLOWER@HAWAII.RR.COM	

ps send to Ann Gommers 68-615 Farrington Hwy 17B, Waialua HI 96791

HHF PLANNERS
places for people

January 7, 2019

Mr. Peter Gommers
68-615 Farrington Highway
Waialua, HI 96791

Dear Mr. Gommers:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 18, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses. We also acknowledge the petition attached to your letter.

1. *I reside in Mokulēʻia and write to complain that the recently submitted DEIS for Dillingham Ranch in Mokulēʻia by Kennedy Wilson does not address several critical issues for us all.*

   Polluting runoff from water treatment and during building process.

Response: You suggest that runoff from water treatment and during the building process will result in pollution. Your reference to "water treatment" is presumed to be tied to the wastewater treatment plant (WWTP). With respect to the WWTP, the subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules (HAR) pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

With regard to runoff during construction activities, Section 4.11.4 of the Draft EIS contains a detailed discussion of drainage, and mitigation of impacts related to stormwater and possible sedimentation. A system bioswales, vegetated swales and bioretention basins will be constructed to

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

intercept stormwater before leaving the property to allow for the settling of sediment and other pollutants. Roadways will be above 100-year flood elevations, except those in the lower reaches of the property near Farrington Highway, and roadway culverts will be provided throughout the Project Site to prevent flooding of roadways. Please refer to Section 4.11.14 of the Draft EIS (pages 4-51 through 4-56) and Appendix A for a thorough explanation of the approach to designing with regard to flood hazards and mitigating the impacts of stormwater.

2. *Overloaded roads that are already broken.*

Response: Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

3. *Risk to our endangered species habitat as we are one of the few places they can live.*

Response: You state that there is a risk to endangered species by proposed development. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the DEIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The DEIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the DEIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6*

meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing." This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

4. *The Mokulēʻia water system. . . . What about the burdens to other public services? Kennedy Wilson is our PUC for water for over 125 homes. Their water system is substandard, no working hydrants, and low water pressure. It is not addressed in the EIS as to how the water system will integrate with the current water system.*

Response: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Concerns regarding NSWC's water service provided to the Mokulēʻia community (such as the lack of operational fire hydrants and low water pressure) are outside the scope of the Draft EIS. Those are matters are to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS.

As you noted, these concerns exist today, irrespective of the development of the Proposed Project. The deficiencies within the NSWC system pre-date NSWC's ownership of the system.

The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service for the Proposed Project is discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system (lack of operational fire hydrants and low water pressure) are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

5. *I bike every day back and forth on Farrington Highway and see dead birds lining the road, hit by cars. What will all the building and increased traffic do to the endangered species; like Hoary Bats and Hawaiian snails, coots, Iwi birds and albatross in this area?*

Response: For a partial answer to your question on endangered species, please see Question 3, above. With regard to the Laysan Albatross, no individuals of this species has been observed on the property during previous surveys. It is possible that individuals have visited Dillingham Ranch. These species are not endangered. The Laysan Albatross is the most numerous of the three North Pacific albatrosses, and the second most numerous Hawaiian seabird. The Laysan Albatross breeds in large numbers across all of the Northwestern Hawaiian Islands, as well as small populations on Kauaʻi and Oʻahu. Its population was estimated at 2.5 million individuals in 1990, with the largest breeding colony being on Midway Island, consisting of 400,000 breeding pairs. Populations of Laysan Albatross continue to increase due to protection at its primary breeding grounds in the Northwestern Hawaiian Islands (https://kauaiseabirdproject.org/laysan-albatross/).

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species*

was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property." Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

6. *The DEIS does not address the run-off from the wastewater treatment plant which, especially when we have heavy rains, could pollute our drinking water aquifers and fragile surf area?*

Response: The proposed wastewater treatment system is discussed in Section 4.11.13 and Appendix A of the Draft EIS. The system will produce R-1 quality effluent that will be recycled as irrigation water within the Ranch property. An above-ground steel reservoir will be incorporated to store effluent as needed. System design should preclude accidental spills.

7. *What about burdens to other public services? Kennedy Wilson is our PUC for water for over 125 homes. Their water system is substandard, no working hydrants, and low water pressure. It is not addressed in the DEIS as to how the water system will integrate with the current water system.*

Response: Please see response to question #4, above.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Yago, Joette P

From: Heather Goodman <ourgoodadventure@gmail.com>
Sent: Wednesday, February 21, 2018 9:43 AM
To: Yago, Joette P
Subject: Statement of opposition against development in Mokuleia

Aloha!

As a resident of the North Shore I HIGHLY oppose the development of Dillingham ranch. The last thing we need is more vacation rentals and unregulated neighborhoods for millionaires on the mainland to leave empty for most of the year. The North Shore is getting less and less families and more vacation rentals. It breaks my heart.

Not only will this development destroy important cultural sites and affect our precious flora and fauna, it will place a sewage treatment over a large water source.

We do not need this!! Please do not let this happen!!

Mahalo, Heather

https://hbgoodie.com/

Instagram | Facebook | Pinterest

HHF PLANNERS
places for people

January 7, 2019

Ms. Heather Goodman
Ourgoodadventure@gmail.com

Dear Ms. Goodman:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *As a resident of the North Shore I HIGHLY oppose the development of Dillingham ranch. The last thing we need is more vacation rentals and unregulated neighborhoods for millionaires on the mainland to leave empty for most of the year. The North Shore is getting less and less families and more vacation rentals. It breaks my heart.*

Response: Your comment on the Proposed Project and its relationship to the neighborhood is acknowledged. Vacation rentals will be specifically prohibited in the documents governing the management of the future agricultural subdivision (Covenants Conditions and Restrictions).

The landowner will be including language in the Covenants, Conditions and Restrictions (CCRs) that will govern the subdivision that will restrict future subdivision, perpetuate agricultural use on the common areas of the subdivision and provide incentives for all landowners to pursue agricultural activities on the individual lots. These conditions are part of the Agricultural Plan for the Proposed Project that is discussed in Section 4.7 and Appendix H of the Draft EIS.

2. *Not only will this development destroy important cultural sites and affect our precious flora and fauna, it will place a sewage treatment over a large water source.*

   We do not need this! Please do not let this happen!!

Response: Cultural Sites. Section 4.4 of the Draft EIS, Archaeological and Historic Resources, and Appendices E, F, and J, discuss the subjects of Archaeology and Historic Buildings, in detail. All three of these reports have been accepted by the State Historic Preservation Division (SHPD). An outcome of these reports has been the identification of 12 archaeological sites that will be preserved, and six buildings eligible for the national register will also be preserved. Each of these sites and buildings is described in the Draft EIS. The Preservation Plan for archaeological resources is required to be reviewed and accepted by the State Historic Preservation Division. Compliance with the requirements specified in the mitigation measures is required.

Refer to P. 4-18 through p. 4-22 of the Draft EIS which enumerates the preservation requirements (including buffer zone safeguards) and the monitoring requirements for mitigating potential archaeological impacts during construction. Those monitoring requirements include requirements for an archaeologist to be on site

during construction to ensure compliance with the requirements of the Archaeological Monitoring Plan. Procedures for addressing inadvertent archaeological discoveries are also required.

Flora and fauna. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the*

> *ground in areas of tall grass (Pratt et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

Wastewater. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawai'i Administrative Rules pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Yago, Joette P

From: Amanda Grassman <manda115@yahoo.com>
Sent: Thursday, February 22, 2018 5:57 PM
To: Yago, Joette P
Subject: Preserve Mokuleia

Aloha,
Please preserve Mokuleia's land. We need beauty. If there is no beauty, there is no tourism or value to the north shore.

Wishing you the wisdom to make the right decision for Hawaii, Aloha, Amanda

HHF PLANNERS
places for people

January 7, 2019

Ms. Amanda Grassman
manda115@yahoo.com

Dear Ms. Grassman:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following response.

1. *Please preserve Mokulēʻia's land. We need beauty. If there is no beauty, there is no tourism or value to the north shore. Wishing you the wisdom to make the right decision for Hawaiʻi.*

Response: As s part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2 of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*".

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Dear HHF Planners and the Department of Planning and Permitting,

I am strongly opposed to the development of Dillingham Ranch by Dillingham Ranch Aina LLC, affiliates of Kennedy Wilson. The Draft Environmental Impact Statement (DEIS) presented fails to adequately address the following:

1. Roadways - Farrington Hwy is the only road into and out of Mokulēiʻa. This road is in serious need of repair due to many years of neglect and over use. The subdivision of Dillingham Ranch to allow for the construction of 70 homes and supporting utilities will result in a significant increase in traffic by heavy and at time overloaded semi trucks. These trucks will further degrade the already dilapidated highway which will lead to increased vehicular repair cost to the residents that must use the highway to take their children to school; travel to work; and conduct everyday essential activities. Additionally, it will increase risk to the lives of those who travel the road as the massive potholes are capable of downing motorcycle riders and puncturing tires.

2. Electricity - I find HECO's 2 November 2016 letter which states no off-site improvements i.e. substation upgrades and/or HECO distribution system improvements, would be required to provide service to the anticipated 525 kVA load from the subdivision residences false. The residents of Mokulēiʻa have dealt with "Brown Out" conditions every August for the past three years when current electrical infrastructure is overloaded. The increase demand for electricity that this development will generate will require upgrades to the existing Waialua Substation, located near Weed Circle off Waialua Beach Road and the primary distribution system currently consists mostly of overhead lines.

3. Potable Water - Previous studies conducted by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that the current water system lacks sufficient pressure and pumping capacity to provide the minimum required fire flow and meet the needs of current customers. The current water distribution plan laid out in the DEIS speaks mainly to the accommodation and support of new development. The current water distribution plan show a stub-out to support existing customers but fails to address who is responsible for the connection of new water system to existing pipes. Additionally, the DEIS fails to address the current state of existing pipes and their ability or inability to support the increase in water pressure. It is highly likely that the increase in water pressure will burst some of the existing pipes leading to sinkholes and place many residents without water until repairs are made. The increase in water pressure will be capable of dislodging current debris in existing water main. These debris will flow downstream and not only compromise the quality of water being consumed but it will clog the faucets of existing customers.

4. Endangered Species - Dillingham Ranch Aina LLC has built their Biological Resource Mitigation Plan aimed at protecting the current wildlife on outdated and incomplete research. The mitigation plan is based on surveys conducted in 1992, 2008, and 2014. The Island of Oahu has seen conversion of natural lands since

these surveys were conducted that has destroyed the natural habitat of many species of native birds, mammals, and insects. The lush natural and undeveloped lands planned to be developed by Dillingham Ranch Aina LLC have become home to many federally protected endangered Birds, Mammals, Reptiles, and Insects.

Dillingham Ranch Aina LLC, should not be allowed to move forward with their plan to subdivide the 2,721 acres into 70 "Farm Dwelling" lots until all of the above concerns have been addressed and realistic/sustainable means have been developed to ensure the land, wildlife and surrounding communities will not be adversely affected.

Andrew Green
68-032 Laau Paina Pl.
Waialua, Hi 96791

HHF PLANNERS
places for people

January 7, 2019

Mr. Andrew Green
68-032 Laʻau Paina Place
Waialua, HI 96791

Dear Mr. Green:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *I am strongly opposed to the development of Dillingham Ranch by Dillingham Ranch Aina LLC, affiliates of Kennedy Wilson. The Draft Environmental Impact Statement (DEIS) presented fails to adequately address the following:*

Response: Your comment on the Proposed Project is acknowledged and should be directed to the Department of Planning and Permitting..

2. *Roadways - Farrington Hwy is the only road into and out of Mokulēʻia. This road is in serious need of repair due to many years of neglect and over use. The subdivision of Dillingham Ranch to allow for the construction of 70 homes and supporting utilities will result in a significant increase in traffic by heavy and at time overloaded semi trucks. These trucks will further degrade the already dilapidated highway which will lead to increased vehicular repair cost to the residents that must use the highway to take their children to school; travel to work; and conduct everyday essential activities. Additionally, it will increase risk to the lives of those who travel the road as the massive potholes are capable of downing motorcycle riders and puncturing tires.*

Response: You state that it is likely that the Proposed Project will have significant traffic impacts, particularly during the construction process. Traffic is discussed in detail in Section 4.11.1 and Appendix I of the Draft EIS. The Traffic Impact Analysis Report (TIAR) concluded that after completion of the Proposed Project, all external intersections are expected to operate at acceptable levels of service, and no mitigation is required. However, for impacts associated with the construction period (that will be temporary in nature), a mitigation measure is included in the Draft EIS.

With respect to the condition of Farrington Highway, the State Department of Transportation Highways Division has a project to rehabilitate Farrington Highway from the Makalena Bridge to Weed Circle which is anticipated to be advertised for bid in August of 2021.

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

3. *Electricity - I find HECO's 2 November 2016 letter which states no off-site improvements i.e. substation upgrades and/or HECO distribution system improvements, would be required to provide service to the anticipated 525 kVA load from the subdivision residences false. The residents of Mokulēʻia have dealt with "Brown Out" conditions every August for the past three years when current electrical infrastructure is overloaded. The increase demand for electricity that this development will generate will require upgrades to the existing Waialua Substation, located near Weed Circle off Waialua Beach Road and the primary distribution system currently consists mostly of overhead lines.*

Response: You suggest that HECO's November 2, 2016 letter (which states that no off-site improvements or upgrades are needed to accommodate the proposed subdivision) is false. Your statement is acknowledged. HECO must be relied on for their experience and expertise with matters related to the electric grid.

4. *Potable Water - Previous studies conducted by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that the current water system lacks sufficient pressure and pumping capacity to provide the minimum required fire flow and meet the needs of current customers. The current water distribution plan laid out in the DEIS speaks mainly to the accommodation and support of new development. The current water distribution plan show a stub-out to support existing customers but fails to address who is responsible for the connection of new water system to existing pipes. Additionally, the DEIS fails to address the current state of existing pipes and their ability or inability to support the increase in water pressure. It is highly likely that the increase in water pressure will burst some of the existing pipes leading to sinkholes and place many residents without water until repairs are made. The increase in water pressure will be capable of dislodging current debris in existing water main. These debris will flow downstream and not only compromise the quality of water being consumed but it will clog the faucets of existing customers.*

Response: The water system that supplies certain residential customers in the Mokuleia community and that was discussed in the R.M. Towill studies you cited is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Currently existing concerns regarding the water service provided in the Mokulēʻia community, and existing infrastructure concerns that supports the Mokulēʻia community (outdated pipes and low water pressure), are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

NSWC owns only one well and it is located within the Proposed Project. DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. You raised concerns about potential impacts from additional water pressure. In connection with the development of the Proposed Project, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. However, if needed, DRA will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure, and avoid the concerns you raised about pipes bursting from improved water pressure.

The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2, 4.11.2 and 7.5 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system (outdated pipes and low water pressure) are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

The NSWC's Mokulēiʻa community water system is not part of the Proposed Project. Water service for the Mokulēiʻa community is provided by NSWC and will continue to be serviced by NSWC irrespective of the development of the Proposed Project. Future issues with the potable water system remain the responsibility of NSWC and should be addressed to the NSWC.

5. *Endangered Species - Dillingham Ranch Aina LLC has built their Biological Resource Mitigation Plan aimed at protecting the current wildlife on outdated and incomplete research. The mitigation plan is based on surveys conducted in 1992, 2008, and 2014. The Island of Oʻahu has seen conversion of natural lands since these surveys were conducted that has destroyed the natural habitat of many species of native birds, mammals, and insects. The lush natural and undeveloped lands planned to be developed by Dillingham Ranch Aina LLC have become home to many federally protected endangered Birds, Mammals, Reptiles, and Insects.*

Response: You suggest that using avifauna and terrestrial mammal surveys from 1992, 2008 and 2014 as the basis for determining the anticipated impacts of the proposed subdivision on federally listed species is flawed. Dr. Philip Bruner, a noted terrestrial biologist, who has been working in Hawaiʻi for over 30 years, reviewed all available material on the terrestrial biology of the Project Site and remains convinced no significant impacts to the federally listed species (birds and mammals) will occur as a result of the proposed subdivision. There is no federally identified critical habitat in the vicinity of the proposed subdivision. His findings are presented in Appendix D of the EIS, and in order to provide a fuller background on these resources. His 2014 survey will be added to Appendix D.

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix _. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

6. *Dillingham Ranch Aina LLC, should not be allowed to move forward with their plan to subdivide the 2,721 acres into 70 "Farm Dwelling" lots until all of the above concerns have been addressed and realistic/sustainable means have been developed to ensure the land, wildlife and surrounding communities will not be adversely affected.*

Response: The Draft EIS has conducted a thorough analysis of the subject areas pertinent to the proposed agricultural subdivision and included measures to minimize any impacts associated with the project. Responses to your comments above are indicative of the information contained in the Draft EIS.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

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Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Letter of Opposition

Date: 9/21/2018

To Whom it May Concern,
I am Jennifer Green-Nunez, a North Shore resident living at 68-032 Laau Paina Pl, Waialua, HI 96791. I am in opposition of the development of Dillingham Ranch, owned by Kennedy Wilson Inc. Our community has come together as one voice to express what we want for Dillingham Ranch. Any sale of dillingham ranch will need to meet the understanding of our principles, our intentions of preserving and protecting this land; it will need to observe and recognize the culture, to create an economy based on true agriculture and conservation. As a unit our neighborhoods have proven time and time again we will settle for nothing less for our the soil of this land. I did read the draft EIS and I have some major concerns:

1. The word fire hydrant or fire hydrants is mentioned only one time in your Draft Environmental Impact Study (DEIS). At what point do we address that safety concern? When was the last time there was a testing of the singular hydrant that rests out in Waialua? The North Shore Water Company (NSWC) owned by Kennedy Wilson Inc. is practicing unlawful measures in regards to safety concern for the community by breaking federal and state laws. The oldest article I could find in regards to the procurement of the water company clearly states that not only was Kennedy Wilson aware of the bad piping, so was the board of water, and they were and are supposed to have fixed the issues. By moving forward with the development of the land, Kennedy Wilson is bypassing what it is already contractually owed to the community through NSWC.

http://files.hawaii.gov/dcca/dca/dno/dno2007/23471.pdf

2. The development includes ancient burial grounds of native Hawaiians. The only thing I can think to equal this to, would be to propose a development on Arlington National Monument. The view is perfect, but the plot, you see, it resides on the dead, ancestors buried, the mourned, the generation who lived long before. This is tacky, and holds no concern for cultural preservation, it instead puts it out on display for the rich. This doesn't ensure the safeguard of these sites, it only puts them more at jeopardy due to human error during development, or after. According to the **Native American Graves Protection and Repatriation Act (NAGPRA)**, Pub. L. 101-601, 25 U.S.C. 3001 et seq.,

104 Stat. 3048, is a United States federal law enacted on 16 November 1990, these sites are protected from development.

https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg3048.pdf

3. What is the purpose of this development, other than for those who are billionares? It doesn't add to the North Shore, it severely takes from it. There are other locations that would gladly accept the type of development being proposed, yet even still, the fact is that Oahu is the most developed Hawaiian Island, you can only take so much without ruining the ecosystem, and destroying homes for indigenous, and endangered species, such as the hoary bat.

https://www.fws.gov/pacificislands/fauna/HIhoarybat.html

I look forward to hearing what actions will be taken.
Thank you.

Respectfully,
Jennifer Green-Nunezz

68-032 Laau Paina Pl.
Waialua, HI 96791
808-853-7168

HHF PLANNERS
places for people

January 7, 2019

Jennifer Green-Nunez
68-032 La'au Paina Place
Waialua, HI 96791

Dear Ms. Green-Nunez:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 (the date in your letter is actually September 21, 2018, but we assume this is a typo) providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am in opposition of the development of Dillingham Ranch, owned by Kennedy Wilson Inc. Our community has come together as one voice to express what we want for Dillingham Ranch. Any sale of dillingham ranch will need to meet the understanding of our principles, our intentions of preserving and protecting this land; it will need to observe and recognize the culture, to create an economy based on true agriculture and conservation. As a unit our neighborhoods have proven time and time again we will settle for nothing less for the soil of this land. I did read the draft EIS and I have some major concerns.*

Response: Your comments on the importance of the land and the need for true agriculture are acknowledged. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily

result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

2. *The word fire hydrant or fire hydrants is mentioned only one time in your Draft Environmental Impact Study (DEIS). At what point do we address that safety concern? When was the last time there was a testing of the singular hydrant that rests out in Waialua? The North Shore Water Company (NSWC) owned by Kennedy Wilson Inc. is practicing unlawful measures in regards to safety concern for the community by breaking federal and state laws.*

Response: As you noted, the water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project under review in this EIS will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Concerns regarding the water service provided in Mokulēʻia, including the operation and adequacy of fire hydrants in the community, are outside the scope of the Draft EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, these concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system. Concerns about the operations of NSWC should be addressed to NSWC.

The Applicant's proposed improvements related to on-site water service for the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The water system proposed for the Proposed Project will comply with all requirements of the Fire Code, including the provision of adequate fire hydrants. The proposed agricultural subdivision cannot be approved without these design elements. The concerns you noted about existing conditions of the NSWC system (such as the operation and adequacy of fire hydrants in the community) are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

3. *The oldest article I could find in regards to the procurement of the water company clearly states that not only was Kennedy Wilson aware of the bad piping, so was the board of water, and they were and are supposed to have fixed the issues. By moving forward with the development of the land, Kennedy Wilson is bypassing what it is already contractually owed to the community through NSWC. http://files.hawaii.gov/dcca/dca/dno/dno2007/23471.pdf.*

Response: Please see response to question #2, above. The development of the Proposed Project is not related to pre-existing infrastructure issues with NSWC or the Board of Water Supply.

4. *The development includes ancient burial grounds of native Hawaiians. The only thing I can think to equal this to, would be to propose a development on Arlington National Monument. The view is perfect, but the plot, you see, it resides on the dead, ancestors buried, the mourned, the generation who lived long before. This is tacky, and holds no concern for cultural preservation, it instead puts it out on display for the rich. This doesn't ensure the safeguard of these sites, it only puts them more at jeopardy due to human error during development, or after. According to the Native American Graves Protection and Repatriation Act (NAGPRA**),** Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048, is a United States federal law enacted on 16 November 1990, these sites are protected from development.*
   https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg3048.pdf

Response: Archaeological and Historic Resources are discussed in detail in Section 4.7 and Appendices E and J of the Draft EIS. The Dillingham Ranch property has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that covered property not previously surveyed, and a Summary AIS prepared for this DEIS (Appendix E) that provides information from all relevant AISs in one document. All historic properties identified have been assessed for their significance and 12 of 16 archaeological sites located within the Project Area were evaluated as significant and are recommended for preservation. The DEIS includes interim and long-term preservation measures to minimize impacts to these historic properties (Section 4.4.3 of the DEIS). No burials were identified as part of these studies, nor were any noted as part of the Cultural Impact Assessment (CIA) that is discussed in Section 4.5 of the DEIS, and presented in full in Appendix G.

This does not mean that there are no burials anywhere on the property. Chapter 6E, Hawaiʻi Revised Statutes (HRS) contains guidance on the disposition of any iwi that might be discovered during the construction process for the proposed agricultural subdivision. Notification of the State Historic Preservation Division and other procedures are well known, and contractors will be briefed on protocol should such a discovery be made. The area makai of Cane Haul Road (approximately ½-mile mauka of Farrington Highway, closest to the ocean) does not include any development activities or ground disturbance. If you are aware of the location of any burials, please contact us so that areas can be avoided.

5. *What is the purpose of this development, other than for those who are billionaires? It doesn't add to the North Shore, it severely takes from it. There are other locations that would gladly accept the type of development being proposed, yet even still, the fact is that Oʻahu is the most developed Hawaiian Island. You can only take so much without ruining the ecosystem, and destroying homes for indigenous, and endangered species, such as the hoary bat. https://www.fws.gov/pacificislands/fauna/Hlhoarybat.html...*

Response: The overall approach to the Proposed Project is one that recognizes the existing uses on the Ranch property and provides for their continuation, including equestrian activities, cattle

grazing, palm tree orchard, mango orchard, and operation of the Dillingham Lodge. Additional agricultural activities will be added in the form of hydroponic farming and an additional 100 acres of orchards. Your comment on the Proposed Project and its compatibility with the community is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*".

Section 5.2.2 of the DEIS contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. The Agricultural Plan (contained as, Appendix H to the DEIS) contains information on Chapter 205, Hawaiʻi Revised Statutes, to prevent the "token farming or ranching as a ruse to exploit agricultural land" on the Subject Property. Relevant portions of the Agricultural Plan will be included in the CC&Rs.

<u>Endangered Species</u>**.** Four endangered water birds are known to occupy a man-made pond that dates from sand mining activities on the property dating back to the 1970s and 1980s). This habitat is removed from the area where any construction activities will occur. There is currently considerable truck traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), biological resources for the project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the DEIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September*

15, the period in which bats are potentially at risk from vegetation clearing." This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. Botanical resources are discussed in detail in Section 3.6 and Appendix C of the Draft EIS. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawai'i on the island of O'ahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Dear HHF Planners and the Department of Planning and Permitting,

I am strongly opposed to the development of Dillingham Ranch by Dillingham Ranch Aina LLC, affiliates of Kennedy Wilson. In the Draft EIS there was no mention of the endangered endemic snails of Oahu. I have been in contact with Brenden Holland of HPU, he is on the faculty in the department of Natural Sciences at Hawaii Pacific University, his specialty is Hawaiian Biodiversity and Conservation, and he is an Assistant Professor. This is the information he provided in regard to the endemic snails.

"This area lies within an important historical range for a number of now rare endemic Oahu land snails. Although we have not done surveys in this exact area, we have done surveys nearby at similar elevations along the roads and trails along the Kaena Point escarpment, and documented the presence of and studied active populations of the Hawaiian Amber Snail (Succinea caduca) in this area as well, only a few km from the proposed development boundary. While certain lineages of the more than 800 endemic Hawaiian land snails are host specific, i.e. prefer or require the presence of intact native Hawaiian forests and vegetation, such as the well-known and conspicuous endangered tree snails of the genus Achatinella and the very rare Amastridae, a land dwelling Hawaiian snail family that once had more than 300 different species; other less conspicuous species such as the Amber snails and small members of the family Achatinellidae disperse more readily than tree snails, therefore have a higher propensity to recolonize damaged areas where they were previously extirpated, and, they are generally less picky about the plant species they live on. There is certainly a chance that populations of a number of these species are present in the proposed construction zone. However while these species are not Federally listed as endangered, they are protected by DLNR, and population surveys and counts should be done prior to any construction project in open, undeveloped habitat. Although the native low elevation (below about 500 m) dry-land forests were largely replaced with non-native trees, shrubs and grasses many decades ago on the north-shore of Oahu, in some cases hundreds of years ago, there are frequently small pockets of native or non-native riparian forest that harbor native snails in areas where there has not been recent intense land use."

I have searched though out the draft EIS provided by Dillingham Ranch Aina and there is absolutely no mention of said snails. Why did they not have to survey the land for these snails? I am strongly opposed to this project as this may wipe out the snails that may exist on said property. There needs to be a study done. These are federally listed endangered snails. It is a violation of federal law to destroy its habitat without any provisions to save them by relocation or proper protection built to ensure their safety during said development and there after.

Another reason I strongly oppose said project, is the detrimental impact it will have on The Hawaiian Hoary Bat. A federally listed endemic endangered land mammal species inclusive to just four Islands in Hawaii. I am a lifelong resident of Mokulē 'ia and can attest to the recent sightings of said species. I live directly across from Dillingham

Ranch and have heard these bats through out the year since January of 2017. Within their draft they mention said bats in section 3.7.2 *(that No Hawaiian Bats were recorded by Burner during his previous surveys in 2008 and 2014. However it is likely that Hawaiian Hoary bats overfly the Project Area on a seasonal basis.)* This contradicts what I have witnessed through out the year. I have spotted them and have heard them. How can they be seasonal if it is heard at least a few times a week through out an entire year? Why would they cut down trees that may be homes for these bats? How is this not a violation of federal laws that protect this said bat from displacement from their habitats? There is little known about this species due to the nature of the species, it has been very difficult in the past to study them in their natural environment due to the locations mostly being in higher up lands and in trees. Recently there has been new technologies introduced to help better study this bat. If Dillingham were to move forward without having to provide access for these bats to be studied then that is a loss not only to the science community but also to the people of Hawaii. There for I strongly oppose this project and suggest a more thorough study be conducted for this Hawaiian Hoary Bat as well as the endangered endemic snails. They should have to prove without a doubt that said animals are not on said property or that this project will not impact their survival rates.

I also strongly oppose this development project as this company Kennedy Wilson lacks knowledge of the happenings of their own property. That was documented during a local public meeting held by the North Shore Board #27, when they were asked questions about their knowledge of rocks "Pohaku" being removed from their property they acted as if that was the first time they heard of such a thing being done. When asked whether or not the property held a permit to sell rocks commercially, once again they had no clue. I am a witness to the rock removal. I watched truck loads of rocks being removed from the property out of the gate on the equestrian side of the property. At least four times I saw a truck exiting the property with mounds of rocks. The rocks were taken down to a home in Mokuleia which was once the home of Bamboo Opperman, where a wall was being constructed. I called DLNR and they fined this home owner for not having any permits to construct such a wall on their property. On another occasion, boulders the size of a midsize sedan vehicle was also witnessed being removed from Dillingham Ranch. When asked why rocks were being removed people were told that they were left over from The Warrior Dash, which held events on the property. I have contacted many who attended the Warrior Dash each time it was held, each person said there were no boulders present during their races. So I ask where did these boulders go? Were they removed prior to the survey conducted to draw up the Draft EIS? They should have to show where and why these boulders and rocks were removed? From what has been gathered, no monitoring was done during the extraction of the rocks. How do they prove no archaeological sites were disturbed? Why are they not held responsible for their negligence? The Hawaiian people don't want to see a fine being issued they want answers. This negligence makes me concerned for the documented and undocumented archaeological sites future? If the very owners are not aware of laws regarding rocks "pohaku" what ensures that the new owners will take it

serious? The not knowing is not good enough. Using language like "maybe" and "what's expected" through out this Draft EIS is not good enough. We deserve a guarantee and see repercussion issued if violated in the future, as well as seeing some repercussions now for said disturbances.

My third opposition, is the water issue. Kennedy Wilson has publicly stated that they are not fixing any pipes outside of Dillingham Ranch. It is stated in the Draft EIS that the only upgrading done will be on the Ranch. This is a very big problem for the surrounding community that rely on water from the Ranch and has been relying on water since these neighborhoods were established. Kennedy Wilson took on this property with the pure knowledge of this water that feeds the paying customers in surrounding community. We are currently running on outdated pipes that are leaking. We have a constant lower pressure then those receiving from the BWS, this is due to the fact that if pressure were to be raised the pipes have a high probability of bursting leaving each community member without water until the issue is resolved. Currently it is expected of the surrounding community to pay for the pipes and meters at the home owners expense. The math done showed each home owner would have to pay 90K dollars to fix the problem should it occur. Many residents out here are on fixed incomes, should they have to pay such a fee they may be forced to sell, and with no running water this will dramatically lower property value below market prices. It is going to happen eventually, resulting in the state having to get involved as Water is a Right by Federal Law and not a privilege. Is the state prepared to handle such an issue? Because I believe the state will have a class action lawsuit against them should this happen. Because the warnings were on the door. No fixing of the pipes leaves this entire area without any fire hydrants. If a massive fire were to erupt once again this will be looked back on and the state will be held liable as they did not even attempt to mitigate the problem, by at least holding a public hearing regarding such a detrimental matter. I ask how is Kennedy Wilson not responsible for at least coming together with the state and the community members affected by such a problem, to come up with a resolution?

I would like to see this area preserved. This area of Mokuleia should be handed over to the state and turned into a state park for educational purposes. If the state can take away or buy homes forcibly to build freeways why cant it do so when land with such rich resources is threatened?

Mahalo for your time and patience on these matters,

Rebecca Lee Green

Rebecca Lee Green
68-032 Laau Paina Pl.
Waialua Hi 96791

HHF PLANNERS
places for people

January 7, 2019

Ms. Rebecca Lee Green
68-032 Laʻau Paina Place
Waialua, HI 96791

Dear Ms. Green:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am strongly opposed to the development of Dillingham Ranch by Dillingham Ranch Aina LLC, affiliates of Kennedy Wilson. In the Draft EIS there was no mention of the endangered endemic snails of Oʻahu. I have been in contact with Brenden Holland of HPU, he is on the faculty in the department of Natural Sciences at Hawaiʻi Pacific University, his specialty is Hawaiian Biodiversity and Conservation, and he is an Assistant Professor. This is the information he provided in regard to the endemic snails.*

> *"This area lies within an important historical range for a number of now rare endemic Oʻahu land snails. Although we have not done surveys in this exact area, we have done surveys nearby at similar elevations along the roads and trails along the Kaʻena Point escarpment, and documented the presence of and studied active populations of the Hawaiian Amber Snail (Succinea caduca) in this area as well, only a few km from the proposed development boundary. While certain lineages of the more than 800 endemic Hawaiian land snails are host specific, i.e. prefer or require the presence of intact native Hawaiian forests and vegetation, such as the well-known and conspicuous endangered tree snails of the genus Achatinella and the very rare Amastridae, a land dwelling Hawaiian snail family that once had more than 300 different species; other less conspicuous species such as the Amber snails and small members of the family Achatinellidae disperse more readily than tree snails, therefore have a higher propensity to recolonize damaged areas where they were previously extirpated, and, they are generally less picky about the plant species they live on. There is certainly a chance that populations of a number of these species are present in the proposed construction zone. However while these species are not Federally listed as endangered, they are protected by DLNR, and population surveys and counts should be done prior to any construction project in open, undeveloped habitat. Although the native low elevation (below about 500 m) dry-land forests were largely replaced with non-native trees, shrubs and grasses many decades ago on the north-shore of Oʻahu, in some cases hundreds of years ago,*

there are frequently small pockets of native or non-native riparian forest that harbor native snails in areas where there has not been recent intense land use."

I have searched though out the draft EIS provided by Dillingham Ranch Aina and there is absolutely no mention of said snails. Why did they not have to survey the land for these snails? I am strongly opposed to this project as this may wipe out the snails that may exist on said property. There needs to be a study done. These are federally listed endangered snails. It is a violation of federal law to destroy its habitat without any provisions to save them by relocation or proper protection built to ensure their safety during said development and there after.

Response: In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

2. *Another reason I strongly oppose said project, is the detrimental impact it will have on the Hawaiian Hoary Bat. A federally listed endemic endangered land mammal species inclusive to just four Islands in Hawaiʻi. I am a lifelong resident of Mokulēʻia and can attest to the recent sightings of said species. I live directly across from Dillingham Ranch and have heard these bats through out the year since January of 2017. Within their draft they mention said bats in section 3.7.2 (that No Hawaiian Bats were recorded by Burner during his previous surveys in 2008 and 2014. However it is likely that Hawaiian Hoary bats overfly the Project Area on a seasonal basis.) This contradicts what I have witnessed through out the year. I have spotted them and have heard them. How can they be seasonal if it is heard at least a few times a week through out an entire year? Why would they cut down trees that may be homes for these bats? How is this not a violation of federal laws that protect this said bat from displacement from their habitats? There is little known about this species due to the nature of the species, it has been very difficult in the past to study them in their natural environment due to the locations mostly being in higher up lands and in trees. Recently there has been new technologies introduced to help better study this bat. If Dillingham were to move forward without having to provide access for these bats to be studied then that is a loss not only to the science community but also to the people of Hawaiʻi. There for (sic) I strongly oppose this project and suggest a more*

thorough study be conducted for this Hawaiian Hoary Bat as well as the endangered endemic snails. They should have to prove without a doubt that said animals are not on said property or that this project will not impact their survival rates.

Response: With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the DEIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service. The landowner will comply with all pertinent federal and state laws regarding this species. Language used referring to "seasonal" relate to the bat pupping season, when these young animals are susceptible to disruption. For the purposes of this project, the landowner is assuming that bats are present on the property and will take measure to ensure they are not disrupted.

In regard to native snails and butterflies, please see the response to question #2, above.

3. *I also strongly oppose this development project as this company Kennedy Wilson lacks knowledge of the happenings of their own property. That was documented during a local public meeting held by the North Shore Board #27, when they were asked questions about their knowledge of rocks "Pōhaku" being removed from their property they acted as if that was the first time they heard of such a thing being done. When asked whether or not the property held a permit to sell rocks commercially, once again they had no clue. I am a witness to the rock removal. I watched truck loads of rocks being removed from the property out of the gate on the equestrian side of the property. At least four times I saw a truck exiting the property with mounds of rocks. The rocks were taken down to a home in Mokulēʻia which was once the home of Bamboo Opperman, where a wall was being constructed. I called DLNR and they fined this home owner for not having any permits to construct such a wall on their property. On another occasion, boulders the size of a midsize*

sedan vehicle was also witnessed being removed from Dillingham Ranch. When asked why rocks were being removed people were told that they were left over from The Warrior Dash, which held events on the property. I have contacted many who attended the Warrior Dash each time it was held, each person said there were no boulders present during their races. So I ask where did these boulders go? Were they removed prior to the survey conducted to draw up the Draft EIS? They should have to show where and why these boulders and rocks were removed?

From what has been gathered, no monitoring was done during the extraction of the rocks. How do they prove no archaeological sites were disturbed? Why are they not held responsible for their negligence? The Hawaiian people don't want to see a fine being issued they want answers. This negligence makes me concerned for the documented and undocumented archaeological sites future? If the very owners are not aware of laws regarding rocks "pohaku" what ensures that the new owners will take it serious? The not knowing is not good enough. Using language like "maybe" and "what's expected" through out this Draft EIS is not good enough. We deserve a guarantee and see repercussion issued if violated in the future, as well as seeing some repercussions now for said disturbances.

There was no reason to remove the boulders prior to the survey conducted to draw up the Draft EIS, and it is offensive to assume an underlying motive for the EIS preparation. They should have to show where and why these boulders and rocks were removed?

What is law re. pohaku removal? Was removal in line with law? Should include reference to rules, and how removal has been in compliance with law.

Response: With regard to your assertions about *pōhaku*, there are no commercial operations for the mining of *pōhaku* at Dillingham Ranch. In the recent past, there have been a small number of instances when residents in the area have approached employees at Dillingham Ranch to allow them to use boulders from the Ranch to protect their property during periods of high surf and erosion events. These rocks were removed from an existing pile of boulders, which is believed to be a remnant of sugar operations on the property

4. *My third opposition, is the water issue. Kennedy Wilson has publicly stated that they are not fixing any pipes outside of Dillingham Ranch. It is stated in the Draft EIS that the only upgrading done will be on the Ranch. This is a very big problem for the surrounding community that rely on water from the Ranch and has been relying on water since these neighborhoods were established. Kennedy Wilson took on this property with the pure knowledge of this water that feeds the paying customers in surrounding community.*

   We are currently running on outdated pipes that are leaking. We have a constant lower pressure then those receiving from the BWS, this is due to the fact that if pressure were to be raised the pipes have a high probability of bursting leaving each community member without water until the issue is resolved.

Currently it is expected of the surrounding community to pay for the pipes and meters at the home owners expense. The math done showed each home owner would have to pay 90K dollars to fix the problem should it occur. Many residents out here are on fixed incomes, should they have to pay such a fee they may be forced to sell, and with no running water this will dramatically lower property value below market prices.

It is going to happen eventually, resulting in the state having to get involved as Water is a Right by Federal Law and not a privilege. Is the state prepared to handle such an issue?

Because I believe the state will have a class action lawsuit against them should this happen. Because the warnings were on the door. No fixing of the pipes leaves this entire area without any fire hydrants. If a massive fire were to erupt once again this will be looked back on and the state will be held liable as they did not even attempt to mitigate the problem, by at least holding a public hearing regarding such a detrimental matter. I ask how is Kennedy Wilson not responsible for at least coming together with the state and the community members affected by such a problem, to come up with a resolution?

Response: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Concerns about the current water service provided by NSWC to the Mokulēʻia community, and costs related to any required improvements to address the pipes and meters that serve the Mokulēʻia community, are outside the scope of the Draft EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. Subject to PUC approval, as a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC, both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those

improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4 and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system (outdated pipes, lower pressure, expenses related to necessary repairs, lack of fire hydrants) are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

5. *I would like to see this area preserved. This area of Mokulēʻia should be handed over to the state and turned into a state park for educational purposes. If the state can take away or buy homes forcibly to build freeways why can't it do so when land with such rich resources is threatened?*

Response: You suggest that Dillingham Ranch should be handed over to the State of Hawaiʻi. All governments have the power to condemn private property for public purposes. However, these actions are not without a price, as the landowner must be paid for such an action, based on an appraisal of the value of the land. Should the landowner not agree to the appraised value offered by the government, a trial can result to establish the value which the government would have to pay to the landowner.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Yago, Joette P

From: Ashley Hagmoc <ahagmoc456@yahoo.com>
Sent: Thursday, February 22, 2018 11:11 AM
To: Yago, Joette P
Subject: Save Mokuleia

Creating a development that will destroy hearts, and lives is wrong beyond compared. We live in a world that just takes and destroys without even batting an eye. We hold on to the things that matter most, and for it to be destroyed is completely heartbreaking. Mokuleia is a place of many wonders, it brings people together spiritually, emotionally and even physically. Mokuleia is also the home of many creatures including our pueo (owl),which is an endangered species. Creating this development will hurt many hearts and and animals. Mokuleia holds everything that has meaning to the people and lives that believe in it and live off off it. To destroy a place with such beauty and wonder would be the most heartbreaking moment to everyone and anyone that had a connection to this amazing place. Most people don't know the value this place holds and, so they take advantage until they realize that mokuleia is a beautiful place with so many things to see. Mokuleia still holds a big place in Hawaiian culture and some things and spot are still sacred. I'm Hawaiian and it would be in great disrespect to the culture if it were to be ruined. To ruin a home for animals, and the spirits as well as culture, to break the hearts of many, and hurt sacred grounds would be just inhuman.

Ashley Hagmoc
Sent from Yahoo Mail on Android

HHF PLANNERS
places for people

January 7, 2019

Ashley Hagmoc
ahagmoc456@yahoo.com

Dear Ashley:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Creating a development that will destroy hearts, and lives is wrong beyond compared. We live in a world that just takes and destroys without even batting an eye. We hold on to the things that matter most, and for it to be destroyed is completely heartbreaking. Mokulēʻia is a place of many wonders, it brings people together spiritually, emotionally and even physically.*

Response: Your comment on the Proposed Project and its relationship to the Mokulēiʻa is acknowledged.

2. *Mokulēʻia is also the home of many creatures including our pueo (owl), which is an endangered species. Creating this development will hurt many hearts and animals.*

Response: Section 3.7 of the Draft EIS, discusses biological resources. Four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to the Pueo, it has just never been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

3. *Mokulēʻia holds everything that has meaning to the people and lives that believe in it and live off it. To destroy a place with such beauty and wonder would be the most heartbreaking moment to everyone and anyone that had a connection to this amazing*

> *place. Most people don't know the value this place holds and, so they take advantage until they realize that Mokulēʻia is a beautiful place with so many things to see. Mokulēʻia still holds a big place in Hawaiian culture and some things and spot are still sacred. I'm Hawaiian and it would be in great disrespect to the culture if it were to be ruined. To ruin a home for animals, and the spirits as well as culture, to break the hearts of many, and hurt sacred grounds would be just inhuman.*

Response: Section 4.5 of the Draft EIS, Cultural Resources, describes the Cultural Impact Assessment prepared for the Proposed Project (which is contained in Appendix G to the Draft EIS). Please refer to P. 4-24 and P. 4-25 of the Draft EIS which detail the measures being taken to preserve archaeological sites.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3851 Duncan Drive
Missoula, Montana 59802
February 16, 2018

HHF Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813

To whom it may concern;

I am writing as a concerned visitor to the Mokuleia area regarding the proposed development. It is well known that the sewage and water infrastructure in the area is badly out of date and in need of improvements. I would ask that NO NEW development occur without properly updating the existing infrastructure to prevent future issues and protect the aquifer from pollution. If updating the infrastructure is out of the question then I would ask that no further development be allowed to proceed.

Sincerely,

John Heffernan

Copy to:
Joette P. Yago, AIA
Planner, Urban Design Branch
Department of Planning & Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

HHF PLANNERS
places for people

January 7, 2019

Mr. John Heffernan
3851 Duncan Drive
Missoula, MT 59802

Dear Mr. Heffernan:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 16, 2018, providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (proposed Project). We offer the following responses to your comments.

1. *I am writing as a concerned visitor to the Mokulēʻia area regarding the proposed development. It is well known that the sewage and water infrastructure in the area is badly out of date and in need of improvements. I would ask that NO NEW development occur without properly updating the existing infrastructure to prevent future issues and protect the aquifer from pollution. If updating the infrastructure is out of the question then I would ask that no further development be allowed to proceed.*

Response: The water system that supplies certain residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Your concerns about the current water service provided by NSWC to the Mokulēʻia community, (outdated pipes, low water pressure, lack of fire hydrants) and expenses related to any required improvements to address the pipes and meters that serve the Mokulēiʻa community, are outside the scope of the Draft EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. Applicant's development of the Proposed Project will involve a substantial upgrade, at the Applicant's cost, to the existing water infrastructure owned by

the NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will contribute two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC, both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use, and construct two new water storage tanks to provide storage capacity for the Proposed Project, which will also provide needed storage to the benefit of the residents in Mokulēʻia, prior to transfer to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The concerns you have about NSWC's existing water system infrastructure are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

3851 Duncan Drive
Missoula, Montana 59802
February 11, 2018

HHF Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813

To whom it may concern;

As a frequent visitor to the Mokuleia area, I have grave concerns about the proposed development there. The aquifer in Mokuleia flows from the mountains above it. Development without appropriate sewage considerations will pollute the aquifer and endanger the water of all of the current residents of Mokuleia. Mokuleia is an area without urban infrastructure. Therein lies its charm. This lack of infracture also limits the amount of development that Mokuleia can support. Without modern sewage infrastructure and protection of the water resources of current landowners, Mokuleia cannot support additional development, especially on the hills that feed its aquifer.

I live in a state with limited water resources. While Oahu has much more water than we do, its water is not unlimited. There exists great potential to pollute the Mokuleia aquifer with poorly planned development. Septic fields or sewage ponds on the slope should be avoided at all costs.

Respectfully yours,

Kathy Heffernan

Copy to:
Joette P. Yago, AIA
Planner, Urban Design Branch
Department of Planning & Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

HHF PLANNERS
places for people

January 7, 2019

Ms. Kathy Heffernan
3851 Duncan Drive
Missoula, MT 59802

Dear Ms. Heffernan:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, O'ahu, Hawai'i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 11, 2018, providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (proposed Project). We offer the following responses to your comments.

1. *As a frequent visitor to the Mokulēʻia area, I have grave concerns about the proposed development there. The aquifer in Mokulēʻia flows from the mountains above it. Development without appropriate sewage considerations will pollute the aquifer and endanger the water of all of the current residents of Mokulēʻia. Mokulēʻia is an area without urban infrastructure. Therein lies its charm. This lack of infrastructure also limits the amount of development that Mokulēʻia can support. Without modern sewage infrastructure and protection of the water resources of current landowners, Mokulēʻia cannot support additional development, especially on the hills that feed its aquifer.*

Response: You express concern that the Mokulēʻia aquifer will be damaged from the wastewater treatment plant on the Project Site. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

2. *I live in a state with limited water resources. While Oʻahu has much more water than we do, its water is not unlimited. There exists great potential to pollute the Mokulēʻia*

> *aquifer with poorly planned development. Septic fields or sewage ponds on the slope should be avoided at all costs.*

Response: The wastewater system proposed for the agricultural subdivision is discussed in Section 4.11.3 and Appendix A of the Draft EIS. A private wastewater treatment plant is planned to manage wastewater for the Proposed Project. Wastewater will be treated to an R-1 level of quality and will be recycled on-site for irrigation purposes. The system does not include leach fields for septic systems or sewage ponds**.**

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Scott Ezer

Subject: FW: Dillingham ranch development protest

From: Meg Helf <mhelf16@gmail.com>
Date: February 22, 2018 at 9:53:45 PM HST
To: <info@hhf.com>
Subject: Dillingham ranch development protest

I protest the Dillingham ranch development due to the history of developers on other islands, impact it will have in the community, the insufficient knowledge they've provided about the infrastructure of the water tank and supply system and effect on wildlife.

Megan Helf

68-615 Farrington Hwy
Waialua HI 96791

Sent from my iPhone
--
This message has been scanned for viruses and
dangerous content by MailScanner, and is
believed to be clean.

HHF PLANNERS
places for people

January 7, 2019

Ms. Megan Helf
68-615 Farrington Highway
Waialua, HI 96791

Dear Ms. Helf:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 opposing the proposed agricultural subdivision at Dillingham Ranch (proposed Project). We have reviewed your comments and offer the following responses.

1. *I protest the Dillingham ranch development due to the history of developers on other islands, impact it will have in the community, the insufficient knowledge they've provided about the infrastructure of the water tank and supply system, and effect on wildlife…..*

Response: Your comment regarding the Proposed Project is acknowledged.

History of the developer actions on other islands. Kennedy Wilson has a demonstrated successful and legal approach to developments elsewhere in the state, including the dedication of large areas of the shoreline for public use and enjoyment in an area designated for resort use. In this case, the landowner is adhering to applicable land use laws and policies to develop a rural, low-intensity agricultural subdivision.

Community impacts. The nature of the proposed agricultural subdivision is of low-intensity. The Draft EIS provides analysis on a wide variety of pertinent subject areas and proposes measures to minimize any negative impact.

Water storage and delivery system. Section 4.11.2 and Appendix A of the Draft EIS provides details about the water system to serve the Proposed Project, including information on wells (potable and irrigation), storage tanks, and transmission lines. These details are discussed in greater in Sections 3.4.2, 4.11.2 and 7.5 of the Final EIS (enclosed).

The Applicant (Dillingham Ranch Aina LLC) is the developer of the Proposed Project. The Applicant is not the owner of the private water utility company that services some residential customers in the Mokulēʻia community. That company is owned by the North Shore Water Company (NSWC). The Hawaii Public Utilities Commission granted NSWC a Certificate of Public Convenience and Necessity by Decision and Order dated June 27, 2012.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (outdated pipes, low water pressure, lack of fire hydrants), and expenses related to any required improvements to address the pipes and meters that serve the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title

11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC, both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section and 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system (outdated pipes, low water pressure, expenses related to necessary repairs, lack of fire hydrants) are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will entail improvements to the NSWC water system.

Wildlife. No federally listed species (birds, plants, animals) have been discovered within the Project Site as a result of any of the studies conducted for this Draft EIS, or previous surveys. There is some critical habitat established by the U.S. Fish and Wildlife Service on the far western end of the Ranch property, but this is approximately one mile from any of the areas to be disturbed by activities for the proposed agricultural subdivision. These resources are discussed in detail in Sections 3.6 and 3.7 and Appendices C and D of the Draft EIS.

The potential impact of the Proposed Project on endangered species are discussed in Section 3.7 of the Draft EIS. During the most recent biological resources survey of the project site (contained in the Draft EIS, Appendix D, Avifaunal and Feral Animal Field Survey) conducted in 2014, the endangered Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck and Black-necked stilt were all observed on the project site (p. 3-36).

The habitat for these endangered water birds is located within man-made ponds mauka of Farrington Highway that were created during sand mining operations on the property in the 1970s and 1980s. The birds seem to be thriving in this location, which is not included in the land area to be subdivided for farm lots, and will not be subject to any development activities. Nevertheless, Section3.7 of the Draft EIS provides mitigation measures to ensure that these birds are not disturbed.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and

2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The DEIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaii on the island of Oahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaii Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species*

was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property." Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Alicia Hill
68-017 Laau Paina Place
Waialua, HI
thehillshouse4@icloud.com

2018 FEB 23 PM 4:17
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

February 21, 2018

Joette Yago
Dept of Planning and Permitting
650 South King Street,7th Floor
Honolulu, HI 96813
jygao@honolulu.gov

Dillingham Ranch Subdivision DEIS Comments

Dear Ms. Yago,

I am a resident of North Shore and live in Mokule ia. I attended the hearing regarding the development of the Dillingham Ranch and am opposed to the development in the manner in which it is occurring. The developer continues to argue that it is developing the land for agricultural use but it is clear the developer is taking **ten** current lots and turning into **87** sub plots solely for high-end residential occupancy that will reduce water resources, contaminate the surrounding areas and beaches, create additional congestions worsening the air in the local area, threaten local flora and fauna and species and provide no substantive benefits to the community. In fact, the local community opposes such development. The development will take seven to ten years they say to build, blocking the roads, creating particulate matter pollution and other hazards. There will be no beneficial agricultural use for another 7-10 years, assuming the new residents actually plant the tress and farm them. There is no guarantee provided that the land will be put to agricultural use in the end and no penalties for the developer or residents if they fail to do so. This makes no sense and in no way benefits the local community. The land will already have been taken at the time the failure occurs. The following are my comments and concerns in no specific order.

1. **<u>Water Resources</u>**
   In my subdivision, we already have serious water issues as we have no water pressure and leaking pipes that North Shore water refuses to fix the issues. Rather, I have had to install a water pump and repair the leaks as they occur. The lack of

water and pressure with a 70-plus development and additional agricultural use will significantly impact my access to usable water. I note that the report states that potable water use will not affect "unallocated potable water" but does not explain how this will occur or how it will affect the currently allocated supply. The developer soes explain how water in the area cannot possibly not be affected when water runs down the mountain. Further, the developer has not addressed how replacing the wells currently in use with new wells will alleviate the current issues existing and not exacerbate them. If there is a water shortage in any given year, who will be given precedence to the water; the new residents who live higher on the hill, the agricultural land or the current residents some of whom have lived for generations?

2. **Not a viable plan for agricultural use**

The developer states that 1-3 acres of a plot will be required to be used for the farming of fruit trees. They state buyers will be compensated for having to purchase such trees but then do not follow up with how this will be enforced? They indicate the homeowners themselves will enforce it but again no established plan and no penalties in the event they fail to do so. How many trees make it an agricultural use, do they need to sell the fruits local? How much water will this require? Where will the water come from? What studies show that there is sufficient water for everyone in the area? How will this not further affect the water pressure down below that is already affected and not being addressed by the same company developing this site?

One suggestion would be if the owner fails to farm the land productively within 7 years of acquiring they land, they will lose their rights to the acres set aside for agricultural use and given to the community outside of the development for community gardens. If this development proceeds, at a minimum a local board should be established that monitors whether development is complying with their promises. Money should also be set aside in escrow that will pay for any damages for failure to comply with any restrictions or promises made.

3. **Climate**

The report indicates that trees will be removed from this area. Oddly, it notes that only tress under 15 feet tall will be removed. It does not indicate what number of trees. The destruction of these trees will directly impact climate change as this will release GHG emissions but more importantly entire forests that have the capability

of absorbing GHG emissions for another 100 years will be destroyed. Climate change is proven to be having a direct impact on our shoreline and beaches and affecting the local fishing and farming communities. There is nothing being proposed to offset these additional emissions (including those from the increased traffic in the area not only from the construction activities over the next ten years but emission from the cars of the homeowners) or offset the destruction of the existing forests resulting in the failure to absorb these emissions. We would like to be provided more information on the number of trees that will be destroyed and the plan for offsetting GHG emissions.

4. **Archeological Ruins**

Nobody is certain what exists on this land. The developer is relying upon a ten-year old study, not having conducted its own more recent study. It states that there are 16 known archeological sites with ruins but will develop a "Preservation Plan" for only **eight** of the sites. Why was a more recent study not conducted? Why is not every known site being preserved? This is sacred land to the locals. I m not Hawaiian but have lived in Hawaii on and off for the past thirty years and to destroy any such ruins is a sacrilege. What is this "Preservation Plan?" Who will be monitoring the compliance with such plans? Aside from the bad luck that ensues, what penalties will be imposed for failing to comply? It states the workers will be responsible for identifying ruins as they excavate the land? What experience do these construction workers have in identifying ruins? What incentive do they have for reporting such ruins when this may cause them to lose days of work and limit what can be developed or how it is developed? This "Plan" seems to be contrary to the underlying heritage of this island that we need to preserve for generations to come.

5. **Additional Environmental Impacts**

The Report tries to minimize the additional environmental impacts that this development will create. For example, it states that less than 1% increase of storm water increase will occur form this area on a typical day. What happens when there is an atypical storm that occurs more frequently due to the impact of climate change. Where will the runoff go other than downhill into my community, with it any wastewater that overflows or cannot be contained, pesticides being used on the trees or simply the yards. I am doctor of oriental medicine and see the impacts of pesticide

usage every day in my practice on reproductive organs, cognitive abilities in children, congenital defects etc.

The wastewater treatment plant is being presented as a good thing for the development. But this treatment plant will only increase contaminants into the environment, particularly into the rivers that flow then into the ocean and along the shoreline. You can see these impacts all along the shore when the rivers are discharged during the rainy season. Even if complying with "alleged standards" such contaminants will increase in the area.

The report itself acknowledges that there will be additional air pollution, but states will be within the state standards. The increased congestion from such trucks will increase particulate matter, carbon monoxide emission, ozone, and GHG emission. Is there a plan to limit these emissions? Will they use natural gas trucks? This will not just last one year but ten years impacting every person living in this area over an extended period of time.

Cattle farming will be moved into the foothills closer to my community on including the smell from such operations, particulate matter from the dust and horse and runoff of contaminants from such operations. There is nothing in the report as to how these will be addressed.

I am opposed to the development of all of these reasons and many more. This development will not enrich the community or improve the quality of anyone's life in any way and over the years will significantly impact our air quality, our water quality, the beaches, the shoreline, the overall nature of living out here in community where local and mainlanders have learned to live together. This development is an example of what all locals fear, the destruction of the aloha of the land, their heritage, their environment and in a sense once again being stolen from them and handed to the upper class privileged as they will not be able to afford it. How much more do the people of Hawaii have to bear?

Sincerely,

Alicia Hill

HHF PLANNERS
places for people

January 7, 2019

Ms. Alicia Hill
68-017 Laʻau Paina Place
Waialua, HI 96791

Dear Ms. Hill:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am a resident of North Shore and live in Mokulēʻia. I attended the hearing regarding the development of the Dillingham Ranch and am opposed to the development in the manner in which it is occurring. The developer continues to argue that it is developing the land for agricultural use but it is clear the developer is taking ten current lots and turning into 87 sub plots solely for high-end residential occupancy that will reduce water resources, contaminate the surrounding areas and beaches, create additional congestions worsening the air in the local area, threaten local flora and fauna and species and provide no substantive benefits to the community. In fact, the local community opposes such development. The development will take seven to ten years they say to build, blocking the roads, creating particulate matter pollution and other hazards. There will be no beneficial agricultural use for another 7-10 years, assuming the new residents actually plant the tress and farm them. There is no guarantee provided that the land will be put to agricultural use in the end and no penalties for the developer or residents if they fail to do so. This makes no sense and in no way benefits the local community. The land will already have been taken at the time the failure occurs.*

Response: There are several elements to this question, addressed below.

Reduce water resources. The proposed agricultural subdivision will receive potable water from two existing wells on the property that have are already permitted by the State of Hawaiʻi Commission on Water Resource Management (CWRM). Irrigation water will be provided by a third well, also permitted by CWRM. CWRM approved permits for these wells with an understanding of the sustainable yield for the aquifer in the region. The water to be provided by each of the wells will not exceed allowable volumes. Water resources are discussed in Section 4.11.2 and Appendix A of the Draft EIS.

Contaminate surrounding areas and beaches. You suggest that surrounding area beaches will be contaminated. It is implied that your reference is tied to the wastewater treatment plant (WWTP). With respect to the WWTP, the subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the DEIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules (HAR) pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

Create additional congestion. Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "*…the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

Threaten local flora and fauna. You state that a number of endangered species will be affected by proposed development. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the DEIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that*

> *roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a

distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

No substantive benefit to community. As part of the agricultural plan for the project, the landowner has committed to contribute $50,000 a year for 10 years to the public school system to increase awareness and training for hydroponic farming.

No guarantee the land will remain in agricultural use. The landowner has made an honest effort to create an agricultural plan that will provide a sound basis for the expansion and continuation of agricultural activities at Dillingham Ranch. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish. The Conditions Covenants and Restrictions (CC&Rs) governing the future subdivision will memorialize the continuation of agricultural use on the property and underscore each lot owner's responsibilities to do so.

2. *Water Resources. In my subdivision, we already have serious water issues as we have no water pressure and leaking pipes that North Shore water refuses to fix the issues. Rather, I have had to install a water pump and repair the leaks as they occur. The lack of*

water and pressure with a 70-plus development and additional agricultural use will significantly impact my access to usable water.

Response: The water system that supplies certain residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by the Applicant, Dillingham Ranch Aina LLC (DRA), and not by NSWC.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (outdated and leaking pipes and low water pressure), and expenses related to any required improvements to address those items that currently serve the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Applicant's development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC and used to supply water to its customers in Mokulēʻia, and will also include upgraded water storage. The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. Applicant's development of the Proposed Project will involve a substantial upgrade to NSWC's water system by the Applicant. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02), both of which are located within the Project Site, to NSWC. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in the Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project will entail improvements to the NSWC water system.

3. *I note that the report states that potable water use will not affect "unallocated potable water" but does not explain how this will occur or how it will affect the currently allocated*

supply. The developer does explain how water in the area cannot possibly not be affected when water runs down the mountain. Further, the developer has not addressed how replacing the wells currently in use with new wells will alleviate the current issues existing and not exacerbate them. If there is a water shortage in any given year, who will be given precedence to the water; the new residents who live higher on the hill, the agricultural land or the current residents some of whom have lived for generations?

Response: All wells that are permitted by the State Commission on Water Resource Management (CWRM) are required to submit annual reports detailing usage, in order for CWRM to confirm that usage is within allowable limits. Groundwater availability is not necessarily a direct function of rain during any particular period of time, and unless there are severe depletions of the aquifer resulting from a prolonged drought, it is not probable that sufficient source water would not be available. In that event, no users would be given priority over other customers within the service area of the utility.

4. *Not a viable plan for agricultural use. The developer states that 1-3 acres of a plot will be required to be used for the farming of fruit trees. They state buyers will be compensated for having to purchase such trees but then do not follow up with how this will be enforced? They indicate the homeowners themselves will enforce it but again no established plan and no penalties in the event they fail to do so.*

Response: The future lot owners will be required to become part of a Lot Owners Association. The association will be governed by Conditions Covenants and Restrictions (CC&Rs), which will include the Agricultural Plan prepared for the Draft EIS (Appendix H), detailing how agricultural activities for the subdivision must be conducted. The City and County of Honolulu will be a party of the CC&Rs, and will be able to enforce their provisions.

5. *How many trees make it an agricultural use, do they need to sell the fruits local? How much water will this require? Where will the water come from? What studies show that there is sufficient water for everyone in the area? How will this not further affect the water pressure down below that is already affected and not being addressed by the same company developing this site?*

Response: The definition of "farm dwelling" included in the County zoning regulations (Land Use Ordinance) states: "*Farm dwelling means a dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.*"

Water for agricultural uses will come from three sources: (1) an existing on-site agricultural well; (2) recycled R-1 quality wastewater; and (3) two other wells located on-site, also to be used for potable water. The Agricultural Plan (Appendix H of the Draft EIS) and the Preliminary Engineering Report (Appendix A of the Draft EIS) detail the anticipated water requirements for the proposed subdivision, including potable and irrigation water. With respect to water pressure, please see the response to question #2, above.

6. *One suggestion would be if the owner fails to farm the land productively within 7 years of acquiring they land, they will lose their rights to the acres set aside for agricultural use and*

given to the community outside of the development for community gardens. If this development proceeds, at a minimum a local board should be established that monitors whether development is complying with their promises. Money should also be set aside in escrow that will pay for any damages for failure to comply with any restrictions or promises made.

Response: Your suggestions regarding monitoring agricultural use of the property are acknowledged. None of these mechanisms currently exist**.**

7. *Climate. The report indicates that trees will be removed from this area. Oddly, it notes that only trees under 15 feet tall will be removed. It does not indicate what number of trees. The destruction of these trees will directly impact climate change as this will release GHG emissions but more importantly entire forests that have the capability of absorbing GHG emissions for another 100 years will be destroyed. Climate change is proven to be having a direct impact on our shoreline and beaches and affecting the local fishing and farming communities. There is nothing being proposed to offset these additional emissions (including those from the increased traffic in the area not only from the construction activities over the next ten years but emission from the cars of the homeowners) or offset the destruction of the existing forests resulting in the failure to absorb these emissions. We would like to be provided more information on the number of trees that will be destroyed and the plan for offsetting GHG emissions.*

Response: Section 3.1, Climate, of the Draft EIS, determines that the Proposed Project will not "materially impact the global effects of climate change" (p. 3-3). At this time, there is no specific information with respect to a tally of the number of trees that might be removed during construction activities. It is our intent that the loss of these trees will be more than off-set by the number of new trees planted in the mango orchard and the agricultural lots within the proposed subdivision.

8. *Archeological Ruins. Nobody is certain what exists on this land. The developer is relying upon a ten-year old study, not having conducted its own more recent study. It states that there are 16 known archeological sites with ruins but will develop a "Preservation Plan" for only eight of the sites. Why was a more recent study not conducted?*

Response: Archaeological and Historic Resources are discussed in detail in Section 4.7 and Appendices E and J of the Draft EIS. The Dillingham Ranch property has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that covered property not previously surveyed, and a Summary AIS prepared for this Draft EIS (Appendix E) that provides information from all relevant AISs in one document.

9. *Why is not every known site being preserved? This is sacred land to the locals. I'm not Hawaiian but have lived in Hawai'i on and off for the past thirty years and to destroy any such ruins is a sacrilege.*

Response: All historic properties identified have been assessed for their significance and 12 of 16 archaeological sites located within the Project Area were evaluated as significant and are recommended for preservation. This assessment was covered in Appendices E and J and Section 4.4 of the Draft EIS. Theses assessments have been reviewed and accepted by the State Historic Preservation Division.

10. *What is this "Preservation Plan?" Who will be monitoring the compliance with such plans? Aside from the bad luck that ensues, what penalties will be imposed for failing to comply? It states the workers will be responsible for identifying ruins as they excavate the land? What experience do these construction workers have in identifying ruins? What incentive do they have for reporting such ruins when this may cause them to lose days of work and limit what can be developed or how it is developed? This "Plan" seems to be contrary to the underlying heritage of this island that we need to preserve for generations to come.*

Response: A Preservation Plan will be prepared that includes all 12 sites recommended for preservation. This plan must be reviewed and accepted by the State Historic Preservation Division. In addition, a Monitoring Plan will be prepared by the project archaeologist that will outline what actions will necessary during construction activities in order to ensure that sites are not threatened. An archaeologist will likely be required to be on-site during construction activities. Similar to the Preservation Plan, the Monitoring Plan must be reviewed and accepted by the State Historic Preservation Division.

11. *<u>Additional Environmental Impacts.</u> The Report tries to minimize the additional environmental impacts that this development will create. For example, it states that less than 1% increase of storm water increase will occur from this area on a typical day. What happens when there is an atypical storm that occurs more frequently due to the impact of climate change. Where will the runoff go other than downhill into my community, with it any wastewater that overflows or cannot be contained, pesticides being used on the trees or simply the yards. I am doctor of oriental medicine and see the impacts of pesticide usage every day in my practice on reproductive organs, cognitive abilities in children, congenital defects etc.*

Response: With regard to runoff, Section 4.11.4 contains a detailed discussion of drainage, and mitigation of impacts related to stormwater and possible sedimentation. A system of bioswales, vegetated swales and bioretention basins will be constructed to intercept stormwater before leaving the property to allow for the settling of sediment and other pollutants. Roadways will be above 100-year flood elevations, except those in the lower reaches of the property near Farrington Highway, and roadway culverts will be provided throughout the Project Site to prevent flooding of roadways. Please refer to Section 4.11.14 (pages 4-51 through 4-56) and Appendix A of the Draft EIS for a thorough explanation of the approach to designing with regard to flood hazards and mitigating the impacts of stormwater.

12. *The wastewater treatment plant is being presented as a good thing for the development. But this treatment plant will only increase contaminants into the environment,*

particularly into the rivers that flow then into the ocean and along the shoreline. You can see these impacts all along the shore when the rivers are discharged during the rainy season. Even if complying with "alleged standards" such contaminants will increase in the area.

Response: The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to wastewater treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

13. *The report itself acknowledges that there will be additional air pollution, but states will be within the state standards. The increased congestion from such trucks will increase particulate matter, carbon monoxide emission, ozone, and GHG emission. Is there a plan to limit these emissions? Will they use natural gas trucks? This will not just last one year but ten years impacting every person living in this area over an extended period of time.*

Response: Section 4.2, Air Quality, of the Draft EIS analyzes potential adverse air quality effects associated with the Proposed Project. As a result of identified short-term construction air quality impacts, Page 4-3 includes a mitigation measure to with respect to fugitive dust that requires compliance with Chapter 11.60.1, HAR (*Pollution Control*) and Section 11.60.1-33, HAR (*Fugitive Dust*). The majority of construction activities will occur during the implementation of infrastructure improvements for the entire subdivision. Containment of fugitive dust will be a major consideration of the design of Best Management Practices (BMPs) that will be put in place during this period. In addition to a grading permit from the City and County of Honolulu, the project will also require a National Pollution Discharge Elimination System Permit from the State Department of Health, which will also require BMPs to control air-borne dust particles.

14. *Cattle farming will be moved into the foothills closer to my community on including the smell from such operations, particulate matter from the dust and horse and runoff of contaminants from such operations. There is nothing in the report as to how these will be addressed.*

Response: With regard to cattle grazing and equestrian activities, these uses have been a part of the Ranch operations for decades and will continue after the proposed subdivision is

implemented. These uses are allowed under existing State and County land use regulations. The draft EIS states (p. 2-6) that the "*Proposed Project will continue these existing uses and add...uses which are consistent with current equestrian and agricultural activities on the Ranch*".

15. *I am opposed to the development of all of these reasons and many more. This development will not enrich the community or improve the quality of anyone's life in any way and over the years will significantly impact our air quality, our water quality, the beaches, the shoreline, the overall nature of living out here in community where local and mainlanders have learned to live together. This development is an example of what all locals fear, the destruction of the aloha of the land, their heritage, their environment and in a sense once again being stolen from them and handed to the upper class privileged as they will not be able to afford it. How much more do the people of Hawai'i have to bear?*

Response: Your comments on the Proposed Project are acknowledged. They should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Yago, Joette P

From: Marc Nalu Hill <hawaiianflyin@hotmail.com>
Sent: Friday, February 16, 2018 12:20 PM
To: Yago, Joette P
Subject: Dillingham ranch subdivision draft environmental impact statement

Dear Joette Yago,
As home and land owners of 68-666 Hoomana Pl, Waialua
We strongly oppose the Dillingham ranch subdivision plan and the environmental impact statement. This "approval" of planning permission would directly affect our lives and the surrounding community, of which we have been a part of for more than 20 years. This part of the Aina is truly the last bit of country left on Oahu were people can coexist with nature. To farm the land, fish and support many natural animal species some of which are endangered i.e. Hawaiian monk seal and Hawaiian Hoary bat. To state that they will not cut down trees over 15ft for a 3 month period as this will reduce the impact is ludicrous at best.

This will just be another example of corporate America profiting on the backs of the American and Hawaiian people, with no thought for others both man and animals.

I implore you not to pass this "approval" for planning permission.

Thank you for your time.

Respectfully
Marc & Cathy Hill

HHF PLANNERS
places for people

January 7, 2019

Marc and Cathy Hill
68-666 Hoʻomana Place
Waialua, HI 96791

Dear Mr. and Ms. Hill:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 16, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *We strongly oppose the Dillingham ranch subdivision plan and the environmental impact statement. This "approval" of planning permission would directly affect our lives and the surrounding community, of which we have been a part of for more than 20 years. This part of the ʻāina is truly the last bit of country left on Oʻahu where people can coexist with nature.*

Response: Your comment regarding the Proposed Project is acknowledged.

2. *To farm the land, fish and support many natural animal species some of which are endangered i.e. Hawaiian monk seal and Hawaiian Hoary bat. To state that they will not cut down trees over 15ft for a 3 month period as this will reduce the impact is ludicrous at best.*

Response: With respect to the ʻōpeʻapeʻa (Hoary bat), biological resources for the project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially*

at risk from vegetation clearing." This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

Your comment expressing support of the Hawaiian Monk seal is acknowledged. The proposed agricultural subdivision is not a shoreline project and will have no impact on this species.

3. *This will just be another example of corporate America profiting on the backs of the American and Hawaiian people, with no thought for others both man and animals. I implore you not to pass this "approval" for planning permission.*

Response: Your comment regarding approval of the Proposed Project is acknowledged. It should be addressed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Rosie Jaffurs <jaffurs1@gmail.com>
Sent: Thursday, February 22, 2018 12:28 PM
To: Yago, Joette P
Subject: Save Mokuleia

Aloha Represative,

This email is in regards to the concerns I and many other community members have in regards to the proposal of a neighbor on the slopes of our only empty mountain range we have left in the "country" of Oahu. There are too many reasons why the remaining land of Mokuleia does not need any more homes. As someone who has been born and raised in Pupukea, Mokuleia is my sanctuary, the only place I have left of what the north shore was. We don't need anything out there, leave it alone! There is a lot of other land a developer can go and develop million dollar homes with the view that they would be ruining! The Windmills ruined the view they would have anyway. This land is the only land the true locals of Oahu have left, the know how special that place is and was to the Hawaiians. Those lands should not be released for any amount of money! Please feel what we are feeling about these "proposed proposals" and know that the people who voted you into this job would be happy if you nicely decline. Thank you for your time! Best of luck

Mahalo

Rosie Jaffurs

Sent from my iPhone

HHF PLANNERS
places for people

January 7, 2019

Ms. Rosie Jaffurs
Jaffurs1@gmail.com

Dear Ms. Jaffurs:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the agricultural subject property. We have reviewed your comments and offer the following responses.

1. *This email is in regards to the concerns I and many other community members have in regards to the proposal of a neighbor on the slopes of our only empty mountain range we have left in the "country" of Oʻahu. There are too many reasons why the remaining land of Mokulēʻia does not need any more homes. As someone who has been born and raised in Pūpūkea, Mokulēʻia is my sanctuary, the only place I have left of what the north shore was.*

Response: Your comment on retaining the "country" character of the area is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2 of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*."

2. *We don't need anything out there, leave it alone! There is a lot of other land a developer can go and develop million dollar homes with the view that they would be ruining! The Windmills ruined the view they would have anyway. This land is the only land the true locals of Oʻahu have left, they know how special that place is and was to the Hawaiians. Those lands should not be released for any amount of money! Please feel what we are feeling about these "proposed proposals" and know that the people who voted you into this job would be happy if you nicely decline.*

Response: Your comments regarding the Proposed Project are acknowledged. Section 4.6 of Draft EIS analyzes the visual impacts associated with the proposed subdivision, and concludes there will be no significant visual impacts.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal
C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Lei Kamahele <lkamahele@gmail.com>
Sent: Thursday, February 22, 2018 7:38 PM
To: Yago, Joette P
Subject: SAVE Mokulē'ia
Attachments: IMG_2332.jpg; ATT00002.txt

HHF PLANNERS
places for people

January 7, 2019

Lei Kamahele
lkamahele@gmail.com

Dear Ms. Kamahele:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the agricultural subdivision at Dillingham Ranch. There were no formal comments we received. The attachment to your email was not included, so we are unable to respond further.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawai'i 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Yago, Joette P

From: Dejah Keanu <dejah_kean@icloud.com>
Sent: Thursday, February 22, 2018 11:14 AM
To: Yago, Joette P
Subject: Mokuleia

Creating a development that will destroy hearts, and lives is wrong beyond compared. We live in a world that just takes and destroys without even batting an eye. We hold on to the things that matter most, and for it to be destroyed is completely heartbreaking. Mokuleia is a place of many wonders, it brings people together spiritually, emotionally and even physically. Mokuleia is also the home of many creatures including our pueo (owl),which is an endangered species. Creating this development will hurt many hearts and and animals. Mokuleia holds everything that has meaning to the people and lives that believe in it and live off off it. To destroy a place with such beauty and wonder would be the most heartbreaking moment to everyone and anyone that had a connection to this amazing place. Most people don't know the value this place holds and, so they take advantage until they realize that mokuleia is a beautiful place with so many things to see. Mokuleia still holds a big place in Hawaiian culture and some things and spot are still sacred. I'm Hawaiian and it would be in great disrespect to the culture if it were to be ruined. To ruin a home for animals, and the spirits as well as culture, to break the hearts of many, and hurt sacred grounds would be just inhuman.

Sent from my iPhone

HHF PLANNERS
places for people

January 7, 2019

Dejah Keanu
Dejah_kean@icloud.com

Dear Dejah Keanu:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Creating a development that will destroy hearts, and lives is wrong beyond compared. We live in a world that just takes and destroys without even batting an eye. We hold on to the things that matter most, and for it to be destroyed is completely heartbreaking. Mokulēʻia is a place of many wonders, it brings people together spiritually, emotionally and even physically.*

Response: Your comment on retaining the character of the Mokulēʻia area is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2 of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*."

2. *Mokulēʻia is also the home of many creatures including our pueo (owl), which is an endangered species. Creating this development will hurt many hearts and animals.*

Response: With respect to the Pueo, this species is listed as State of Hawaiʻi-endangered on Oʻahu. The species is known to be active during the day and establishes nests on the ground. It has never been observed at Dillingham Ranch during formal surveys in 1992, 2008 and 2014. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt*

et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."

Biological resources are discussed in more detail in Section 3.7 of the Draft EIS and the analysis concludes there will be no significant impacts to any endangered or threatened species with proposed mitigation.

3. *Mokulē'ia holds everything that has meaning to the people and lives that believe in it and live off it. To destroy a place with such beauty and wonder would be the most heartbreaking moment to everyone and anyone that had a connection to this amazing place. Most people don't know the value this place holds and, so they take advantage until they realize that Mokulē'ia is a beautiful place with so many things to see.*

Response: The scale and density of the proposed subdivision is consistent and compatible with the rural ambience of Mokulēi'a. The vast majority of the Ranch will remain in open space.

As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix J of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

4. *Mokulē'ia still holds a big place in Hawaiian culture and some things and spots are still sacred. I'm Hawaiian and it would be in great disrespect to the culture if it were to be ruined. To ruin a home for animals, and the spirits as well as culture, to break the hearts of many, and hurt sacred grounds would be just inhuman.*

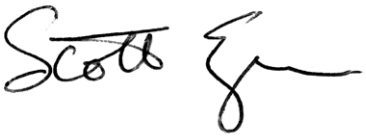
Response: Section 4.4 of the Draft EIS, Archaeological and Historic Resources, is based, in part, on the findings of the Cultural Impact Assessment prepared in 2017 for the Proposed Project (contained in its entirety in Appendix G to the Draft EIS), and also on documents contained in Appendix E (prepared in 2017), which include a summary of archaeological studies and reviews by the Hawai'i State Historic Preservation Division. Mitigation measures, including preservation plans and interim protection plans, and the incorporation of preservation plans into the CC&Rs,

and the identification of an on-site cultural monitor should burials (or other cultural finds) be encountered during construction and ground-altering activities, are described in Section 4.5.3 of the Draft EIS.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Chevelle Kilborn <chevellebikini@icloud.com>
Sent: Thursday, February 22, 2018 7:11 PM
To: Yago, Joette P
Subject: Mokuleia

I am in great opposition to the threat of future development/developers attempts to corrode untouched sacred land. When you go to bed at night, and all your thoughts come pouring in, are you ok with the decisions you choose to act upon in this lifetime? Is what you are doing PONO? To the earth that nourishes you? To yourself? To your family? To our future? Protect the lands that feeds you. Protect OUR future. This is all said in love for the sake of our existence on this planet. When all is said and done we cannot reverse destruction but be we can prevent it from happening. YOU have a choice :)

With love always,
Chevi <3

Sent from my iPhone

HHF PLANNERS
places for people

January 7, 2019

Chevelle Kilborn
Chevellebikini@icloud.com

Dear Ms. Kilborn:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments, and offer the following responses.

1. *I am in great opposition to the threat of future development/developers attempts to corrode untouched sacred land. When you go to bed at night, and all your thoughts come pouring in, are you ok with the decisions you choose to act upon in this lifetime? Is what you are doing PONO? To the earth that nourishes you? To yourself? To your family? To our future? Protect the lands that feeds you. Protect OUR future. This is all said in love for the sake of our existence on this planet. When all is said and done we cannot reverse destruction but be (sic) we can prevent it from happening. YOU have a choice.*

Response: With respect to your comment that the project will "corrode untouched sacred land," it should be noted that hundreds of acres of this property were previously utilized for sugar cane cultivation, horse boarding and training, cattle grazing and sand mining operations. It is not accurate to imply the land is untouched. The property mauka of the proposed subdivision, which encompasses hundreds of acres, is outside the limits of the Project.

As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2 of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*."

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Letter of Opposition

ENVELOPE:
62-204 B
EMERSON RD.
HALEIWA, HI
96712

Date: 2/14/18

To Whom it May Concern,
I am Chance King, a North Shore resident living at HAleiwa Hawaii.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, [signature]
Phone: 8082608377

These Developments Drive the Price of housing on the North Shore up so much that me and my future children cannot be able to afford housing in hawaii.

PLEASE STOP THIS

HHF PLANNERS
places for people

January 7, 2019

Mr. Chance King
62-204 B Emerson Road
Haleʻiwa, HI 96712

Dear Mr. King:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 14, 2018 providing comments on the Draft Environmental Impact Statement (EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulēʻia. It puts at risk one of the last pristine areas on the North Shore.*

Response: Your comment regarding the Proposed Project is acknowledged and should be directed to the Department of Planning and Permitting. With respect to your comment that the project "*puts at risk one of the last pristine areas on the North Shore*," it should be noted that hundreds of acres of this property were previously utilized for sugar cane cultivation, horse boarding and training, and cattle grazing. It is not accurate to imply the land is pristine.

2. *With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses.*

Response: Your general comments on compliance with agricultural zoning laws zoning and use of the Project Site for growing food, rather than for oversized houses are acknoweldged. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. The Agricultural Plan (appendix H of the Draft EIS), was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Project which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

With respect to farm dwellings, the City's zoning requirements (Land Use Ordinance) specifically limit farm dwellings and their accessory uses (carport, garage, etc.) to no more than a 5,000 square-foot footprint. The actual size of any farm dwelling that might be built could be highly variable. Further, the Applicant will limit future development on any of the agricultural lots to one farm dwelling, which will be a limitation spelled out in the Conditions, Covenants and Restrictions filed with the State of Hawai'i.

3. *We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!*

Response: Please see answer to #2, above.

4. *Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.*

Response: This comment is best directed to the Department of Planning and Permitting.

5. *These developments drive the price of housing on the North Shore up so much that me and my future children cannot be able to afford housing on Hawai'i. PLEASE STOP THIS.*

Response: With respect to your comment on affordable housing, the Proposed Project is not designated for residential use by any State or County land use policy. Affordable housing options are being more aggressively pursued within the Primary Urban Center of Honolulu. With regard to your comment on stopping the project, please refer to response #4.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: kaleimaeole latronic <klatronic96712@gmail.com>
Sent: Wednesday, February 21, 2018 1:03 PM
To: Yago, Joette P
Subject: Mokuleia Developement

To whom it may concern,
Please consider this my written opposition to the development in Mokuleia. I am deeply concerned about it's impact on the community, native archeological sites and wildlife.
Aloha,
Kaleimaeole Latronic

--
Kalei Latronic
Kaleimaeole Jewelry

HHF PLANNERS
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January 7, 2019

Kalei Latronic
Klatronic96712@gmail.com

Dear Kalei Latronic:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, O'ahu, Hawai'i
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

Comment: *Please consider this my written opposition to the development in Mokulēʻia. I am deeply concerned about its impact on the community, native archeological sites and wildlife.*

Response: Your comment regarding the Proposed Project is acknowledged. It should be directed to the Department of Planning and Permitting.

Potential Social and Community Impacts. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2, Project Description of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*."

Archeological Sites. Section 4.4 of the Draft EIS, Archaeological and Historic Resources, and Appendices E, F, and J, discuss the subjects of Archaeology and Historic Buildings, in detail. All three of these reports have been accepted by the State Historic Preservation Division (SHPD). An outcome of these reports has been the identification of 12 archaeological sites that will be preserved, and six buildings eligible for the national register will also be preserved. Each of these sites and buildings is described in the Draft EIS. The Preservation Plan for archaeological resources is required to be reviewed and accepted by the State Historic Preservation Division. Compliance with the requirements specified in the mitigation measures is required.

Refer to P. 4-18 through p. 4-22 of the Draft EIS which enumerates the preservation requirements (including buffer zone safeguards) and the monitoring requirements for mitigating potential archaeological impacts during construction. Those monitoring requirements include requirements for an archaeologist to be on site during construction to ensure compliance with the requirements of the Archaeological Monitoring Plan. Procedures for addressing inadvertent archaeological discoveries are also required.

Wildlife. Biological resources for the project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. Four endangered water birds occupy habitat that is man-made (dating from sand mining activities on the property dating back to the 1970s and 1980s). This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the roads adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), this species was not observed during any previous surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to the Pueo, it has just never been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any

endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Yago, Joette P

From: Mike Latronic <mlatronic808@gmail.com>
Sent: Thursday, February 22, 2018 12:24 PM
To: Yago, Joette P
Subject: Northshore development

Aloha Mrs Yago,

Let this letter stand as my opposition for the planned new development planned out in the Mokuleia area.

As a northshore resident of over 40 years I have seen tremendous crowding and change on the northshore and not for the better it seems.

Please do not approve this project as is!

Mahalo!
Mike Latronic
Manulele Incorporated
58-125 A Iwia Place Haleiwa HI 96712
Office 808-638-7395 € Cell 808-927-1940 € Fax 808-638-8946

Facebook Instagram Boardstories TV Teaser FSM Website
media kit - https://issuu.com/freesurf/docs/media_kit_2018_web

HHF PLANNERS
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January 7, 2019

Mr. Mike Latronic
Manulele Incorporated
58-125 A Iwia Place
Haleʻiwa, HI 96712

Dear Mr. Latronic:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses.

1. *Let this letter stand as my opposition for the planned new development planned out in the Mokulēʻia area. As a northshore resident of over 40 years I have seen tremendous crowding and change on the northshore and not for the better it seems. Please do not approve this project as is!*

Response: Your comment regarding the Proposed Project is acknowledged. Your comments regarding denial of the project are best directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Dear HHF Planners and the Department of Planning and Permitting,

I strongly oppose the Dillingham Ranch development proposed by Dillingham Ranch Aina,llc affiliates of Kennedy Wilson for the following reasons. The traffic will be an issue. The draft EIS is going off of a study done 10 years ago. I am a life long resident of Mokulē'ia and can attest to the significant increase in motor vehicle traffic including but limited to military vehicles, international tourist, and tour buses that frequently use Farrington Highway. We have become a tourist destination across the North Shore and Mokulē'ia is not exempt from this new wave of tourists that have increased dramatically in the last 10 years from when this study was conducted.

Katherine Lee
68-032 Laau Paina Pl.
Waialua, Hi 96791

2/21/2018

HHF PLANNERS
places for people

January 7, 2019

Ms. Katherine Lee
68-032 La'au Paina Place
Waialua, HI 96791

Dear Ms. Lee:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I strongly oppose the Dillingham Ranch development proposed by Dillingham Ranch Aina, llc affiliates of Kennedy Wilson for the following reasons. The traffic will be an issue. The draft EIS is going off of a study done 10 years ago. I am a life long resident of Mokulēʻia and can attest to the significant increase in motor vehicle traffic including but limited to military vehicles, international tourist, and tour buses that frequently use Farrington Highway. We have become a tourist destination across the North Shore and Mokulēʻia is not exempt from this new wave of tourists that have increased dramatically in the last 10 years from when this study was conducted.*

Response: Section 4.11.1, Roadways and Traffic, of the Draft EIS includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. The Dillingham Ranch Agricultural Subdivision Traffic Impact Analysis Report" was prepared in February 2017. Traffic counts upon which the analysis was based were taken in September 2016.

Based on that analysis, the Draft EIS concludes (p. 4-44) that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Dear HHF Planners and the Department of Planning and Permitting

FEB - 2018

I am strongly opposed to the development of Dillingham Ranch by Dillingham Ranch Aina LLC, affiliates of Kennedy Wilson. I am the daughter of Kathy Lee and the Late David X lee. I enjoy the visits from Ewa Beach to my mothers house on the weekends. I get away from the sounds of suburbia to tranquillity out in Mokulē'ia. I have cerebral palsy and am bound to a wheelchair and rely on a caregiver for most of my needs. It is a scary thought that my mother may have to sell our property should the water issue not be resolved. It is not fair that a company that has 18.6 billion in its pocket refuses to even resolve the issue with community members. This home is a family home a place for refuge not just for myself but countless family members and friends. I ask why do we have to put up such a fight to protect our home, the only place some of us know. We don't desire riches, so is that why the fault lies on us? Wanting this land to remain as is for our future children. Kennedy Wilson is only after profit, their mannerism shows this. Their lack in knowing more about the Hawaiian Culture, not knowing the very meaning of Mokulē'ia when asked in front of a crowd of over 200 community members during that North Shore Board special meeting held on Valentine's Day of this year was appalling. Mokulē'ia, "The isle of abundance" was once a land full of food farmed by the early Hawaiians. From mountainside to the ocean they were cultivating. If Kennedy Wilson who has had this property for over 10 years and had Agriculture in mind or farming wouldn't they have yielded crops by now, of some sort, and have had them sold at the near by farmers market? Couldn't they have reached out to the farmers of the surrounding community and offered or leased out parcels to farm since they would be sold as such at the point of this Draft EIS conclusion? Shouldn't fruit trees, which take 7 years to yield, have been planted in abundance to show future homeowners its potential? My final concern which leaves me further opposed to said project. The cultural sites and archeological sites that lay buried and not surveyed in surrounding areas not in the projected development site is under threat should this development proceed. Who is held responsible should these be destroyed or vandalized due to negligence? They cannot be brought back once destroyed even if by accident. Within the Draft EIS it states that a power point presentation will be given to the new homeowners educating them on these cultural sites as well as the endangered flora and fauna scattered within the said property. This is the measure taken to ensure their safety from naive new homeowners, really? It is upsetting and not the right solution. Another problem is the fact that this will be a gated community how will Hawaiians have access to the said cultural sites said in the Draft EIS? It is federal law that these grounds are protected and available to Hawaiians for gathering purposes and cultural purposes. What does Kennedy Wilson have planned for this? As seen on their map,some of the properties to be sold have these cultural site listed within. Are these homeowners going to grant access when needed? Will they be given full disclosure of these issues? These are questions that need answering.

I am stating once again that I am opposed to this development by Dillingham Ranch Aina LLC. Affiliates of Kennedy Wilson.

Mahalo,

Mary J. Lee
91-471 Ft Weaver Rd.
Ewa Beach Hi 96791

RECEIVED
FEB 23 2018
DEPT. OF PLANNING AND PERMITTING

HHF PLANNERS
places for people

January 7, 2019

Ms. Mary J. Lee
91-471 Ft Weaver Road
ʻEwa Beach, HI 96791

Dear Ms. Lee:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am strongly opposed to the development of Dillingham Ranch by Dillingham Ranch Aina LLC, affiliates of Kennedy Wilson.*

Response: Your comment regarding the Proposed Project is acknowledged.

2. *I am the daughter of Kathy Lee and the Late David X Lee. I enjoy the visits from ʻEwa Beach to my mother's house on the weekends. I get away from the sounds of suburbia to tranquility (sic) out in Mokulēʻia. I have cerebral palsy and am bound to a wheelchair and rely on a caregiver for most of my needs. It is a scary thought that my mother may have to sell our property should the water issue not be resolved. It is not fair that a company that has 18.6 billion in its pocket refuses to even resolve the issue with community members. This home is a family home a place for refuge not just for myself but countless family members and friends. I ask why do we have to put up such a fight to protect our home, the only place some of us know. We don't desire riches, so is that why the fault lies on us?*

Response: The Applicant (Dillingham Ranch Aina LLC) is the developer of the Proposed Project. The Applicant is not the owner of the private water system that serves the Mokulēʻia community. The water system that serves some residential customers in the Mokulēʻia community is owned and operated by the North Shore Water Company (NSWC). The PUC granted NSWC a Certificate of Public Convenience and Necessity by Decision and Order dated June 27, 2012. Applicant's development of the Proposed Project is not related to any existing operational issues you may have with NSWC.

Concerns about the current water service provided by NSWC to the Mokulēʻia and expenses related to any required improvements to address those concerns to serve the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. However, Applicant's development of the Proposed Project will involve a substantial upgrade to the sole well owned by NSWC and used to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC,

both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build - out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project will entail improvements to the NSWC water system.

3. *Wanting this land to remain as is for our future children. Kennedy Wilson is only after profit, their mannerism shows this.*

Response: The owner of the subject property for the Proposed Project is Dillingham Ranch Aina LLC (DRA). Your wish to see the subject property kept in its present state is acknowledged. DRA is entitled to pursue use of the property in a manner consistent with existing land use regulations. The Proposed Project will result in significant portions of the property remaining in open space and/or put into agricultural use.

The Project Site encompasses approximately 2,721 acres, of which roughly 694 acres (25.5%) will be used for agriculture and roughly 43 acres (1.6%) will be used for non-agriculture improvements, while the approximately 1,980 (73%) remaining acres will continue as non-agricultural open space. Proposed agricultural activities include approximately 300 acres for cattle ranching, 217 acres for riding and working horses, 49 acres for a palm plantation, 10 acres for a mango orchard, 110 acres for orchards associated with the subdivided lots, and 5 acres for hydroponic farming (equivalent to 55 acres of field farming). Accordingly, the Proposed Project demonstrates a commitment to maintaining the rural ambiance of the Ranch and allows the landowner to pursue an economically viable development.

4. *Their lack in knowing more about the Hawaiian Culture, not knowing the very meaning of Mokulēʻia when asked in front of a crowd of over 200 community members during that North Shore Board special meeting held on Valentine's Day of this year was appalling.*

Response: It is unfortunate that we were unable to respond accurately when asked for the meaning of the Hawaiian place name for "Mokulēʻia." We respect the significance of Hawaiian place names and their role to appreciate the-understanding-of the history and culture of a region, an ahupuaʻa, a stream, a hill, a pōhaku or any other manifestation of the physical environment. Section 4.5 of the EIS describes the cultural resources of the property and the region, based on a Cultural Impact Assessment that is included in its entirety in Appendix G of the Draft EIS.

5. *Mokulēʻia, "The isle of abundance" was once a land full of food farmed by the early Hawaiians. From mountainside to the ocean they were cultivating. If Kennedy Wilson who has had this property for over 10 years and had Agriculture in mind or farming wouldn't they have yielded crops by now, of some sort, and have had them sold at the near by farmers market?*

Response: Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding

are recognized as legitimate agricultural activities. The Proposed Project will expand horse boarding and grazing, maintain the palm tree plantation, maintain cattle grazing, expand the existing mango orchard, plant approximately 100 additional acres in orchard crops and establish a hydroponic farm. As required to receive final subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix J of the Draft EIS), which outlines these agricultural activities. DRA, as the developer of the Proposed Project, is required to establish a required agricultural program for the Proposed Project. The agricultural activities will be the obligation and responsibility of the lot owners.

6. *Couldn't they have reached out to the farmers of the surrounding community and offered or leased out parcels to farm since they would be sold as such at the point of this Draft EIS conclusion?*

Response: The existing agricultural uses (horse and cattle grazing, palm tree plantation and mango orchard) have been maintained since DRA purchased Dillingham Ranch in 2006. Since that time, the landowner has been evaluating the appropriate use of the Ranch, which resulted in the Proposed Project acceptance of an Agricultural Plan (Appendix H of the Draft EIS)-by the State Department of Agriculture.

7. *Shouldn't fruit trees, which take 7 years to yield, have been planted in abundance to show future homeowners its potential?*

Response: As set forth in the Agricultural Plan, each agricultural lot owner within the Proposed Project will receive an approximately $12,000 subsidy to purchase orchard trees, and will be provided guidance and support in selecting appropriate trees for their property. This is a significant incentive to ensure such crops are planted and maintained. The agricultural potential will be evident to the future lot owners based upon the analysis provided in the Agricultural Plan and the approval of that Plan from the State Department of Agriculture.

8. *My final concern which leaves me further opposed to said project. The cultural sites and archeological sites that lay buried and not surveyed in surrounding areas not in the projected development site is under threat should this development proceed.*

Response: Archaeological and historic resources are discussed in detail in Section 4.4 and Appendices E, F and J of the Draft EIS. Dillingham Ranch has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that completed archaeological coverage for the Proposed Project. This study was accepted by the State Historic Preservation Division on November 2, 2017. In addition, Appendix E to the Draft EIS is a summary of pertinent information from all relevant AISs compiled into a single document. All historic properties identified have been assessed for their significance, with 12 of 16 sites located within the Project Site evaluated as significant and recommended for preservation. The Draft EIS includes interim and long-term preservation measures to minimize impacts to these historic properties, as discussed in Section 4.4.3 of the Draft EIS. All relevant areas of the 2,721-acre Dillingham Ranch property have been surveyed.

9. *Who is held responsible should these be destroyed or vandalized due to negligence? They cannot be brought back once destroyed even if by accident.*

Response: Penalties are severe for the damage of historic properties on private lands, and include the imposition of substantial fines and confiscation of equipment. See Hawaii Revised Statutes Section 6E-11. The lot owners association for the Proposed Project will be responsible for all sites located on land owned in common, and individual lot owners will be responsible for sites located within their own property, if not otherwise encumbered by an easement. These requirements will be memorialized in the Conditions, Covenants and Restrictions (CC&Rs) that will govern the management of all property within the subdivision. The care and maintenance of historic sites will be the subject of a Preservation Plan to be prepared and submitted to the State Historic Preservation Division for review and approval.

10. *Within the Draft EIS it states that a power point presentation will be given to the new homeowners educating them on these cultural sites as well as the endangered flora and fauna scattered within the said property. This is the measure taken to ensure their safety from naive new homeowners, really? It is upsetting and not the right solution.*

Response: The PowerPoint presentation noted in the Draft EIS will be utilized to train all construction workers and managers for the protection of endangered species. As explained in the Section 3.7.3 of the Draft EIS (p. 3-38), "*Prior to construction the Applicant will develop an Endangered Species Awareness Training Program, both in a PowerPoint format and as a hard copy handout to be used to train all construction workers and all managers on what to do, what not to do and how to respond to any incident involving any one of the protected waterbirds species identified above*." The Draft EIS further explains (p. 3-38) that the Endangered Species Awareness Program will be modeled after successful programs currently being used on several properties on the Island of Kaua'i. The program will include, but not be limited to, the following components: photographs of all of the threatened and endangered species likely to be encountered on the Project Site with a brief description of each; details on behavior of these species, especially those that may cause them to get into trouble; locations within the Project Site where construction workers need to be aware of specific species and/or bird behavior that may put them at risk from construction activity; specific Best Management Practices, protocols, and restrictions to be followed by all construction workers and Ranch employees, as well as parties and entities that will be accessing the Project Site on a regular basis after full build-out; emergency response protocols and contact information; and reporting information.

Following full build-out, the association of lot owners for the Proposed Project will be responsible for the enforcement of endangered species protection and owner education. Information developed in conjunction with the Endangered Species Awareness Program will be included in the CC&Rs for the Proposed Project, which will be part of the sales documents for the agricultural lots. Section 3.7.3 of the Draft EIS sets forth in great detail all mitigation measures that will be implemented before, during, and after construction of the Proposed Project. Please review that section for further information.

Archaeological and historic resources are discussed in detail in Section 4.4 and Appendices E, F, and J of the Draft EIS. Sixteen archaeological sites have been located within the Project Area, with 12 sites evaluated as significant and recommended for preservation, while no further work was recommended for the remaining four sites. A Preservation Plan for 8 of the 12 sites was accepted by the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) in September 2008. Since the remaining four sites were documented in March 2017, a Preservation Plan for these sites (and a feature of a fifth site) will be prepared and submitted to the SHPD for review and acceptance. An Archaeological Monitoring Plan (AMP) governing construction activities at Dillingham Ranch was accepted by the SHPD in October 2008. Together, the Preservation Plans and AMP will provide sufficient protection of the archaeological sites located within the Project Site.

11. *Another problem is the fact that this will be a gated community how will Hawaiians have access to the said cultural sites said in the Draft EIS? It is federal law that these grounds are protected and available to Hawaiians for gathering purposes and cultural purposes. What does Kennedy Wilson have planned for this?*

Response. As noted above, one Preservation Plan covering 8 of the 12 archaeological sites recommended for preservation has already been prepared and accepted by SHPD, and a second preservation plan covering the remaining 4 archaeological sites will be submitted to SHPD for review and acceptance. The revised Preservation Plan that covers all 12 sites will include consideration of access to the sites. The Preservation Plan has been submitted to the State Historic Preservation Division and is pending acceptance.

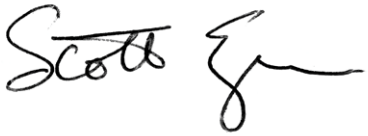
12. *As seen on their map, some of the properties to be sold have these cultural site (sic) listed within. Are these homeowners going to grant access when needed? Will they be given full disclosure of these issues?*

Response: Please see response to comment #11.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

2011 FEB 23 PM 2:09
DEPT OF PLANNING AND PERMITTING CITY & COUNTY OF HONOLULU

Dear Joette Yago : Department of Planning & Permitting, C & C of Honolulu

My name is Jess Kaala Lundgren, a long time resident of Mokulei'a. My family moved to Mokuleia 30 years ago when I was 8 years old & we still reside there on Olohio St, just a mile or so from the proposed new "agricultural" housing development.

I will start by saying that it is quite obvious by the price of these parcels that they will not be used for any significant or impactful farming. They will be estates for rich landowners. Nothing against anyone owing land or having the money to purchase such parcels, but there are far & few crops or other agricultural purposes that would suffice such a price to be farming, etc for profit. I say that as an opening argument AGAINST this proposed development.

Having been a resident of the North Shore my whole life, of Mokuleia for 30 years & also a native Hawaiian who cares deeply for the people, land & culture, thru innate knowledge alone I know this development is not right for the area.

CULTURAL ISSUES :

Mokulei'a is an extremely significant Hawaiian cultural location, the site of this development being both on the foothills of the Ka'ala mountain range where the borders of this development will be infringing on what was once a righteous path for Ali'i, Kahuna, & people of great significance in Hawaiian history. A path of understanding, a path to enlightenment lies just above the proposed area & culturally this is a great disrespect to the spirits & memory of some of the most powerful & significant figures of ancient Hawaii. It is told that those of power & significance from all islands who came to Mokuleia & would walk on & around the ridgeline, beginning from the Wai'anae end of Ka'ena Point up to the top of Mount Ka'ala to attain enlightenment, as a rite of passage for young Ali'i, as a gathering of wisdom for Kahuna & other significant religious & medicinal practitioners. It is also told that their spirits still frequent the area, as well as the site being directly placed upon the entry point going the opposite direction towards Ka'ena where souls would wander to the "end of the earth" to find peace in the waters off Ka'ena point.

Moving forward into modern Hawaiian culture, Mokulei'a serves as one of the only last remaining undeveloped areas on the Island of Oahu, a place where locals & visitors alike go to get away, to enjoy the natural beauty of Hawai'i : Hunting, fishing, hiking soul-seeking, & just general enjoyment of nature's beauty impart of the beautiful allure of this magical place.

Having grown up in the area & having played in the mountains as a child - a teen I know first hand that remains of old Hawaii are to be found in that area, hopefully not already removed. Remnants of Heiau are there as I have seen them with my own eyes, carvings on rocks, etc the exact meaning of which I know not but have great respect for are littered about on that mountainside.

POLLUTION:

* Visual & Noise

Views will be destroyed as the mountainside will be turned into homes, streets, electrical poles & streetlights, fences, gates & other unnatural things unpleasing to the eye & damaging to the environment.

Light from streetlights, homes, cars etc will further impose on birds, wildlife & not to mention damage the amazing darkness of the area which allows breathtaking views of the sky, stars & horizon (sunsets)

*Traffic:

Already at times full of heavy traffic due to local visitors, tourists, & polo members/spectators already crowd the roads there at times. Roads will have to be widened, possibly an intersection with streetlights will someday be needed for proper & safe commute to & from the area.

*Chemical:

Oil, exhaust, etc from construction, farm machines, resident vehicles will run down into the ocean & seep into the ground into underground aquifers full of precious pure water, possibly reaching to the nearby fishponds & natural springs & ponds that thrive full of wildlife birds, plants, animals & insects will be killed, displaced & bothered.

Noise from traffic, machines, people etc will disrupt the quiet beauty which is part of the allure for both residents & tourists alike, damaging tourism & further disturbing natural habitat.

worst of all - pesticides will be blown right into the existing neighborhoods endangering all residents. There are many studies on the dangerous effects still fully unknown on how damaging these pesticides harm the health of all who reside & visit the area causing illnesses to all, birth defects & disabilities in children.

THE FUTURE:

Trends in development dictate that in years to come, if this development is allowed it will be opening a floodgate for further development, subdividing & other "dwellings" will be built which push & find loopholes in the set laws of building. Basically destroying the natural aesthetic beauty of the area, one of the last on Oahu. The end to the North Shore as we once knew it. Destroying forever one of the last of the beautiful countryside areas Oahu, & Hawaii has to offer. Tourism in the area will decline, or increase to an unsafe & undesirable level if it goes so far as to being location for vacation rentals, hostels, or hotels.

I ask of you to please decline the request for the development & any other proposed for the area. Please keep one of Oahu's, Hawaii's last "country" areas...country.

Thank you for your time.

Sincerely,

Jess Ka'ala Lundgren

HHF PLANNERS
places for people

January 7, 2019

Jess Kaʻala Lundgren
68-282 Olohio Street
Waialua, HI 96791

Dear Jess Lundgren:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *My family moved to Mokulēʻia 30 years ago when I was 8 years old & we still reside there on Olohio St, just a mile or so from the proposed new "agricultural" housing development. I will start by saying that it is quite obvious by the price of these parcels that they will not be used for any significant or impactful farming. They will be estates for rich landowners. Nothing against anyone owning land or having the money to purchase such parcels, but there are far & few crops or other agricultural purposes that would suffice such a price to be farming, etc., for profit. I say that as an opening argument AGAINST this proposed development.*

Response: Your comment regarding the Proposed Project is acknowledged. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing

and boarding are recognized as legitimate agricultural activities. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

2. *Having been a resident of the North Shore my whole life, of Mokulēʻia for 30 years & also a native Hawaiian who cares deeply for the people, land & culture, thru innate knowledge alone I know this development is not right for the area.*

Response: Your comment regarding the Proposed Project is acknoweldged.

3. *CULTURAL ISSUES. Mokulēʻia is an extremely significant Hawaiian cultural location, the site of this development being both on the foothills of the Kaʻala mountain range where the borders of this development will be infringing on what was once a righteous path for Aliʻi, Kahuna, & people of great significance in Hawaiian history. A path of understanding, a path to enlightenment lies just above the proposed area & culturally this is a great disrespect to the spirits & memory of some of the most powerful & significant figures of ancient Hawaiʻi. It is told that those of power & significance from all islands who came to Mokulēʻia & would walk on & around the ridgeline, beginning from the Waiʻanae end of Kaʻena Point up to the top of Mount Kaʻala to attain enlightenment, as a rite of passage for young Aliʻi, as a gathering of wisdom for Kahuna & other significant religious & medicinal practitioners. It is also told that their spirits still frequent the area, as well as the site being directly placed upon the entry point going the opposite direction towards Kaʻena where souls would wander to the "end of the earth" to find peace in the waters off Kaʻena point.*

Response: The landowner respects the significance of Native Hawaiian culture, and the relationship of that culture to the region and to this property. Section 4.5 of the Draft EIS describes the cultural resources of the property and the region, based on a Cultural Impact Assessment that is included in its entirety in Appendix G of the Draft EIS. It is noted that the Dillingham Ranch property has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that covered property not previously surveyed, and a Summary AIS prepared for this Draft EIS (Appendix E) that provides information from all relevant AISs in one document. All historic properties identified have been assessed for their significance and 12 of 16 archaeological sites located within the Project Area were evaluated as significant and are recommended for preservation. The Draft EIS includes interim and long-term preservation measures to minimize impacts to these historic properties (Section 4.4.3 of the Draft EIS). None of the areas you mention in your comments will be affected by the Proposed Project.

4. *Moving forward into modern Hawaiian culture, Mokulēʻia serves as one of the only last remaining undeveloped areas on the Island of Oʻahu, a place where locals & visitors alike go to get away, to enjoy the natural beauty of Hawaiʻi: Hunting, fishing, hiking soul-seeking, & just general enjoyment of nature's beauty impart of the beautiful allure of this magical place.*

   Having grown up in the area & having played in the mountains as a child - a teen I know first hand that remains of old Hawaiʻi are to be found in that area, hopefully not already

removed. Remnants of Heiau are there as I have seen them with my own eyes, carvings on rocks, etc. the exact meaning of which I know not but have great respect for are littered about on that mountainside.

Response: See answer to #3, above.

5. *Views will be destroyed as the mountainside will be turned into homes, streets, electrical poles & streetlights, fences, gates & other unnatural things unpleasing to the eye & damaging to the environment.*

Response: Visual Resources are discussed in Section 4.6 of the Draft EIS. As stated in this section, "…*any new structures that are built in the lowlands of the Project Site will not be visible from Farrington Highway due to the existing trees and vegetation along Farrington Highway. Due to their higher elevation and location in the foothills, farm dwellings and accessory structures associated with the Proposed Project may be visible from Farrington Highway but will not be visible from the area around Kaukonahua Road and Farrington Highway*" (p. 4-26). Based on the analysis of Visual Resources, the Draft EIS concludes that the "…*Proposed Project will not have an adverse effect upon the scenic resources and views from the surrounding area, nor will it have a significant impact upon mauka and makai views from Farrington Highway or Kaukonahua Road. Therefore, no mitigation measures are required*" (p. 4-26). Utilities will be placed underground.

6. *Light from streetlights, homes, cars etc. will further impose on birds, wildlife & not to mention damage the amazing darkness of the area which allows breathtaking views of the sky, stars & horizon (sunsets).*

Response: With regard to night lighting, the subdivision rules and regulations provide for street lighting for reasons of safety. The landowner is cognizant of the issue related to night skies, which is also a consideration for the protection of migratory birds that have nocturnal foraging and activity habits. For these reasons, all street lighting will be shielded to prevent light from being projected skyward.

7. *Already at times full of heavy traffic due to local visitors, tourists, & polo members/spectators already crowd the roads there at times. Roads will have to be widened, possibly an intersection with streetlights will someday be needed for proper & safe commute to & from the area.*

Response: Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

8. *Oil, exhaust, etc from construction, farm machines, resident vehicles will run down into the ocean & seep into the ground into underground aquifers full of precious pure water,*

possibly reaching to the nearby fishponds & natural springs & ponds that thrive full of wildlife birds, plants, animals & insects will be killed, displaced & bothered.

Response: All construction vehicles must comply with rules and regulations governing safety and exhaust emissions. It will be the responsibility of each individual farmer to ensure that equipment is in working order.

9. *Noise from traffic, machines, people etc will disrupt the quiet beauty which is part of the allure for both residents & tourists alike, damaging tourism & further disturbing natural habitat.*

Response: Potential noise impacts of the Proposed Project are discussed in Section 4.3 of the Draft EIS. The Draft EIS found that, during the short term, "…*noise from construction activities could be audible to noise-sensitive receptors on Dillingham Ranch*…" (p. 4-5). However, "…*no adverse noise impacts are anticipated due to the physical separation and distance between future construction activities and noise-sensitive receptors*" (p. 4-5). The Draft EIS contains a mitigation measure to control noise during construction (p. 4-6).

10. *Worst of all - pesticides will be blown right into the existing neighborhoods endangering all residents. There are many studies on the dangerous effects still fully unknown on how damaging these pesticides harm the health of all who reside & visit the area causing illnesses to all, birth defects & disabilities in children.*

Response: Chapter 165, Hawaiʻi Revised Statutes (HRS) is known as the "Right to Farm Act." Chapter 165-4, HRS declares that: *"No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance."*

Chapter 165-2, HRS defines "farming operation as:

"(1) Agricultural-based commercial operations as described in section [205-2(d)(15)];
(2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;
(3) Operation of machinery and irrigation pumps;
(4) Ground and aerial seeding and spraying;
(5) ***The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides****; and*
(6) The employment and use of labor." **(emphasis added)**

Further Title 4, Subtitle 6, Chapter 66 of the Hawaiʻi Administrative Rules (HAR) provide the regulatory oversight under the jurisdiction of the Hawaiʻi State Department of Agriculture for the use and application of pesticides. It is the right of lawful farming operations to apply pesticides to their lands as long as it done in a lawful manner. Purchasers of agricultural lots in the future Dillingham Ranch subdivision will be aware of the presence of adjoining agricultural

operations at time of sale, understanding that adjoining property users might apply pesticides to their property. If these adjoining properties are using pesticides (or any other compounds) in a legal manner, their operations will not be affected.

The zoning of the Ranch includes designations for both AG-1 Restricted Agricultural District and AG-2 General District. Inherent assumptions of these zoning designations allow for agricultural activities that include the use of farm equipment and vehicles. Compliance with maintenance requirements and handling of this equipment will mitigate potential impacts associated with the impacts you describe in your letter.

11. *Trends in development dictate that in years to come, if this development is allowed it will be opening a floodgate for further development, subdividing & other "dwellings" will be built which push & find loopholes in the set laws of building. Basically destroying the natural aesthetic beauty of the area, one of the last on O‘ahu. The end to the North Shore as we once knew it. Destroying forever one of the last of the beautiful countryside areas O‘ahu, & Hawai‘i has to offer. Tourism in the area will decline, or increase to an unsafe & undesirable level if it goes so far as to being location for vacation rentals, hostels, or hotels.*

    I ask of you to please decline the request for the development & any other proposed for the area. Please keep one of O‘ahu's, Hawai‘i's last "country" areas...country.

Response: Comments on the “country” character of the area and your opposition to the project are acknowledged. These comments should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

HHF Planners
733 Bishop Street Suite 2590
Honolulu., Hi 96813

Dear HHF Planners and the Dept of P;anning and Permitting

Mokuleia is under attack by developers. The historic Dillingham Ranch is applying to sell developmental parcels all under the guise of being agricultural lots. The state of Hawaii has strict requirements for the use of agricultural land and the responsible agencies need to enforce these requirements. Kennedy Wilson, the owner of the Dillingham Ranch, has a history in Hawaii and California of selling properties disguised as agricultural lots which become a development of wealthy homes with little intent of agriculture other than to avoid property taxes on these large properties.

Mokuleia, is the last area of Oahu which is country/agricultural/close to ocean beaches that local families have enjoyed visiting to get away since they were kids. If this project proceeds Oahu will eventually lose this last truly rural agricultural area, remote enough to be used by the Honolulu Astronomical Society prized for its dark skies.

I strongly oppose this plan. Please do not let this project happen.

George Machian
68-615 Farrington Hwy 23B
Waialua, Hi 96791
February 11, 2018

HHF PLANNERS
places for people

January 7, 2019

Mr. George Machian
68-615 Farrington Highway 23B
Waialua, HI 96791

Dear Mr. Machian:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 18, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comments.

1. *Mokulēʻia is under attack by developers. The historic Dillingham Ranch is applying to sell developmental parcels under the guise of being agricultural lots. The state of Hawaiʻi has strict requirements for the use of agricultural land and the responsible agencies need to enforce these requirements. Kennedy Wilson, the owner of the Dillingham Ranch, has a history in Hawaiʻi and California of selling properties disguised as agricultural lots which become a development of wealthy homes with little intent of agriculture other than to avoid property taxes on these large properties.*

Response: You state that the landowner is intending to sell parcels under the guise of being agricultural lots. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department

of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

2. *Mokulēʻia, is the last area of Oʻahu which is country/agricultural/close to ocean beaches that local families have enjoyed visiting to get away since they were kids.*

Response: The proposed agricultural subdivision is rural in character and will expand the agricultural use of the Ranch. The ambience of Mokulēʻia will not change. There will be no change in access to any of the region's recreational resources.

3. *If this project proceeds Oʻahu will eventually lose this last truly rural agricultural area, remote enough to be used by the Honolulu Astronomical Society prized for its dark skies.*

Response: With respect your comments about the protection of dark skies for amateur star-gazing sessions, it is noted that any development of an agricultural subdivision must contain a system of internal roads. The subdivision rules and regulations must provide for street lighting for reasons of safety. The landowner is cognizant of the issue related to night skies, which is also a consideration for the protection of migratory birds that have nocturnal foraging and activity habits. For these reasons, all street lighting will be shielded to prevent light from being projected skyward.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

February 8, 2018
68-615 Farrington Hwy
23B
Waialua HI 96791

Dear HHF Planners and the Department of Planning and Permitting,

I strongly oppose the Kennedy Wilson proposed development of Dillingham Ranch. Dillingham Ranch manages the Public Utility that provides water to all of Mokuleia currently. Yet, because the water pressure is so low the fire hydrants do not work along Farrington Hwy. Furthermore, the generators at the Ranch do not work dependably so when there is no electricity we have no water at all. In short, the infrastructure is not up to code along Farrington Hwy. What if there is a fire, (as we had 2 years ago just above the Ranch) and the wind happens to come from the southwest on that day as it sometimes does? We would be in danger of our properties burning. I feel these infrastructure issues including our water utility and waste disposal need to be addressed before future development should put more stress on an already stressed environment.

At the last public presentation made in 2017, Kennedy Wilson told the community that they would not do anything to upgrade our water service. Furthermore , the aquifers under the Ranch are our only source of fresh water. The proposed development would put this critical water source at risk of pollution or worse.

Kennedy Wilson must not be allowed to proceed with their development until there is a guarantee to provide dependable and environmentally safe water to all...not just their 70 lots.

Thank you,

Judith L Machian

Judith L Machian
68-815 Farrington Hwy
23B
Waialua, HI 96791

HHF PLANNERS
places for people

January 7, 2019

Ms. Judith L. Machian
68-815 Farrington Highway, # 23B
Waialua, HI 96791

Dear Ms. Machian:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 8, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I strongly oppose the Kennedy Wilson proposed development of Dillingham Ranch. Dillingham Ranch manages the Public Utility that provides water to all of Mokulēʻia currently. Yet, because the water pressure is so low the fire hydrants do not work along Farrington Hwy. Furthermore, the generators at the Ranch do not work dependably so when there is no electricity we have no water at all. In short, the infrastructure is not up to code along Farrington Hwy.*

Response: Dillingham Ranch Aina LLC is the developer of the Proposed Project. The water system that serves some residential customers in the Mokulēʻia community is owned and operated by North Shore Water Company, LLC (NSWC). The PUC granted NSWC a Certificate of Public Convenience and Necessity by Decision and Order dated June 27, 2012.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (low water pressure, electrical failures, lack of fire hydrants), and expenses related to any required improvements to address the deficiencies in the existing service that serves the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC, both

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of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC, including the provision of reliable back-up electricity. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section and 4.11.2, and are discussed in greater detail in Sections 3.4.2 and, 4.11.2 of the Final EIS (enclosed). The concerns you noted about existing conditions of the NSWC system along Farrington Highway and makai (low water pressure, fire hydrants, electrical failures) are not related to the Proposed Project or impacts from the Proposed Project. However, the development of the Proposed Project will result in improvements to the NSWC water system.

2. *What if there is a fire, (as we had 2 years ago just above the Ranch) and the wind happens to come from the southwest on that day as it sometimes does? We would be in danger of our properties burning.*

Response: The Proposed Project will meet all requirements related to the County Subdivision Rules and Regulations, including those pertaining to fire protection. Should a fire occur within the agricultural subdivision, there will be sufficient fire fighting capability required by the County Fire Department. If a fire occurs in the hills above the Proposed Project, it would be necessary to use aerial fire fighting techniques because the terrain is inaccessible to fire trucks. Dillingham Ranch has consistently provided assistance to fire fighters involved with incidents above the ranch, by providing logistical support for helicopters and other equipment, and allowing the fire department to use water resources on the Ranch to supply helicopters.

3. *I feel these infrastructure issues including our water utility and waste disposal need to be addressed before future development should put more stress on an already stressed environment. At the last public presentation made in 2017, Kennedy Wilson told the community that they would not do anything to upgrade our water service.*

Response: In regard to your comments concerning the water system, please the response to question #1, above. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the DEIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1

water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

4. *Furthermore, the aquifers under the Ranch are our only source of fresh water. The proposed development would put this critical water source at risk of pollution or worse.*

Response: The region's aquifers will not be at risk from any associated contamination from wastewater. In addition to being treated to an R-1 level of quality, closed steel storage containers will be included as part of the wastewater treatment plant infrastructure. This is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS.

5. *Kennedy Wilson must not be allowed to proceed with their development until there is a guarantee to provide dependable and environmentally safe water to all...not just their 70 lots.*

Response: Please see the response to question #1, above. These comments should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

I am greatly opposed to the plan to develop Dillingham Ranch because I am very very concerned not enough thought went into local impact.

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January 7, 2019

Ms. Kristina Marquez
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Haleʻiwa, HI 96712

Dear Ms. Marquez:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comment and offer the following response.

1. *I am greatly opposed to the plan to develop Dillingham Ranch because I am very very concerned not enough thought went into local impact.*

Response: Your comment is a general statement about the consideration of the overall project in a local context, rather than being a comment related to any specific language in the Draft EIS. The overall approach to the Proposed Project is one that recognizes the existing uses on the Ranch property and provides for their continuation, including equestrian activities, cattle grazing, palm tree orchard, mango orchard, and operation of the Dillingham Lodge. Additional agricultural activities will be added in the form of hydroponic farming and an additional 100 acres of orchards.

Your comment on the Proposed Project and its compatibility with the community is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2 of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*".

Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaiʻi, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls, including HRS Chapter 226.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

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February 22, 2018

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Re: Draft Environmental Impact Statement ("Draft EIS ") for the Dillingham Ranch Agricultural Subdivision

Dear Sirs/Madam:

I am a long-term resident for more than 30 years in the Mokuleia area. I applaud the applicant for seeking to develop the property consistent with its current agricultural zoning, and not seeking a re-zoning of the property.

I have some suggestions for improvements to this project, which would substantially reduce its potential negative and adverse impacts on the community, and also greatly improve the project both from the usability and desirability of the project for the lot purchasers, and from the standpoint of the overall profitability of the applicant (Dillingham Ranch Aina, LLC and Kennedy Wilson).

I would prefer to try to work cooperatively with the applicant to see how many of these changes and improvements could be feasibly implemented.

Sewage Treatment

The draft EIS does not adequately consider or disclose the potential negative environmental impacts of the proposed sewage treatment collection system and centralized treatment plant, and disposal of sewage effluent in the low lands after treatment in a centralized

plant. In addition, the potential alternatives to a centralized treatment and collection system are not adequately considered.

Probably the best option would be to have individual treatment and disposal of wastewater on each of the 5-acre lots. Although it is true that most or all of the proposed 5-acre lots are inland of the Board of Water Supply's "no-pass" line, that does not preclude the use of individualized treatment and disposal systems.

For example, the 5-acre lots in the nearby Poamoho Agricultural Subdivision off of Kaukonahua Road are also located inland of the "no-pass" line, and those lots are successfully utilizing individualized treatment and disposal systems. Those individualized treatment and disposal systems disburse the treated effluent over a much larger area of soil that would be utilized by a traditional leech field, and they have been approved by the Department of Health and Board of Water Supply. Based on the experiences of landowners in the Poamoho Agricultural Subdivision, those individualized treatment and disposal systems can probably be built for something in the general neighborhood of about $40,000 each. Realistically, for a potential purchaser of a lot in the Dillingham Ranch Agricultural Subdivision (who would probably be spending more than $1 million for the lot and more than half a million dollars to construct a house on it) the additional costs of the wastewater treatment system for that lot is not likely to be a significant impediment to the applicant's sales and marketing efforts. In addition, going with requiring individualized wastewater treatment and disposal systems, would save the applicant several million dollars in upfront costs, due to not needing to construct the centralized sewage treatment plant, and collection system to feed that plant.

In contrast, the proposed raw sewage collection system and centralized treatment plant (with its centralized disposal field) pose many potential problems, which are not adequately addressed in the Draft EIS. For example, the relatively small diameter of the pipes for transporting the raw sewage (compared to the large diameter pipes used in urban Honolulu) will likely be more prone to clogging. Although the potential clogging problems can be reduced by requiring each homeowner to have a comminuting pump (which essentially chops up the raw sewage, but does not treat it), the potential for clogging would not be eliminated. Pipes used to transport raw sewage are prone to the growth of organisms that can lead to the clogging of the pipes, and the smaller the diameter of the pipes, the greater the potential for clogging. Also, given the topography of the land, there will almost certainly need to be some uphill sections that will require uphill pumping through force mains for the raw sewage. Pump stations frequently emit odors, and more importantly are also prone to failure (for example during power outages if a backup generator doesn't come on, or if the pump fails for some other reason). That can lead to discharges of raw sewage somewhere on your project. Also very significant (and frequently not adequately addressed by the engineers who design wastewater treatment systems and collection systems) are the effects of inflow and infiltration. Inflow and infiltration (which are sometimes abbreviated "I&I") is the extraneous water that gets into a sewage collection and treatment system, particularly during periods of high rainfall. It has been my experience in litigation over sewage collection and treatment systems, that engineers frequently underestimate the amount of I&I that will get into a sewage treatment and collection system, even in its initial new condition. In addition, I&I frequently increases over time as a sewage collection system ages and there are more gaps and other problems with pipes, pipe joints, and pump joints etc. This increases the amount of extraneous water that gets in the system, and can then overload the treatment plant or other aspects of the system.

In addition, the treatment plant itself is also a major source of potential problems. The type of treatment plant being proposed is not adequately described in the Draft EIS, but it will be relatively complicated (compared to individualized treatment systems back on the lots), and it will be trying to deal with a large amount of collected raw sewage. Such plants are subject to different levels of failure from time to time, especially during periods of high rainfall, and also especially as they age. In addition, operator error in such a plant is a significant risk. Also, since the homeowners' association will have to pay for the operating costs of the sewage treatment plant, there is a risk that over time the kinds of maintenance and upgrades that are really needed to keep it consistently functioning at a high level, will not be approved by the homeowners' association. This further increases the risks of raw or partially treated sewage being improperly discharged from the plant. Also, the low land areas, where the proposed sewage treatment plant and disposal area are planned to be located, are much more likely to be subject to flooding during periods of very high rainfall.

For all of these reasons, the applicant should seriously consider the alternative of simply requiring each individual lot owner to be responsible for the treatment and disposal on their 5-acre lots, which his very feasible and much more likely to avoid major problems for the project, and for public health and the environment.

If, for any reason, the applicant decides that it is dead set on creating a centralized sewage treatment plant and disposal area, then serious consideration should be given (and the possibility analyzed in the final environmental impact statement) to a hybrid system. In such a hybrid system, each individual lot owner would be required to provide at least some level of initial treatment before the effluent left the property owner's property and went into the centralized collection system. At the low end of cost, this could be as simple as requiring the use of a standard septic tank on the property, but no leech field associated with that tank. Instead, the partially treated effluent (clarified effluent) that would come out of the septic tank, would go into the sewage collection system and be eventually transported to a centralized treatment plant on the low lands. The additional cost for each lot owner for a septic tank but no leech field would probably be less than $10,000.[1]

Such a hybrid system would greatly reduce the risks of transporting the effluent since it would no longer be raw sewage that was being transported. In addition, the plant could probably be built at a much lower cost since it would not be dealing with nearly as large a total biological oxygen demand (BOD5) and suspended solids influent coming into the plant. Also, when problems did occur with the sewage treatment plant operation or maintenance, those problems would not be nearly as serious, as they would be for a sewage treatment plant that was trying to treat and dispose of raw sewage.

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[1] The solids would be removed from the septic tanks by standard septic tank pumping. For a properly sized septic tank, the pumping would probably not be needed more than once every 2 years. Even if pumping were required (by the homeowners' association rules) at once per year, that would only involve a cost of about $200 per lot owner each year for septic pumping.

Construction of a Left-Hand Turning Lane, and Traffic Impacts

Building a left-hand turning bay for one or more of the project entrances would greatly reduce the virtually inevitable traffic impacts that the project will have on the free flow of traffic along Farrington Highway. The cost of building a left-hand turning bay would be relatively small in comparison with the cost of a project of this magnitude. In all likelihood, the cost of building a left-hand turning bay would be far less than the money that could be saved by not building the centralized sewage treatment plant and collection system.

The traffic impact analysis in the draft EIS, which is being apparently used to justify not building any left-hand turning bay for westbound traffic turning into the project, is woefully inadequate. As discussed briefly below in the footnote, even a cursory reading of that traffic impact analysis shows that there are numerous flaws and inadequacies in it.[2]

Since Farrington Highway is only one lane in each direction, any time someone is waiting to turn left into the project, they will be blocking westbound traffic behind them. There are numerous times when there are very significant amounts of traffic traveling eastbound past the project, particularly on weekends, and after events such as polo matches or large public races held to the west of the project (Ka'ena Point side). The number of vehicles turning left

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[2] Here are a few of the reasons why the traffic impact analysis in the draft EIS is woefully inadequate. It virtually ignores traffic safety concerns and tries to focus just on level of service. Furthermore its level of service analysis is completely inadequate. It focusses on basically passenger vehicle traffic after 2025 when the project infrastructure has been built out by the developer. It acknowledges that there will be significant traffic impacts of a negative nature during the period when the developer is building out the infrastructure, but then tries to gloss over this by claiming that it could be effectively mitigated (without quantifying the degree of mitigation) by things like scheduling times for when construction equipment can move on Farrington Highway. However, there are no particulars of what things would be done to try to minimize the traffic impact during the infrastructure build-out phase, nor is there any commitment by the project developer to actually implement any particular such measures designed to try to mitigate the admitted traffic impacts during the project infrastructure construction period. In addition, the analysis completely ignores the construction impacts that would be caused on traffic during the build-out of various houses by the individual lot owners after the developer has built out the project infrastructures (such as project roads and common area development, etc.). Nor does the traffic impact analysis in the Draft EIS provide any commitment by, or a method by which, the developer would enforce any such restrictions that might be imposed on the individual lot owners and their construction activities. The bottom line is that there would inevitably be many more impacts due to those other construction activities by lot owners, and they would be difficult to impossible for the developer to control, and in any event there's no commitment as to how that control would occur, nor is there any analysis as to how much that would mitigate the impact of that construction activity by individual lot owners on traffic.

In addition, even putting aside all of the inadequacies in dealing with the period of time until the project has been completely built out by both the developer and the individual lot owners, the traffic analysis is completely inadequate in assessing the ongoing traffic impacts, after construction is completed. The timing and impacts of the increasing westbound traffic into the project is not adequately addressed or analyzed. In addition, the analysis is completely inadequate in addressing and assessing the times of peak flow of eastbound traffic, such as after events that are located to the west of the project. As but one example, the analysis of the increased flow following polo field events is ridiculous. The polo field events were acknowledged to end near the late afternoon time, but the measurement was done mid-day. Although there is significant westbound traffic as a result of polo field matches mid-day, there is a much smaller increase in the eastbound traffic during the middle of the polo event. The greatest influx of east bound traffic in connection with a polo field event is near the late afternoon, near the end of the polo field event. That's just common sense, but as far as I can tell, the traffic impact analysis, as reported in the body of the Draft EIS, never bothered to measure and quantify the increase in traffic near the end of polo events!

into the project from the westbound traffic lane will certainly increase significantly as a result of this project. Without a left-hand turning bay, whenever a passenger vehicle, or a construction vehicle, or a service vehicle, is waiting to turn left into the project, it will be blocking westbound traffic behind it. In addition to creating a decreased level of service (LOS), this also creates safety issues, which could be mitigated or avoided by the simple expedient of constructing a left-hand turning bay at any entrances that will be used for the project on any regular basis.

Building one or more left-hand turning bays is not only a wise investment for the quality and usability of your project, it is also very much needed to reduce the impacts on traffic and safety that will be caused by the project for the rest of the public who utilize Farrington Highway.

Visual Impacts of the Project on Views from Surrounding Areas.

The draft EIS does not adequately address and assess the visual impacts of the project, particularly its impacts on the rural character and natural beauty of the area when viewed from places outside of the project. This is in part due to the fact that many important details of the project have not yet been worked out and committed to by the applicant.

As one important example, if standard street lights meeting normal City and County subdivision rules are installed, it will have not only a very negative impact on the desirability of the project for potential purchasers, it will also have an extremely negative impact on the views of those mountain and hillside areas from areas outside of the project during the evening hours, and overall light pollution in this rural area. Mr. Eadie has stated at public meetings that he would prefer for the project to have street lighting that is relatively lower to the ground, with the lighting shielded and directed primarily down, and generally as minimal total light as reasonably possible. That is also what I, and I think pretty clearly the vast majority of community members, would also prefer in order to minimize the visual impacts at night of this project. Common sense says let's try to work together to attempt to get the City and County to give whatever permissions are needed in order for that kind of street lighting to be utilized. These efforts should be done and completed before a Final EIS is prepared. That way, whatever the final outcome is on what street lighting would be permitted by the City and County, it can be addressed and analyzed in the EIS adequately.

In addition to working out more of the details for what the developer would be building in the project infrastructure, the details of the covenants, conditions and restrictions ("CC&R's") concerning what individual lot owners will be allowed to build on their lots should also be worked out to a much greater extent than it currently is. There should be at least enough so that the potential visual impacts of houses being built by lot owners can be actually addressed and analyzed in the Final EIS. Additional CC&R restrictions can of course be added by the developer later, but at least a minimal set needs to be worked out prior to the time that the Final EIS is prepared, so that the visual impacts of the project when viewed from areas outside of the project can be adequately addressed in the Final EIS. For example, even a relatively large house, if it is built and covered with various earth toned materials, and has sloping roofs, can be made to blend in to the hillsides much better than a white, rectangular California style "movie mogul's" mansion will ever fit in.

Time Period For The CC&R's

Under the City and County of Honolulu rules, the applicant and developer will be required to impose deed restrictions (CC&R's) that limit the use of the properties to a single one-family home, etc., but only so long as "the property remains subject to agricultural zoning." However, there is nothing in the City and County rules that prevents the developer from voluntarily making the deed restrictions (CC&R's) extend indefinitely in time, forever. For example, the deed restrictions in the Mokuleia Agricultural Subdivision were made by the developer to extend indefinitely, forever.

I would strongly encourage Mr. Eadie and the other principals at Kennedy Wilson to decide to make the CC&R's extend indefinitely, and not be set to expire or disappear if a later purchaser ever manages to get their property rezoned out of agricultural zoning. Not only will this be a show of good faith to the community that this project is not being intended to open the door to further development within the project area, it's also just plain good marketing for selling the lots to their customers.

For example, if the deed restrictions and other CC&R's are created so that they will automatically expire if a lot owner ever gets its zoning for that lot changed out of agricultural zoning, then there is no guarantee that the purchasers will really be getting neighbors who will abide by the CC&R's forever. For example, if the restrictions will end upon a property being rezoned, there is nothing to prevent a purchaser or purchasers (whether they be in some way related to the developer, or completely unrelated and unbeknownst to the developer) from purchasing two or three lots adjacent to each other, and then using money and political muscle down the road in the future to get those lots rezoned to some higher more intense use (for example, to permit a hotel or resort or something else), and then suddenly being free to build whatever that new zoning would permit, and totally ignore the CC&R's that the current developer had placed on the project!

Geographic Area for the CC&R'S

I note that the "project area" as delineated on the maps in the Draft EIS is significantly smaller than the total area of the property that the applicant controls, as shown on those maps. Is it possible that there may be future development in those areas of the applicant's property that are adjacent to the project area but outside the project area?

If there may be additional development in the future in those areas (which would include, but not be limited to things such as the potential creation of additional agricultural lots beyond the 70 lots being applied for, and described in the Draft EIS), them that needs to be fully described in the Draft EIS or else it would be not adequate. If no such further development is to be a possibility, then it would be helpful to have that more clearly stated in the Draft EIS, along with a clear commitment to include those areas in the CC&R's that would prevent such future development (on those portions of the property that are adjacent to the project area but outside of the project area).

In conclusion, I stand ready to work with the applicant to try to address the concerns set forth in this letter in a cooperative manner.

Very truly yours,

Kenneth A. Martyn

HHF PLANNERS
places for people

January 7, 2019

Kenneth A. Martyn
1585 Kapiʻolani Boulevard
Honolulu, HI 96814

Dear Mr. Martyn:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 22, 2018, providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am a long-term resident for more than 30 years in the Mokulēʻia area. I applaud the applicant for seeking to develop the property consistent with its current agricultural zoning, and not seeking a re-zoning of the property.*

Response: Your comment on the Proposed Project being consistent with current agricultural zoning is acknowledged.

2. *I have some suggestions for improvements to this project, which would substantially reduce its potential negative and adverse impacts on the community, and also greatly improve the project both from the usability and desirability of the project for the lot purchasers, and from the standpoint of the overall profitability of the applicant (Dillingham Ranch Aina, LLC and Kennedy Wilson).*

   I would prefer to try to work cooperatively with the applicant to see how many of these changes and improvements could be feasibly implemented.

Response: Your interest in working cooperatively with the Applicant, which is Dillingham Ranch Aina, LLC is acknowledged

3. *Sewage Treatment. The draft EIS does not adequately consider or disclose the potential negative environmental impacts of the proposed sewage treatment collection system and centralized treatment plant, and disposal of sewage effluent in the low lands after treatment in a centralized plant.*

Response: The sewage generated by the Proposed Project will be served by a private, on-site waste water treatment plant, which is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The wastewater treatment plant will be designed, built, and operated in

accordance with the City and County Design Standards of the Department of Wastewater Management, Volume 1 and 2 (1993) and Chapter 11-62, Hawai'i Administrative Rules pertaining to wastewater systems. The wastewater treatment process utilized by the Proposed Project's plant will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. There will be no disposal of sewage in the lowland areas of the Project Site. R-1 treatment is the highest level of wastewater treatment, and can be re-used to irrigate crops and pastures without restriction, and without impact to groundwater resources. It should also be noted that the wastewater treatment plant will be a much more environmentally sensitive approach to sewage treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these types of systems, both which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

4. *In addition, the potential alternatives to a centralized treatment and collection system are not adequately considered.*

   Probably the best option would be to have individual treatment and disposal of wastewater on each of the 5-acre lots. Although it is true that most or all of the proposed 5-acre lots are inland of the Board of Water Supply's "no-pass" line, that does <u>not</u> preclude the use of individualized treatment and disposal systems.

   For example, the 5-acre lots in the nearby Poamoho Agricultural Subdivision off of Kaukonahua Road are also located inland of the "no-pass" line, and those lots are successfully utilizing individualized treatment and disposal systems. Those individualized treatment and disposal systems disburse the treated effluent over a much larger area of soil that would be utilized by a traditional leech field, and they have been approved by the Department of Health and Board of Water Supply. Based on the experiences of landowners in the Poamoho Agricultural Subdivision, those individualized treatment and disposal systems can probably be built for something in the general neighborhood of about $40,000 each. Realistically, for a potential purchaser of a lot in the Dillingham Ranch Agricultural Subdivision (who would probably be spending more than $1 million for the lot and more than half a million dollars to construct a house on it) the additional costs of the wastewater treatment system for that lot is not likely to be a significant impediment to the applicant's sales and marketing efforts. In addition, going with requiring individualized wastewater treatment and disposal systems, would save the applicant several million dollars in upfront costs, due to not needing to construct the centralized sewage treatment plant, and collection system to feed that plant.

Response: While individual wastewater systems (IWSs) may have been a viable option for the Poamoho Agricultural Subdivision notwithstanding that it is within the "No Pass Zone," IWSs are not allowed where the total number of lots in the subdivision exceeds 50 lots (Section 11-62-31.1, Title 11 Chapter 62, Hawaii Administrative Rules). Accordingly, because the Proposed Project consists of 70 agricultural lots, IWSs were not a viable option and therefore not considered in the Draft EIS. The relative costs for a centralized system versus multiple IWSs is not a factor for consideration due to the State Department of Health regulations.

5. *In contrast, the proposed raw sewage collection system and centralized treatment plant (with its centralized disposal field) pose many potential problems, which are not adequately addressed in the Draft EIS. For example, the relatively small diameter of the pipes for transporting the raw sewage (compared to the large diameter pipes used in urban Honolulu) will likely be more prone to clogging. Although the potential clogging problems can be reduced by requiring each homeowner to have a comminuting pump (which essentially chops up the raw sewage, but does not treat it), the potential for clogging would not be eliminated. Pipes used to transport raw sewage are prone to the growth of organisms that can lead to the clogging of the pipes, and the smaller the diameter of the pipes, the greater the potential for clogging. Also, given the topography of the land, there will almost certainly need to be some uphill sections that will require uphill pumping through force mains for the raw sewage. Pump stations frequently emit odors, and more importantly are also prone to failure (for example during power outages if a backup generator doesn't come on, or if the pump fails for some other reason). That can lead to discharges of raw sewage somewhere on your project. Also very significant (and frequently not adequately addressed by the engineers who design wastewater treatment systems and collection systems) are the effects of inflow and infiltration. Inflow and infiltration (which are sometimes abbreviated "I&I") is the extraneous water that gets into a sewage collection and treatment system, particularly during periods of high rainfall. It has been my experience in litigation over sewage collection and treatment systems, that engineers <u>frequently</u> underestimate the amount of I&I that will get into a sewage treatment and collection system, even in its initial new condition. In addition, I&I frequently increases over time as a sewage collection system ages and there are more gaps and other problems with pipes, pipe joints, and pump joints etc. This increases the amount of extraneous water that gets in the system, and can then overload the treatment plant or other aspects of the system.*

Response: The collection system for the project is comprised of a low pressure sewer system, which keeps the small diameter pipes under constant pressure minimizing the likelihood of pipe clogging. Prior to entering the force main system, a primary and secondary backup grinder pump feed the sewage into the pressurized system. This type of collection system minimizes clogging historically found in larger diameter gravity sewer pipes. The small pump station units, which will be installed at each property, store a small amount of sewage until it is disposed of through the force main system to the WWTP. The volume is less than typically found within septic tanks and the holding time is shorter, reducing the effluent from being “septic”. These systems are designed for residential use and have minimal odors associated with them.

Inflow and Infiltration (I&I) is found in gravity pipe systems where stormwater is able to infiltrate through manholes and pipe joints. These flows can be significant and cause sewage overflows and spills. The collection system for this project is water tight. The force main pipe consists of fused joints, which do not allow for water infiltration. The small grinder pump stations are air tight and top elevation is set slightly higher than the surrounding grade so that water does not enter the lid. While the collection system will not be susceptible to I&I, the county and state regulations require the WWTP to be designed for additional flow from I&I.

6. *In addition, the treatment plant itself is also a major source of potential problems. The type of treatment plant being proposed is not adequately described in the Draft EIS, but it will be relatively complicated (compared to individualized treatment systems back on the lots), and it will be trying to deal with a large amount of collected raw sewage. Such plants are subject to different levels of failure from time to time, especially during periods of high rainfall, and also especially as they age. In addition, operator error in such a plant is a significant risk. Also, since the homeowners' association will have to pay for the operating costs of the sewage treatment plant, there is a risk that over time the kinds of maintenance and upgrades that are really needed to keep it consistently functioning at a high level, will not be approved by the homeowners' association. This further increases the risks of raw or partially treated sewage being improperly discharged from the plant. Also, the low land areas, where the proposed sewage treatment plant and disposal area are planned to be located, are much more likely to be subject to flooding during periods of very high rainfall.*

Response: Please see responses to Comments 3 and 5, above. When designing treatment plant there are always a primary and a secondary unit on standby. For example in a pump system, there is a primary or duty pump that handles all the process flows and a standby pump. In the event of a primary pump failure, the secondary pump will be activated and placed online by turning on/off valves. In the event of a power failure, an emergency generator with an automatic transfer switch is sized to operate the facility during power outages. The operations of the treatment plant will be through a State Certified wastewater operation and maintenance firm. Having trained personnel will minimize the risk of spills and other mishaps. In addition, as noted in the Draft EIS, "*The Association of Lot Owners will engage the services of an experienced private wastewater treatment plant contractor to operate, manage, and maintain, and manage the proposed wastewater system in accordance with the requirements of Chapter 11-62, HAR (Wastewater Systems)*." The treatment plant is not located in a flood zone. Per the Hawaii State Flood Hazard Assessment Report, the facility is located in Zone XS, defined as "Areas of 0.2% annual chance flood……"

As noted above in response to Comment #4, because the Proposed Project includes more than 50 lots, IWSs are not viable options.

7. *If, for any reason, the applicant decides that it is dead set on creating a centralized sewage treatment plant and disposal area, then serious consideration should be given (and the possibility analyzed in the final environmental impact statement) to a hybrid system. In such a hybrid system, each individual lot owner would be required to provide at least some level of initial treatment before the effluent left the property owner's property and went into the centralized collection system. At the low end of cost, this could be as simple as requiring the use of a standard septic tank on the property, but no leech field associated with that tank. Instead, the partially treated effluent (clarified effluent) that would come out of the septic tank, would go into the sewage collection system and be eventually transported to a centralized treatment plant on the low lands. The additional cost for each lot owner for a septic tank but no leech field would probably be less than $10,000. (The solids would be removed from the septic tanks by standard septic tank pumping. For a properly sized septic tank, the pumping would probably not be needed more than once every 2 years. Even if pumping were required (by the*

homeowners' association rules) at once per year, that would only involve a cost of about $200 per lot owner each year for septic pumping).

Such a hybrid system would greatly reduce the risks of transporting the effluent since it would no longer be raw sewage that was being transported. In addition, the plant could probably be built at a much lower cost since it would not be dealing with nearly as large a total biological oxygen demand (BOD5) and suspended solids influent coming into the plant. Also, when problems did occur with the sewage treatment plant operation or maintenance, those problems would not be nearly as serious, as they would be for a sewage treatment plant that was trying to treat and dispose of raw sewage.

Response: As discussed in response to Comment #5, the WWTP is being designed by ATA to comply with the City and County Design Standards of the Department of Wastewater Management, Volume 1 and 2 (1993) and Chapter 11-62, Hawai'i Administrative Rules pertaining to Wastewater Systems. Based upon its extensive experience designing systems of this nature, ATA determined that the proposed design will provide high quality treated effluent (R-1) suitable for reuse as irrigation water. In addition, the system designed by ATA will require approval from the DOH. Based on the experience of the project sanitary engineers, a hybrid system with the septic tank located on the residents property and a centralized treatment facility treating the partially treated effluent will not be allowed by the Department of Health.

8. *<u>Construction of a Left-Hand Turning Lane, and Traffic Impacts.</u> Building a left-hand turning bay for one or more of the project entrances would greatly reduce the virtually inevitable traffic impacts that the project will have on the free flow of traffic along Farrington Highway. The cost of building a left-hand turning bay would be relatively small in comparison with the cost of a project of this magnitude. In all likelihood, the cost of building a left-hand turning bay would be far less than the money that could be saved by not building the centralized sewage treatment plant and collection system.*

   The traffic impact analysis in the draft EIS, which is being apparently used to justify not building any left-hand turning bay for westbound traffic turning into the project, is woefully inadequate. As discussed briefly below in the footnote, even a cursory reading of that traffic impact analysis shows that there are numerous flaws and inadequacies in it.

Response: Our traffic engineers (ATA) were consulted regarding your comments on the Draft EIS's analysis of the Proposed Project's potential impacts to traffic. Traffic counts on Farrington Highway were taken specifically for the Proposed Project to establish existing conditions, and were used to project traffic impacts over the course of the development and build-out of the proposed agricultural subdivision. With regard to the need for a left-turn, although not included within the TIAR, ATA prepared a left-turn warrant analysis and determined that a left-turn lane is not warranted at either of the Proposed Project's driveways.

In addition, the TIAR has been reviewed by both the State Department of Transportation, and the City Department of Transportation Services. The State Department of Transportation deemed the TIAR acceptable. The City Department of Transportation Services expressed no

objections to the TIAR and provided comments regarding the requirement for a Construction Management Plan that will have to be reviewed by the City Department of Transportation Services and the Department of Planning and Permitting prior to the start of construction (grading) at the Proposed Project. The Applicant will comply with all design requirements determined necessary by these-agencies.

9. *(Footnote) Here are a few of the reasons why the traffic impact analysis in the draft EIS is woefully inadequate. It virtually ignores traffic safety concerns and tries to focus just on level of service.*

Response: The firm retained to conduct the TIAR is a long-recognized expert in their field and followed accepted industry protocols to prepare their report.

10. *(Footnote cont.) Furthermore its level of service analysis is completely inadequate. It focuses on basically passenger vehicle traffic after 2025 when the project infrastructure has been built out by the developer. It acknowledges that there will be significant traffic impacts of a negative nature during the period when the developer is building out the infrastructure, but then tries to gloss over this by claiming that it could be effectively mitigated (without quantifying the degree of mitigation) by things like scheduling times for when construction equipment can move on Farrington Highway. However, there are no particulars of what things would be done to try to minimize the traffic impact during the infrastructure build-out phase, nor is there any commitment by the project developer to actually implement any particular such measures designed to try to mitigate the admitted traffic impacts during the project infrastructure construction period.*

Response: TIARs provided within the EIS phase are generally required to identify a project's traffic-related impacts during full build-out. Construction-related traffic is generally assessed closer to the time of construction when a contractor, once selected, is able to identify planned staging areas, anticipated schedules and traffic demands, and proposed vehicle paths. The findings and recommendations are included within a Construction Management Plan (CMP) which is provided as a mitigation measure in the Draft EIS. The Draft EIS does not conclude that "there will be significant traffic impacts of a negative nature during the period when the developer is building out the infrastructure." Rather, based upon the TIAR, the Draft EIS notes (p. 4-44) that: "*During the short term, construction of the Proposed Project could temporarily disrupt traffic in the vicinity of the Project Site*." As noted in the Draft EIS (p. 4-44), in order to mitigate the potential for any such impacts, a "Traffic Management Plan (TMP)" will be implemented. Based on comments received from the Department of Planning and Permitting on the Draft EIS (dated February 22, 2018 from Kathy Sokugawa, Acting Director), and the Department of Transportation Services (dated February 22, 2018 from Wes Frysztacki, Director), this section was revised (and will be reflected in the Final EIS) as follows (revised text shown in italics):

> Traffic. A *Construction Management Plan (CMP)* will be implemented to minimize impacts to traffic during construction of the Proposed Project. The CMP will be applicable to overall site preparation and grading and the installation of site infrastructure; not for work on individual lots as they are developed. Examples of traffic control measures include storing and securing

construction equipment, materials, and vehicles on-site to minimize trips and deliveries and staggering the arrival and departure times of construction workers. In addition, construction materials and equipment transfer will occur to greatest extent practicable between off-peak traffic hours (8:30 am to 3:30 pm). The CMP will be reviewed at the time the grading plans for the Proposed Project are submitted to DPP and the Department of Transportation Services for review.

The Construction Management Plan will also include a discussion of traffic impacts that the Proposed Project may have on any surrounding City roadways and facilities, including short-term impacts during construction with corresponding measures to mitigate these impacts by applying appropriate Complete Streets principles.

11. *(Footnote cont.) In addition, the analysis completely ignores the construction impacts that would be caused on traffic during the build-out of various houses by the individual lot owners after the developer has built out the project infrastructures (such as project roads and common area development, etc.). Nor does the traffic impact analysis in the Draft EIS provide any commitment by, or a method by which, the developer would enforce any such restrictions that might be imposed on the individual lot owners and their construction activities. The bottom line is that there would inevitably be many more impacts due to those other construction activities by lot owners, and they would be difficult to impossible for the developer to control, and in any event there's no commitment as to how that control would occur, nor is there any analysis as to how much that would mitigate the impact of that construction activity by individual lot owners on traffic.*

Response: Standard practice and procedure does not call for the analysis of traffic impacts associated with the construction of individual homes, regardless of location. For one reason, any impacts associated with such activities are temporary in nature and do not translate to long-term aggregation of traffic counts. The City and County of Honolulu does not require this analysis be conducted for individual homes, nor is there any statutory requirement to do so. The peak period of travel for construction workers to a job site would be in the early morning hours (before the traditional morning peak hour) and would be counter to the prevailing direction of traffic on Farrington Highway in the vicinity of the Proposed Project. A similar pattern would occur during the afternoon peak hour. Most delivery of materials or other truck traffic would occur during non-peak hours and would be episodic. In short, there would not be a significant traffic impact associated with the construction of individual homes.

12. *(Footnote cont.) In addition, even putting aside all of the inadequacies in dealing with the period of time until the project has been completely built out by both the developer and the individual lot owners, the traffic analysis is completely inadequate in assessing the ongoing traffic impacts, after construction is completed. The timing and impacts of the increasing westbound traffic into the project is not adequately addressed or analyzed. In addition, the analysis is completely inadequate in addressing and assessing the times of peak flow of eastbound traffic, such as after events that are located to the west of the project.*

Response: See responses to Comments 9, 13 and 14**.**

13. *<u>(Footnote cont.)</u> As but one example, the analysis of the increased flow following polo field events is ridiculous. The polo field events were acknowledged to end near the late afternoon time, but the measurement was done mid-day. Although there is significant westbound traffic as a result of polo field matches mid-day, there is a much smaller increase in the eastbound traffic during the middle of the polo event. The greatest influx of east bound traffic in connection with a polo field event is near the late afternoon, near the end of the polo field event. That's just common sense, but as far as I can tell, the traffic impact analysis, as reported in the body of the Draft EIS, never bothered to measure and quantify the increase in traffic near the end of polo events!*

Response: Section 2.3 of the TIAR explains that polo season starts in April and ends on Labor Day weekend in September. These events are held on a weekend, generally on a Sunday between 11:00 AM and 7:00 PM. With respect to impacts from polo events, the existing traffic volumes data utilized in the TIAR were collected on Sunday, September 4, 2016 during the season finale polo event. Section 2.4.2 of the TIAR explains that for all polo events, gates open at 11:00 AM with the first match starting at 1:30 PM, the featured match at 3:30 PM and after party at 5:00 pm; the venue closes when the sun goes down. The season finale was attended by approximately 400 attendees.

Figure 2.1 of the TIAR (p. 9) illustrates traffic volumes (westbound, eastbound, entering and exiting the polo grounds) measured from 12:00 am to 7 pm, and therefore measured traffic from well before to well after the polo event. Section 2.4.2 of the TIAR (p. 8), also notes that there was a 100-guest wedding held at the Dillingham Lodge on this same day. The wedding ceremony commenced at approximately 5:30 and a reception was held immediately afterwards. The TIAR notes (p. 8) that "*The hour preceding the ceremony until the end of the data collection at 7:00 PM did not indicate any surge in traffic*."

In conducting its study, ATA was specifically directed to ensure that polo event traffic was not only considered, but documented, in recognition of the high volume peak activity that occurs as a result of these events, and determined that no mitigation measures are required. Please consult the TIAR for further information regarding the data collected and the procedures and techniques used to collect the data.

14. *Since Farrington Highway is only one lane in each direction, any time someone is waiting to turn left into the project, they will be blocking westbound traffic behind them. There are numerous times when there are very significant amounts of traffic traveling eastbound past the project, particularly on weekends, and after events such as polo matches or large public races held to the west of the project (Ka'ena Point side). The number of vehicles turning left into the project from the westbound traffic lane will certainly increase significantly as a result of this project. Without a left-hand turning bay, whenever a passenger vehicle, or a construction vehicle, or a service vehicle, is waiting to turn left into the project, it will be blocking westbound traffic behind it. In addition to creating a decreased level of service (LOS), this also creates safety issues, which could be*

mitigated or avoided by the simple expedient of constructing a left-hand turning bay at any entrances that will be used for the project on any regular basis.

Building one or more left-hand turning bays is not only a wise investment for the quality and usability of your project, it is also very much needed to reduce the impacts on traffic and safety that will be caused by the project for the rest of the public who utilize Farrington Highway.

Response: See response to Comment 8, above**.**

15. *Visual Impacts of the Project on Views from Surrounding Areas. The draft EIS does not adequately address and assess the visual impacts of the project, particularly its impacts on the rural character and natural beauty of the area when viewed from places outside of the project. This is in part due to the fact that many important details of the project have not yet been worked out and committed to by the applicant.*

Response: Section 4.6 of the Draft EIS contains a descriptive analysis of the potential visual impacts of the Proposed Project. As noted in Section 4.6 (p. 4-26), "*With the exception of the existing Ranch office building which can be seen from the makai end of Crowbar Ranch Road, any new structures that are built in in the lowlands of the Project Site will not be visible from Farrington Highway*." Retaining existing mature landscaping, both along the Highway and within the Ranch property, and future planting of trees, will continue to screen the Ranch from view. The Conditions Covenants and Restrictions (CC&Rs) that will be developed for the lot owners will cover design issues related to future farm dwellings.

Each of the agricultural lots will accommodate a single-family farm dwelling within a developable footprint no larger than 5,000 square feet. The remaining portion of each lot will be set aside for open space and cultivation. Based upon the foregoing, the Draft EIS concludes (p. 4-26) that the Proposed Project will not have an adverse effect upon the scenic resources and views from the surrounding area, nor will it have a significant impact upon mauka and makai views from Farrington Highway or Kaukonahua Road. Therefore, no mitigation measures are required.

It should also be noted that the Proposed Project preserves the rural character, natural beauty, and open nature of Dillingham Ranch. For reference, the project area encompasses about 2,721 acres, of which roughly 694 acres (25.5%) will be used for agriculture, roughly 43 acres (1.6%) will be used for non-agriculture improvements, and rough 1,980 acres (73%) will remain in non-agricultural open space. Proposed agricultural activities include approximately 300 acres for cattle ranching, 217 acres for riding and working horses, 49 acres for a palm plantation, 10 acres for a mango orchard, 110 acres for orchards associated with the subdivided lots, and 5 acres for hydroponic farming (equivalent to 55 acres of field farming).

16. *As one important example, if standard street lights meeting normal City and County subdivision rules are installed, it will have not only a very negative impact on the desirability of the project for potential purchasers, it will also have an extremely negative impact on the views of those mountain and hillside areas from areas outside of the project during the evening hours, and overall light pollution in this rural area. Mr. Eadie*

has stated at public meetings that he would prefer for the project to have street lighting that is relatively lower to the ground, with the lighting shielded and directed primarily down, and generally as minimal total light as reasonably possible. That is also what I, and I think pretty clearly the vast majority of community members, would also prefer in order to minimize the visual impacts at night of this project. Common sense says let's try to work together to attempt to get the City and County to give whatever permissions are needed in order for that kind of street lighting to be utilized. These efforts should be done and completed before a Final EIS is prepared. That way, whatever the final outcome is on what street lighting would be permitted by the City and County, it can be addressed and analyzed in the EIS adequately.

Response: The Preliminary Engineering Report for the Proposed Project (Appendix A of the Draft EIS, p. 61) notes that the internal street lighting for the Proposed Project will be designed, installed, and energized in accordance with Chapter 22, Article 2 of the Revised Ordinances of Honolulu and the applicable provisions of the Subdivision Rules and Regulations of the City and County. A street lighting system acceptable to the City Department of Design and Construction will be provided for the subdivision roadways.

All street lighting will be shielded in a downward direction to avoid impacting birds in the area, and to protect light pollution from affecting the darkness of the night sky.

17. *In addition to working out more of the details for what the developer would be building in the project infrastructure, the details of the covenants, conditions and restrictions ("CC&R's") concerning what individual lot owners will be allowed to build on their lots should also be worked out to a much greater extent than it currently is. There should be at least enough so that the potential visual impacts of houses being built by lot owners can be actually addressed and analyzed in the Final EIS. Additional CC&R restrictions can of course be added by the developer later, but at least a minimal set needs to be worked out prior to the time that the Final EIS is prepared, so that the visual impacts of the project when viewed from areas outside of the project can be adequately addressed in the Final EIS. For example, even a relatively large house, if it is built and covered with various earth toned materials, and has sloping roofs, can be made to blend in to the hillsides much better than a white, rectangular California style "movie mogul's" mansion will ever fit in.*

Response: Visual impacts of the Proposed Project have been considered in the Draft EIS and no mitigation measures are needed. The CC&Rs will provide for the governance of the Proposed Project, address a much larger scope than visual impacts alone, and will be submitted to the State of Hawaii and the Department of Planning and Permitting as part of the review of the Final subdivision map. It is acknowledged that color palettes can influence visual impacts generally. However, as noted in the Draft EIS Section 4.6 (p. 4-26), "*With the exception of the existing Ranch office building which can be seen from the makai end of Crowbar Ranch Road, any new structures that are built in in the lowlands of the Project Site will not be visible from Farrington Highway due to the existing trees and vegetation along Farrington Highway. Due to their higher elevation and location in the foothills, farm dwellings and accessory structures associated with the Proposed Project may be visible from Farrington Highway but will not be visible from the area around Kaukonahua Road and Farrington Highway*."

18. *<u>Time Period for the CC&R's.</u> Under the City and County of Honolulu rules, the applicant and developer will be <u>required</u> to impose deed restrictions (CC&R's) that limit the use of the properties to a single one-family home, etc., but only so long as "the property remains subject to agricultural zoning." However, there is nothing in the City and County rules that prevents the developer from voluntarily making the deed restrictions (CC&R's) extend indefinitely in time, forever. For example, the deed restrictions in the Mokulēʻia Agricultural Subdivision were made by the developer to extend indefinitely, forever.*

    I would strongly encourage Mr. Eadie and the other principals at Kennedy Wilson to decide to make the CC&R's extend indefinitely, and not be set to expire or disappear if a later purchaser ever manages to get their property rezoned out of agricultural zoning. Not only will this be a show of good faith to the community that this project is not being intended to open the door to further development within the project area, it's also just plain good marketing for selling the lots to their customers.

    For example, if the deed restrictions and other CC&R's are created so that they will automatically expire if a lot owner ever gets its zoning for that lot changed out of agricultural zoning, then there is no guarantee that the purchasers will really be getting neighbors who will abide by the CC&R's forever. For example, if the restrictions will end upon a property being rezoned, there is nothing to prevent a purchaser or purchasers (whether they be in some way related to the developer, or completely unrelated and unbeknownst to the developer) from purchasing two or three lots adjacent to each other, and then using money and political muscle down the road in the future to get those lots rezoned to some higher more intense use (for example, to permit a hotel or resort or something else), and then suddenly being free to build whatever that new zoning would permit, and totally ignore the CC&R's that the current developer had placed on the project!

Response: The CC&Rs will comply with all applicable State and County rules and regulations. No portion of the Proposed Project could be rezoned without an extensive public process with hearings before the City Council, which will provide an opportunity for community members to express any concerns or objections to any proposed rezoning. Agricultural uses should be protected in any event, even if land use changes take place within the area. Under the Hawaii Right to Farm Act no court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance (HRS Chapter 165-4).

19. *<u>Geographic Area for the CC&R's.</u> I note that the "project area" as delineated on the maps in the Draft EIS is significantly smaller than the total area of the property that the applicant controls, as shown on those maps. Is it possible that there may be future development in those areas of the applicant's property that are adjacent to the project area but outside the project area?*

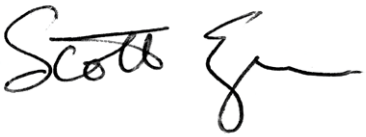
> *If there may be additional development in the future in those areas (which would include, but not be limited to things such as the potential creation of additional agricultural lots beyond the 70 lots being applied for, and described in the Draft EIS), that needs to be fully described in the Draft EIS or else it would be not adequate. If no such further development is to be a possibility, then it would be helpful to have that more clearly stated in the Draft EIS, along with a clear commitment to include those areas in the CC&R's that would prevent such future development (on those portions of the property that are adjacent to the project area but outside of the project area).*

Response: The Draft EIS specifically covers all proposed and reasonably foreseeable improvements to the Dillingham Ranch under the Proposed Project. The Applicant fully understands that if any other improvements are proposed, those improvements would not be covered by the EIS presently under review or by the final subdivision approval being sought. All land within the entirety of Dillingham Ranch will be subject to the CC&Rs.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

20 Feb 18

To Whom It May Concern:

Background: My name is Madeleine Mayher and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet per two acres. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. There will be no one to regulate these "farm homes" to be sure that there are no illegal vacation rentals and to be sure that these land owners are actually farming. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

As of 2/15/2018 There are over 6,000 online petition signatures against this project with more signatures each day. The petition can be found at the following link:

https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

M. Mayher — 67-255B Kahaone Lp Wāialua 96791

Signature — Address

please turn over

I am very concerned about our loss of an available water supply. and about the horrible increase in traffic on our pitifully inadequate 2 lane roads.

I already miss the owls which used to be seen more frequently out here and may disappear altogether.

M. Mayher

HHF PLANNERS
places for people

January 7, 2019

Madeleine Mayher
67-255D Kahaone Loop
Waialua, HI 96791

Dear Ms. Mayher:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokulēʻia to First Hawaiian Bank in Haleʻiwa. In the event of a power outage or natural disaster which often occurs in Mokulēʻia , this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleʻiwa and Waialua area. Once this happens, the effects can never be reversed.*
   Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

Response: The wastewater treatment will have emergency back-up power. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County of Honolulu *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules (HAR) pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

2. *The following native water birds were observed during a 2014 field study: Back crowned night heron, Hawaiian Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, four are endangered. In fact, the Native Hawaiian Duck population was <u>entirely</u> wiped out on Oʻahu. The species had to be reintroduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals*

> *and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.*
>
> *Question 2: How will you ensure that the indigenous aid endangered species are not traumatized or reduced in population as a result of the project construction?*

Response: No listed, threatened or endangered species have been found on the Project Site during surveys conducted for the EIS. Some species may use the Project Site, although they were not identified during the surveys. It is also acknowledged that there are four endangered species of water birds that inhabit a man-made pond near Farrington Highway, which was created during sand mining activities that were ongoing during the 1970s and 1980s. These include the: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is not near any of the construction activities proposed for the agricultural subdivision. Mitigation measures have been included in the EIS to ensure that these species and their habitat are not harmed.

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

With respect to the ʻōpeʻapeʻa (Hawaiian hoary bat), biological resources for the Proposed Project are discussed in Section 3.7 of the DEIS. It should be noted that there have been several biological surveys of the Project Site, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters*

(15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing." This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

3. *The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oʻahu or to the mainland. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?*

   Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

Response: Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaiʻi, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls, including Hawaiʻi Revised Statutes Chapter 226. The Conditions, Covenants and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed.

The landowner has committed to only allowing one farm dwelling on each parcel. This limitation will be memorialized in the CCRs governing the subdivision. There will also be a specific prohibition on the use of the property as vacation rentals**.**

4. *The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two-lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.*

Response: Traffic is discussed in detail in Section 4.11.1 and Appendix I of the EIS. The Traffic Impact Analysis Report (TIAR) concluded that after completion of the Proposed Project, all external intersections are expected to operate at acceptable levels of service. Further, the Draft EIS concludes that *"…the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*"

5. *As of 2/15/18 There are over 6,000 online petition signatures against this project with more signatures each day. The petition can be found at the following link: https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development*
   Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Response: The existence of the petition is acknowledged. It should be directed to the Department of Planning and Permitting**.**

6. *I am very concerned about our loss of an available water supply and about the horrible increase in traffic on our pitifully inadequate 2 lane roads. Concern about loss of water supply.*

Response: The subject of water is discussed in Section 4.11.2 and Appendix A of the EIS. Dillingham Ranch holds several permits for wells on the Ranch, with each well assigned a volume of allowable use by the State Commission on Water Resource Management (CWRM). The decision to grant permits for these wells by CWRM is based on an understanding of the sustainable yield of the underlying aquifer. The landowner will not exceed allowable use, thus protecting the viability of the aquifer.

With respect to traffic, Section 4.11.1 and Appendix I of the Draft EIS provide an analysis of existing traffic conditions and anticipated impacts associated with the development of the proposed agricultural subdivision. Except for the construction period, no mitigation measures are required as a result of the Proposed Project.

7. *I already miss the pueo which used to be seen more frequently out here and may disappear altogether.*

Response: With respect to the Native Owl (or Pueo), Dr. Bruner noted in 2014 that: "*The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawai'i on the island of O'ahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."* He further elaborated that no native land birds, including the Pueo, were noted during his survey. He does not discount the possibility that they could be found on the property. There is no critical habitat identified by the U.S Fish and Wildlife Service within the Project Area.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

February 17, 2018

Dear HHP Planners and fellow Oahu residents,

I am a homeowner in Mokuleia. My husband has lived in the area his entire life and we are expecting out first child in March. I am writing this letter in regards and in opposition to the currently purposed Dillingham Ranch subdivision by Kennedy Wilson. After reviewing the DEIS, my biggest concerns are focused on the run off from the wastewater plant as well as from possible unregulated farming practices on the 70 plots to the currently fragile land and aquatic eco-system. Also, I am also deeply concerned about the risk this subdivision poses to endangered and native species not only immediately on the ranch but also in nearby Keana point. Lastly, I would like to express my concern for the mitigated burden present in the DEIS by Kennedy Wilson to local residence, roads and our already fragile infrastructure.

Kennedy Wilson plans to build a wastewater treatment plant, which it states will have little to no environmental impact to the surrounding area. My concern is not only with smell which, per the DEIS, they can't promise won't exist as well as the plastic and non-biodegradable waste that enters into the system. Why should we have to smell their excrement so they can have a nice sewage system. Should this waste be expelled or leached into the nearby ocean there will most definitely be insignificant impact to the aquatic life that currently exist and is already suffering from human pollution. It was stated at the meeting that in order to require septic tanks be used on property, they would have to have 50 lots or less. Well, all the neighbors of Mokuleia are required to have septic tanks for new builds and may be required to change current cesspools to septic tanks per law. Why does Kennedy Wilson get to have a sewage plant put in just because they want 70 lots developed…at the expense of everyone else? Water pressure is also a concern for the neighbors of Mokuleia. Will we have a drastic reduction in our already touchy system's pressure? Will our currently old pipes be strained by the new uphill development causing broken pipes? Who will be responsible of fixing these issues should they arise? Kennedy Wilson never addressed this in the EIS. In addition, with the new subdivision being private how can concerns over illegal use of pesticides be regulated. Should there be use of illegal pesticides to maintain the limited crops proposed, the run off will most certainly effect the coastline and cause a public safety issue for all those who recreate in the ocean nearby. Again, the DEIS grossly mitigated their possible impact.

Another big concern the DEIS grossly downplayed is the impact this new subdivision would have on the current wildlife in the area. Keana point is only a short drive way, which is home to nesting Albotross and the native Monk Seal. We have witnessed both these species traveling via air and water in the area of the Dillingham Ranch and thus we cannot ignore that such a subdivision could have possible detremiental effects on the homes of these protects species. This impact was not address thoroughly in the DEIS. In addition, after reviewing the DEIS, the endanger Hoary Bat was addressed. However, Kennedy Wilson basically stated that no tree bigger than 15 feet would be cut down during the bat's pupping season between the months of June and September. My question is what happens to the bats' homes after this time period? Why are smaller trees any less important to maintaining a safe breeding ground for

these bats? What happens after the Ranch becomes closed to public regulation? Will all thress be cut down whenever it benefits the new owners? Why is it ok for Kennedy Wilson to disrupt any endangered species habitat in the name of the Dillingham Ranch subdivision? These questions are not addressed in the DEIS and absolutely should be.

Lastly, I have deep concerns of how severely the DEIS mitigated the Dillingham Ranch subdivisions impact to the current neighborhood and existing infrastructure. The DEIS stated that the development will not strain the current EMS resources in the area. How can such a large development not be seen as significant strain to police, fire and ambulance. Farms have a lot of environmental hazards such as fires and injury that come along with them and this impact needs to be more truthfully addressed.

Damage to the roads not only during construction but after is also a huge concern. The road is already in bad shape. What will it look like after? Who will pay for it to be fixed? Also regarding the already very dangerous Farrington Highway, which has a very small shoulder, with the increase in traffic comes an increased hazard to people walking/biking on the road. I didn't see any concern for the lives of these people in the DEIS. Not one mention of improving the shoulder for the neighbors of Mokuleia. Because the development will be private, current residence can't expect that the roads in the ranch will be open to the public to walk and enjoy the outdoors on, as we are able to do around the Crozier Drive area.

Strikingly inaccurate, the DEIS predicts about 163 additional people to "live" on the Ranch…that's only about 2.3 people per lot. Even if this was accurate that's about a 10% increase in the Mokuleia population (1800 per the census on-line current live there). If Waialua were to have a subdivision go in of this size 167 new homes would be added to the town…if that happened in Honolulu it would be like over 30,000 people moving into town according the census numbers. This population increased in Honolulu is not predicted for another 12 years…not 2 years or however long the development takes to be at full capacity. Don't tell me that's not significant. How is this even an accurate prediction considering the size of even one of the small lots. Add 4 people per lot from out-of-control illegal vacation rental market and you're looking at about 6 people per lot. So, on average close to 500 addition people will be down in Mokuleia at any given time. Kennedy Wilson made no mention on how that will affect the public beach access parking, parks and oceans…we all know it will have a high impact that would fall on the City and County to fund, fix and regulate and thus on to the tax payers who are already financially strained. The current public beach access is already dangerous because of its proximity to Farrington Highway. Parking is limited. Should the development go in, we will see an over burden on this access point and someone will eventually get hurt pulling out on to the road. Kennedy Wilson can't really think that their development should not present ideas to support or improve this current infrastructure.

Thank you for you reading and considering these concerns regarding Kennedy Wilson's currently understated DEIS. We hope as fellow neighbors on Oahu, reason will prevail and this development will be stopped. The people of Oahu deserve a better plan. We deserve a plan for the Dillingham Ranch that is both socially and environmentally sustainable for the future generations to come. What laws are in place to prevent further division of this land down the

road? If Kennedy Wilson and the Department of Planning does not address the concerns put forth there will be no hope for what left of Oahu ag land, open space and breathing room.

With Much Love and Aloha,
Elizabeth McCaffrey
68-004 Laau Paina Pl
Waialua, HI 96791

HHF PLANNERS
places for people

January 7, 2019

Elizabeth McCaffrey
68-004 Laʻau Paina Place
Waialua, HI 96791

Dear Ms. McCaffrey:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 17, 2018, providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am a homeowner in Mokulēʻia. My husband has lived in the area his entire life and we are expecting out first child in March. I am writing this letter in regards and in opposition to the currently purposed Dillingham Ranch subdivision by Kennedy Wilson. After reviewing the DEIS, my biggest concerns are focused on the run off from the wastewater plant as well as from possible unregulated farming practices on the 70 plots to the currently fragile land and aquatic eco-system. Also, I am also deeply concerned about the risk this subdivision poses to endangered and native species not only immediately on the ranch but also in nearby Kaena point. Lastly, I would like to express my concern for the mitigated burden present in the DEIS by Kennedy Wilson to local residence, roads and our already fragile infrastructure.*

Response: Your comment regarding the Proposed Project is acknowledged. Your first question includes a number of comments, and we will respond to each comment under separate subject headings**.**

Runoff from Wastewater treatment plant. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for irrigation purposes without restriction, without impact to soil and groundwater resources. A wastewater treatment plant designed to these standards is a much more environmentally sensitive than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes, because of issues related to leakage of these systems. In addition to being treated to an R-1 level of quality, closed steel storage containers will be included as part of the wastewater treatment plant infrastructure.

Other measures intended to protect surface and groundwater resources that are discussed in the Draft EIS include (p. S-2 and 3-20 through 3-21) best management practices for erosion control and stormwater management during construction, and provisions in the Proposed Project's Covenants, Conditions and Restrictions that will govern the proper use of fertilizers, pesticides, and herbicides. The Draft EIS also notes (p. 3-20) that "*The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project*."

Unregulated farming practices. There are limitations on the amount of regulation that can be imposed on any private farm in the State of Hawaii. Chapter 165, Hawai'i Revised Statutes (HRS) is known as the "Right to Farm Act." Chapter 165-4, HRS declares that: *"No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance."*

Chapter 165-2, HRS defines "farming operation" as:

> *"(1) Agricultural-based commercial operations as described in section [205-2(d)(15)];*
> *(2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;*
> *(3) Operation of machinery and irrigation pumps;*
> *(4) Ground and aerial seeding and spraying;*
> *(5)* ***The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides****;* **(emphasis added)** *and*
> *(6) The employment and use of labor."*

Agricultural activities within the State Agricultural District are further protected under the laws of the State of Hawaii as provided in HRS Section 205-4.6, which provides:

> *Agricultural uses and activities as defined in sections 205-2(d) and 205-4.5(a) on lands classified as agricultural shall not be restricted by any private agreement contained in any:*
>
> *(1) Deed, agreement of sale, or other conveyance of land recorded in the bureau of conveyances after July 8, 2003, that subject such agricultural lands to any servitude, including but not limited to covenants, easements, or equitable and reciprocal negative servitudes; and*
>
> *(2) Condominium declaration, map, bylaws, and other documents executed and submitted in accordance with chapter 514A or 514B.*
>
> *Any such private restriction limiting or prohibiting agricultural use or activity shall be voidable, subject to special restrictions enacted by the county ordinance pursuant to section 46-4; except that restrictions taken to protect environmental or cultural resources, agricultural leases, utility easements, and access easements shall not be subject to this section.*

However, Title 4, Subtitle 6, Chapter 66 of the Hawai'i Administrative Rules (HAR) provide the regulatory oversight under the jurisdiction of the Hawai'i State Department of Agriculture for the use and application of pesticides. It is the right of lawful farming operations to apply pesticides to their lands as long as it done in a lawful manner. Purchasers of agricultural lots in the Proposed Project will be aware of the presence of adjoining agricultural operations at time of sale, understanding that adjoining property users might apply pesticides to their property. If these adjoining properties are using pesticides (or any other compounds) in a legal manner, their operations will not be affected.

Endangered species. The Proposed Project is not expected to have a significant impact on endangered species. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently considerable vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the Draft EIS at Section 3.7.3. It is not realistic to associate the development of the proposed agricultural subdivision with any impacts to wildlife at Ka'ena Point. Ka'ena Point State Park ranges from about 4.2 to 7 miles from the western edge of Dillingham Ranch, a significant distance, thereby discounting any impacts.

In addition to the endangered species identified on the Project Site, the Draft EIS discusses the below endangered species. A brief summary of the discussion for each species is below.

The 'ōpe'ape'a (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the 'ōpe'ape'a in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the Proposed Project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawai'i on the island of O'ahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

Roadways. Traffic attributable to the future residents and development of the Proposed Project is an insignificant percentage of the overall traffic movements on Farrington Highway. The Proposed Project is not expected to significantly impact traffic. The Draft EIS, Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix I to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required.*"

2. *Kennedy Wilson plans to build a wastewater treatment plant, which it states will have little to no environmental impact to the surrounding area. My concern is not only with smell which, per the DEIS, they can't promise won't exist as well as the plastic and non-biodegradable waste that enters into the system. Why should we have to smell their excrement so they can have a nice sewage system. Should this waste be expelled or leached into the nearby ocean there will most definitely be insignificant impact to the aquatic life that currently exist and is already suffering from human pollution. It was stated at the meeting that in order to require septic tanks be used on property, they would have to have 50 lots or less. Well, all the neighbors of Mokulēʻia are required to have septic tanks for new builds and may be required to change current cesspools to septic tanks per law. Why does Kennedy Wilson get to have a sewage plant put in just because they want 70 lots developed...at the expense of everyone else?*

Response: The Proposed Project is being developed by Dillingham Ranch Aina, LLC. Section 4.11.3 of the Draft EIS, Wastewater System, discusses in detail the new wastewater collection and treatment facilities that will be provided as part of the Proposed Project, including discussing the location of the wastewater treatment plant/facilities. As stated on Page 4-48, the system will be "…designed, built and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules (HAR) pertaining to *Wastewater Systems*." The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for irrigation purposes without restriction, without impact to soil and groundwater resources. There will be no discharge of sewage or treated effluent to the ocean. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging on groundwater and marine resources. The wastewater system will be enclosed in a building, and the treatment tanks will be sealed. This system has been designed to eliminate odors.

With regard to the choice of building a wastewater treatment plant instead of being able to install individual wastewater systems (IWSs) (i.e., septic systems), IWSs are not allowed when the total number of lots in the subdivision exceeds 50 lots (Section 11-62-31.1, Title 11 Chapter 62, Hawaii Administrative Rules). Accordingly, because the Proposed Project consists of 70 agricultural lots, IWSs were not a viable option and therefore not considered in the Draft EIS.

The system will be paid for by the landowner, and future maintenance and operation of the system will be the responsibility of the lot owners association.

3. *Water pressure is also a concern for the neighbors of Mokulēʻia. Will we have a drastic reduction in our already touchy system's pressure? Will our currently old pipes be strained by the new uphill development causing broken pipes? Who will be responsible of fixing these issues should they arise? Kennedy Wilson never addressed this in the EIS.*

RESPONSE: The water system that supplies some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Hawaiʻi Public Utilities Commission (PUC)

granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The Proposed Project will be developed by Dillingham Ranch Aina LLC, ("DRA") and not by NSWC.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (outdated pipes, low water pressure), and expenses related to any required improvements to address those deficiencies, are outside the scope of this EIS. Those are matters to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

NSWC owns only one well and it is located within the Proposed Project. DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 4.11.2 of the Final EIS (enclosed).

4. *In addition, with the new subdivision being private how can concerns over illegal use of pesticides be regulated. Should there be use of illegal pesticides to maintain the limited crops proposed, the run off will most certainly effect the coastline and cause a public safety issue for all those who recreate in the ocean nearby. Again, the DEIS grossly mitigated their possible impact.*

RESPONSE: With regard to illegal use of pesticides, the same rules and laws that govern all users of pesticides would apply to the future lot owners of the Proposed Project. Suspected misuse of pesticides can be reported to the State Department of Agriculture and investigated for violations.

Chapter 165, Hawaiʻi Revised Statutes (HRS) is known as the "Right to Farm Act." Chapter 165-4, HRS declares that: *"No court, official, public servant, or public employee shall declare any farming operation a nuisance for any reason if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices. There shall be a rebuttable presumption that a farming operation does not constitute a nuisance."*

Chapter 165-2, HRS defines "farming operation as:

> *"(1) Agricultural-based commercial operations as described in section [205-2(d)(15)];*
> *(2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;*
> *(3) Operation of machinery and irrigation pumps;*
> *(4) Ground and aerial seeding and spraying;*
> *(5)* ***The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides****; and*
> *(6) The employment and use of labor."* **(emphasis added)**

Further Title 4, Subtitle 6, Chapter 66 of the Hawai'i Administrative Rules (HAR) provide the regulatory oversight under the jurisdiction of the Hawai'i State Department of Agriculture for the use and application of pesticides.

The zoning of the Project Site includes designations for both AG-1 Restricted Agricultural District and AG-2 General District. Inherent assumptions of these zoning designations allow for agricultural activities that include the use of pesticides. It is the right of lawful farming operations, such as the Proposed Project, to apply pesticides to their lands as long as it done in a lawful manner.

5. *Another big concern the DEIS grossly downplayed is the impact this new subdivision would have on the current wildlife in the area. Kaena point is only a short drive way, which is home to nesting Albatross and the native Monk Seal. We have witnessed both these species traveling via air and water in the area of the Dillingham Ranch and thus we cannot ignore that such a subdivision could have possible detrimental effects on the homes of these protects species. This impact was not addressed thoroughly in the DEIS. In addition, after reviewing the DEIS, the endangered Hoary Bat was addressed. However, Kennedy Wilson basically stated that no tree bigger than 15 feet would be cut down during the bat's pupping season between the months of June and September. My question is what happens to the bats' homes after this time period? Why are smaller trees any less important to maintaining a safe breeding ground for these bats? What happens after the Ranch becomes closed to public regulation? Will all these be cut down whenever it benefits the new owners? Why is it ok for Kennedy Wilson to disrupt any endangered species habitat in the name of the Dillingham Ranch subdivision? These questions are not addressed in the DEIS and absolutely should be.*

Response: For a summary of the endangered species, including the Hawaiian Hoary Bat, and what was discussed in the Draft EIS, see the response to Question #1.

As mentioned above, Section 7.3 of the Draft EIS discusses the following mitigation measure: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service. The young pups are considered at risk during this period of time, and are less capable to relocate in the event that trees where roosting occurs are removed. Older individuals can relocate if trees are lost. The height of the trees has been shown to be an effective indicator of where pups roost. Even once fully developed as planned, the Proposed Project will not become "closed to public regulations" in that the federal Endangered Species Act and Hawaii Revised Statutes

Chapter 195D (Conservation of Aquatic Life, Wildlife, and Land Plants), will continue to be applicable to the property.

In addition, as discussed in the response to Question #1, the following four endangered species were identified to have active habitats on the Project Site: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; and (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. However, the Draft EIS discusses mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species, included in the Draft EIS at Section 3.7.3. Specifically, the Draft EIS discusses the implementation of an Endangered Species Awareness Program, a successful program currently being used on several projects in the State.

With regard to the Laysan Albatross**,** no individuals of this species have been observed on the property during previous surveys. It is possible that individuals have visited Dillingham Ranch. With respect to proximity to Kaʻena Point; the state park might be a "short drive" removed from Dillingham Ranch, but it is situated between 4.2 and 7 miles from the western property line at Dillingham, a considerable physical distance. It is inconceivable that the proposed agricultural subdivision would affect any wildlife at Kaʻena Point State Park.

These species are not endangered. The Laysan Albatross is the most numerous of the three North Pacific albatrosses, and the second most numerous Hawaiian seabird. The Laysan Albatross breeds in large numbers across all of the Northwestern Hawaiian Islands, as well as small populations on Kauaʻi and Oʻahu. Its population was estimated at 2.5 million individuals in 1990, with the largest breeding colony being on Midway Island, consisting of 400,000 breeding pairs. Populations of Laysan Albatross continue to increase due to protection at its primary breeding grounds in the Northwestern Hawaiian Islands (https://kauaiseabirdproject.org/laysan-albatross/).

As for the Hawaiian Monk seal, the Dillingham Ranch property is not an oceanfront property and it is unlikely the proposed development would have any effect on monk seal habitat or behavior. The implementation of Best Management Practices (BMPs) during the construction period for the Proposed Project and the design of facilities to reduce stormwater runoff and sedimentation will limit downstream impacts to the marine environment. For a full description of these design considerations, please see Section 4.11.4 of the EIS.

6. *Lastly, I have deep concerns of how severely the DEIS mitigated the Dillingham Ranch subdivisions impact to the current neighborhood and existing infrastructure. The DEIS stated that the development will not strain the current EMS resources in the area. How can such a large development not be seen as significant strain to police, fire and ambulance. Farms have a lot of environmental hazards such as fires and injury that come along with them and this impact needs to be more truthfully addressed.*

Response: The Proposed Project's impact on infrastructure is discussed in Section 4.10, Public Services, of the Draft EIS, which analyzes potential impacts associated with police and fire services. That Section concludes that (p. 4-37): "*The Proposed Project will not affect areas presently served by police, fire, and EMS responders nor will it place undue demands on their ability to provide service in accordance with their service standards…The Proposed Project will not have a significant effect upon public safety care providers. Therefore, no mitigation measures are required*." In coming to this conclusion, the Draft EIS considered the future contemplated growth of the Honolulu Police

Department (HPD) and EMS staffing. Response letters received from agencies responsible for these services did not indicate any significant impacts associated with the proposed project.

The potential impacts of the Proposed Project on infrastructure are discussed in Section 4.11 of the Draft EIS. This Section discusses roadways/traffic, the water system, the wastewater system, the drainage system and the electrical/communications systems. Potential impacts associated with infrastructure are mitigated, as discussed in Section 4.11.

7. *Damage to the roads not only during construction but after is also a huge concern. The road is already in bad shape. What will it look like after? Who will pay for it to be fixed? Also regarding the already very dangerous Farrington Highway, which has a very small shoulder, with the increase in traffic comes an increased hazard to people walking/biking on the road. I didn't see any concern for the lives of these people in the DEIS. Not one mention of improving the shoulder for the neighbors of Mokulēʻia. Because the development will be private, current residents can't expect that the roads in the ranch will be open to the public to walk and enjoy the outdoors on, as we are able to do around the Crozier Drive area.*

Response: With respect to traffic impacts, Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*". With respect to enjoying the outdoors, the existing DLNR Access which runs through the property, will remain open to pedestrians and bicyclists.

Farrington Highway is owned by the State of Hawaii, and the responsibility for its operation, maintenance and repair rests with the State Department of Transportation, Highways Division. It should be noted that the State Department of Transportation is planning a project to repave Farrington Highway from Weed Circle to the Makaleha Bridge that will go out to bid in 2021.

8. *Strikingly inaccurate, the DEIS predicts about 163 additional people to "live" on the Ranch...that's only about 2.3 people per lot. Even if this was accurate that's about a 10% increase in the Mokulēʻia population (1800 per the census on-line current live there). If Waialua were to have a subdivision go in of this size 167 new homes would be added to the town...if that happened in Honolulu it would be like over 30,000 people moving into town according the census numbers. This population increase in Honolulu is not predicted for another 12 years...not 2 years or however long the development takes to be at full capacity. Don't tell me that's not significant. How is this even an accurate prediction considering the size of even one of the small lots. Add 4 people per lot from out-of-control illegal vacation rental market and you're looking at about 6 people per lot. So, on average close to 500 addition people will be down in Mokulēʻia at any given time. Kennedy Wilson made no mention on how that will affect the public beach access parking, parks and oceans...we all know it will have a high impact that would fall on the City and County to fund, fix and regulate and thus on to the tax payers who are already financially strained. The current public beach access is already dangerous because of its proximity to Farrington Highway. Parking is limited. Should the development go in, we will see an over burden on this access point and someone will eventually get hurt pulling out on to the road. Kennedy Wilson can't*

really think that their development should not present ideas to support or improve this current infrastructure.

Response: The Proposed Project population projections were determined on the basis of information from the U.S. Census Bureau: *Selected Housing Characteristics*; 2010-2014 American Community Survey 5-Year Estimates. As noted in Section 4.9.2 of the Draft EIS, the average household size of an owner-occupied housing unit in the Mokulēʻia CDP is 2.34 persons per housing unit, with the additional of the four Ranch employee dwelling units, the Proposed Project is anticipated to have approximately 173 residents on either a full- or part-time basis after the Proposed Project is fully built out. The Draft EIS currently indicates 164 residents, but this number did not take into consideration the employee dwellings and their families. Accordingly the Final EIS will be amended to account for this change. You are correct that this would be an increase of approximately 10% of the existing Mokulēiʻa population of 1,670 according to the 2010-2014 ACS 5-Year Estimates. Following is language added to the Final EIS (new language is underlined, deleted language is struckthrough:

> "The average household size of an owner-occupied housing unit in the Mokulēʻia CDP is 2.34 persons per housing unit (U.S. Census, 2010-2014 ACS Estimates). In addition to four Ranch employees <u>and their families</u> living on the Project Site, about ~~164~~ <u>173</u> persons (~~70~~ <u>74</u> x 2.34 persons = ~~164~~ <u>173</u> persons) are anticipated to reside in the agricultural subdivision on either a full- or part-time basis after the Proposed Project is fully built out."

You suggest that the population will increase as a result of illegal transient vacation rentals. The Covenants, Conditions and Restrictions (CC&Rs) for the future Lot Owners Association will specifically prohibit transient vacation rentals. Section 2.3.3 of the Draft EIS states that "*Covenants, Conditions, and Restrictions (CC&Rs) that will prohibit any land uses and activities that are inconsistent with the uses described above or other permissible uses under zoning and regulatory requirements*". As such, and based upon the current average home occupation of 2.34 persons per housing unit, there is not a realistic possibility that the Proposed Project will add 500 people to the area at any given time. Likewise, the burden any residents of the future subdivision will place on recreation resources will also be modest. As discussed in Section 4.10.3.2 of the Draft EIS, open space and roadways within the Proposed Project will provide residents with a multitude of recreational opportunities for walking, jogging, bicycle riding, and horseback riding. You note that the "*current beach access is close to Farrington Highway*." The access is provided for Makaleha Beach Park, which is an undeveloped beach park owned and maintained by the City and County Department of Parks and Recreation. The manner in which access is provided to the shoreline is the responsibility of the Department of Parks and Recreation, including the provision of safe and adequate parking.

9. *Thank you for you reading and considering these concerns regarding Kennedy Wilson's currently understated DEIS. We hope as fellow neighbors on Oʻahu, reason will prevail and this development will be stopped. The people of Oʻahu deserve a better plan. We deserve a plan for the Dillingham Ranch that is both socially and environmentally sustainable for the future generations to come. What laws are in place to prevent further division of this land down the road? If Kennedy Wilson and the Department of Planning does not address the concerns put forth there will be no hope for what is left of Oʻahu ag land, open space and breathing room.*

Response: Your comments in opposition to the project are acknowledged. They should be directed to the Department of Planning and Permitting. The Proposed Project is consistent with all zoning, subdivision and planning documents at both the State and City and County of Honolulu levels. The proposed agricultural subdivision recognizes the inherent constraints of the property (soils, slope, flood hazards, drainage, etc.) that are described in the Draft EIS. The partition of the land and assignment of agricultural uses is consistent with these constraints. The underlying zoning allows for two-acre lots, and the smallest agricultural lot in this project is 3.0 acres and the average is about 5 acres. It would be very difficult to further subdivide the property if this particular subdivision plan is approved by the Department of Planning and Permitting (DPP). Any future changes to the property would need to be reviewed by the DPP and would be analyzed in the context of the Proposed Project. There can be no residential or resort development unless there are changes to a number of land use laws and policies: (1) State Land Use District; (2) City and County Sustainable Communities Plan Land Use Map; and (3) City and County Zoning District. All of these laws and policies designate the Project Site for agricultural use.

Regarding your concerns about agricultural land, open space and breathing room, it is noted that the objectives of the Proposed Project are discussed in the Draft EIS as follows (p. 2-2): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property*." The continuation and expansion of agricultural activities, the low density of the proposed subdivision, and the significant buffer from Farrington Highway are intended to accomplish that goal. The 70 proposed agricultural lots will be allowed only one farm dwelling and accessory structures located within a 5,000 square foot footprint. In addition to the additional agricultural activities that will result from the Proposed Project (as discussed in the Agricultural Plan provided as Appendix H of the Draft EIS), under the Proposed Project the overwhelming character of the property will remain as open space.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

February 16, 2018

To HFF Planners
733 Bishop St, Ste. 2590
Honolulu, HI 96813

I recently attended the North Shore Community Board meeting to hear more about the project that seems underway on Dillingham Ranch Agriculture Subdivision. It greatly distresses me that this beautiful and precious piece of land will be subdivided for the wealthy. Too often, the local residents are not asked about what would be best for their community. The DEIS neglected to conduct the most important survey—how it would impact the neighborhood. Based on the sizes of lots and area, this gated space will only be affordable for the ultra-wealthy—foreign and mainland elite. Sadly, property taxes for this area will skyrocket. This is not a true designation of agriculture land. If that were the true intention of this land, the current landowners would have planted trees when they first bought this property. These 70 lots are not farm lots—no farmer could afford to live there.

From 2001 – 2005, I lived and worked at Camp Mokuleia. Then, I moved to Laau Paina Place for several years. Mokuleia is a sacred and special place that should be preserved and kept for families. I feel that these lots will be solely used for vacation rentals and thus will not improve the community. These transient residents will not contribute to the sense of aloha and will only put stress on this already taxed environment. In my opinion, Mokuleia is that last piece of country left on Oahu. The roads, electrical grid, and water supply will be exhausted by this unnecessary development. These are not affordable homes, but instead, it is a project for the wealthy by the wealthy.

I don't know what actions, beside this public comment, that I can do to prevent this gaudy development. Historically, the true owners of this land have not been included in the conversation. I strongly feel that a committee of residents and Hawaiian kanaka should be able to sit down at the table to provide an authentic survey of this land with these outside developers.

Thank you for your time,

Erin Mendelson
1941 Kinipopo St
Wahiawa, HI 96786

HHF PLANNERS
places for people

January 7, 2019

Ms. Erin Mendelson
1941 Kinipōpō Street
Wahiawā, HI 96786

Dear Ms. Mendelson:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 16, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I recently attended the North Shore Community Board meeting to hear more about the project that seems underway on Dillingham Ranch Agriculture Subdivision. It greatly distresses me that this beautiful and precious piece of land will be subdivided for the wealthy. Too often, the local residents are not asked about what would be best for their community. The DEIS neglected to conduct the most important survey—how it would impact the neighborhood. Based on the sizes of lots and area, this gated space will only be affordable for the ultra-wealthy—foreign and mainland elite.*

Response: Your comment on the Proposed Project and its compatibility with the community is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2 of the Draft EIS): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*".

Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaiʻi, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls, including HRS Chapter 226.

2. *Sadly, property taxes for this area will skyrocket.*

Response: The assessment of property taxes by the City and County of Honolulu is based on a number of factors, including zoning, actual land use, age of structure and extent of improvements. It is unlikely that the development of the subdivision will significantly influence values of dissimilar properties elsewhere in the region**.**

3. *This is not a true designation of agriculture land. If that were the true intention of this land, the current landowners would have planted trees when they first bought this property. These 70 lots are not farm lots—no farmer could afford to live there.*

Response: As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

4. *From 2001 - 2005, I lived and worked at Camp Mokulēʻia. Then, I moved to Laʻau Paina Place for several years. Mokulēʻia is a sacred and special place that should be preserved and kept for families.*

Response: The Project Site is privately owned, and the landowner has inherent rights to be able to use the land within the limits of land use laws and policies. The proposed agricultural subdivision is consistent with the underlying zoning. It should be pointed out that the proposed project preserves many of the historic uses on the property (horse boarding, cattle grazing, palm tree plantation, Lodge operations) and will also preserve all significant historic sites (as outlined in Section 4.4 and Appendices E, F, G, and J of the Draft EIS).

5. *I feel that these lots will be solely used for vacation rentals and thus will not improve the community. These transient residents will not contribute to the sense of aloha and will only put stress on this already taxed environment.*

Response: Transient vacation rentals will be prohibited by the Conditions Covenants and Restrictions (CC&Rs) that will govern the use of the farm lots and all common areas of the lot owners association.

6. *In my opinion, Mokulēʻia is that last piece of country left on Oʻahu.*

Response: Your opinion that Mokulēiʻa is the last piece of country left on Oʻahu is acknowledged.

7. *The roads, electrical grid, and water supply will be exhausted by this unnecessary development.*

Response: The potential impacts of the Proposed Project on infrastructure are discussed in Section 4.11 of the Draft EIS. This Section discusses roadways/traffic, the water system, the wastewater system, the drainage system and the electrical/communications systems. Potential impacts associated with infrastructure are mitigated, as discussed in Section 4.11.

8. *These are not affordable homes, but instead, it is a project for the wealthy by the wealthy.*

Response: The proposed agricultural subdivision has never been presented as an affordable housing project. The underlying land use policies for the Project Site do not allow development as a residential subdivision with urban density and infrastructure.

9. *I don't know what actions, beside this public comment, that I can do to prevent this gaudy development. Historically, the true owners of this land have not been included in the conversation. I strongly feel that a committee of residents and Hawaiian kanaka should be able to sit down at the table to provide an authentic survey of this land with these outside developers.*

Response: Your comment regarding the Proposed Project is acknowledged, which should be directed to the Department of Planning and Permitting. Dillingham Ranch Aina, LLC is the rightful and legal owner of the property**.**

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer
Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Mark Mosby <markrmosby@yahoo.com>
Sent: Thursday, February 22, 2018 4:59 PM
To: Yago, Joette P
Subject: Save Mokuleia

Hello,
I am sending this email in regards to the proposed development of the Mokuleia area. I was born in Kapiolani Children's Hospital in 1980. Some of my earliest memories of spending time on COUNTRY beaches are of the stretch of coastline that is currently being threatened. Mokuleia needs to stay country, it's beautiful, largely untouched and a very special place to hundreds upon hundreds of people. Thank you.
Sincerely,
Mark Mosby

Sent from Yahoo Mail on Android

HHF PLANNERS
places for people

January 7, 2019

Mr. Mark Mosby
markmosby@yahoo.com

Dear Mr. Mosby:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comment and offer the following response.

1. *Save Mokulēʻia. I am sending this email in regards to the proposed development of the Mokulēʻia area. I was born in Kapiʻolani Children's Hospital in 1980. Some of my earliest memories of spending time on COUNTRY beaches are of the stretch of coastline that is currently being threatened. Mokulēʻia needs to stay country, it's beautiful, largely untouched and a very special place to hundreds upon hundreds of people.*

Response: A key objective of the proposed project is to ensure the long-term agricultural use of the property, which in turn would support maintaining the rural character and country feeling for which Mokulēʻia is known for. The proposed agricultural subdivision is mauka of Farrington Highway, and does not involve the shoreline.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Jenna Murad <muradjenna@gmail.com>
Sent: Thursday, February 22, 2018 1:30 PM
To: Yago, Joette P
Subject: Mokuleia development

As a 20 year plus resident and small business owner on the north shore of Oahu I am writing to you in strong opposition to the Kennedy Wilson development at Dillingham Ranch in Mokuleia. First off a high end development on agricultural land is not what we as residents want. We need land preservation to maintain the last bit of wildlife and country environment. This area is one of the last stretches of open land and has imprtant water resources that need to stay preserved and safe from contaminations. Second off our infrastructure is way over utilized and the traffic and sewage situation is terrible. Please do not support this project! Once land is lost we can not go back and there will be no where to escape the congestion. The only reason anyone would approve of this is greed and money nothing else and the long term consequences are not worth the money for a few. Please listen to the residents who have called this home for so long.
Jenna Murad
--
Sent from Gmail Mobile

HHF PLANNERS
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January 7, 2019

Ms. Jenna Murad
muradjenna@gmail.com

Dear Ms. Murad:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *As a 20 year plus resident and small business owner on the north shore of Oʻahu I am writing to you in strong opposition to the Kennedy Wilson development at Dillingham Ranch in Mokulēʻia. First off a high end development on agricultural land is not what we as residents want. We need land preservation to maintain the last bit of wildlife and country environment.*

Response: Your comment regarding the Proposed Project is acknowledged. The project area is zoned for agricultural use, and the proposed agricultural subdivision is consistent with prevailing land use polices and regulations. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

2. *This area is one of the last stretches of open land and has important water resources that need to stay preserved and safe from contaminations.*

Response: The landowner holds well permits for several wells located within the Ranch property. These permits have been issued by the State Commission on Water Resource Management and take into consideration the sustainable yield for regional aquifer. This subject is discussed in Section 4.11.2 and

Appendix A of the Draft EIS. One possible source of contamination mentioned by others is wastewater. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawai'i Administrative Rules pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

3. *Second off our infrastructure is way over utilized and the traffic and sewage situation is terrible. Please do not support this project! Once land is lost we can not go back and there will be no where to escape the congestion. The only reason anyone would approve of this is greed and money nothing else and the long term consequences are not worth the money for a few. Please listen to the residents who have called this home for so long.*

Response: With respect to traffic, the Draft EIS analyzes potential impacts to traffic associated with the proposed agricultural subdivision in Section 4.11.1 and Appendix I. Other than for construction period traffic, no mitigation measures are required for any impacts to traffic. For a discussion of wastewater, see the response to question #2, above.

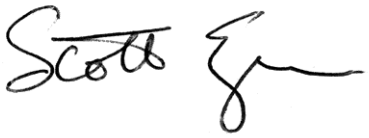
The landowner has carefully designed this project to rural in character with a light footprint. It would add a small number of farm dwellings to the population in the region. The vast majority of the property will be left in agricultural use and open space.

Your comment regarding the Proposed Project and your request to deny the subdivision is acknowledged. This should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

To:
HHF Planners
733 Bishop Street
Suite 2590
Honolulu, Hawaii 96813

We strongly oppose the Kennedy Wilson development of Dillingham Ranch.

Dillingham Ranch manages the Public Utility that provides water for all of Mokuleia. The infrastructure along Farrington Highway is not up to code and would be furthe negatively impacted by the addition of 70 more large homes at the Ranch.

The plans presented to the community at the North Shore Neighborhood Bd. Meeting on Feb. 14 were inadequate. There was no mention of the all-important water issue or concern for loss of genuine farm land. In short, the needs of the community were inadequately addressed while Kennedy Wilsons profit motive showed through loud and clear.

Who (what Agency?) will stand up for rural Oahu and the North Shore in the face of out-of-state developers coming in to rape Hawaii?

Donna B. Nathanson
68-615 Farrington Hwy. #19A
Waialua, Hawaii
96791

Feb. 21, 2018

Donna Nathanson

HHF PLANNERS
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January 7, 2019

Ms. Donna Nathanson
68-615 Farrington Highway, # 19A
Waialua, HI 96791

Dear Ms. Nathanson:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments in opposition to the proposed project and offer the following responses.

1. *Dillingham Ranch manages the Public Utility that provides water for all of Mokulēʻia. The infrastructure along Farrington Highway is not up to code and would be further negatively impacted by the addition of 70 more large homes at the Ranch.*

Response: Dillingham Ranch Aina LLC (DRA) (Applicant) is the developer of the Proposed Project. North Shore Water Company LLC (NSWC) is not the owner or developer of the Proposed Project. NSWC owns the water system that serves some residential customers in the Mokulēʻia community and is regulated by the Hawaii Public Utilities Commission (PUC). The PUC granted NSWC a Certificate of Public Convenience and Necessity by Decision and Order dated June 27, 2012.

Concerns about the current water service provided by NSWC to the Mokulēʻia community due to infrastructure within Farrington Highway and expenses related to any required improvements that serve the Mokulēʻia community are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

The sole well owned by NSWC that serves the NSWC system is located within the Project Site, but it is not owned or operated by DRA, the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the existing private water source owned by NSWC to supply water to its customers in Mokulēʻia. As a part of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to

NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section and 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed).

2. *The plans presented to the community at the North Shore Community Bd. Meeting on Feb. 14 were inadeqaute. There was no mention of the all-important water issue or concern for loss of genuine farm land. In short, the needs of the community were inadequately addressed while Kennedy Wilsons profit motive showed through loud and clear.*

Response: As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

With respect to the water issue, please see the answer to Comment #1.

3. *Who (what Agency?) will stand up for rural O'ahu and the North Shore in the face of out-of-state developers coming in to rape Hawai'i?*

Response: The comment on the importance of the rural environment is acknowledged. As part of the discussion of the Proposed Project, the objectives of the Proposed Project are discussed as follows (p. 2-2): "*It is the objective of the Proposed Project to expand and complement these pre-existing, historic uses while retaining and preserving the rural environment of the Subject Property. The Proposed Project represents a low-intensity use of agricultural lands that is consistent with the historic uses that have occurred on the Subject Property*". With respect to having an agency stand up to the stop the "rape" of Hawai'i, your comment should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

Kylie Navarro

po box 893441

Mililani 96789

To whom it may concern,

I am writing this letter to express my concern over the current proposed plans for the Dillingham ranch Agricultural subdivision. I would like to ask a specific equine related question as part of the comment period for the draft EIS. I hope to initiate possible future dialogue as to how a few small adjustments might address some of the community concerns raised during the febuary 14th meeting. As a member of the North Shore equine community I would like to know if in some of the 1589 designated open grazing space, will there be access to trails? Specifically non-fenced easily accessed open riding space that will actually enhance the investment value for the future land owners, whom will be looking for the ranch/agriculture life style. I believe if such a trail system was to be a permanent part of the design layout, this would guarantee access to the beautiful natural resources that are so important to the community. With an open multi-use trail system, will also come positive buisness investment opportunities for those who manage the equine facilities. With attractive horse infrastructure the participation of the entire horse association through family friendly activities will benefit the local comminity and therfore facilitate their acceptance of the development. I would then be able to support and possibly help with any other equine related questions/developments to the plan. If the horse community were to be acknowledged as an integral part of the ranches success we could bring many voices together to create a solid working relationship. I look foward to recieving a response that addresses these concerns.

Aloha Kylie

HHF PLANNERS
places for people

January 7, 2019

Kylie Navarro
P. O. Box 893441
Mililani, HI 96789

Dear Ms. Navarro:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter received during the public review process providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am writing this letter to express my concern over the current proposed plans for the Dillingham ranch Agricultural subdivision. I would like to ask a specific equine related question as part of the comment period for the draft EIS. I hope to initiate possible future dialogue as to how a few small adjustments might address some of the community concerns raised during the February 14th meeting. As a member of the North Shore equine community I would like to know if in some of the 1589 designated open grazing space, will there be access to trails?*

   Specifically non-fenced easily accessed open riding space that will actually enhance the investment value for the future land owners, whom will be looking for the ranch/agriculture life style. I believe if such a trail system was to be a permanent part of the design layout, this would guarantee access to the beautiful natural resources that are so important to the community. With an open multi-use trail system, will also come positive business investment opportunities for those who manage the equine facilities. With attractive horse infrastructure the participation of the entire horse association through family friendly activities will benefit the local community and therefore facilitate their acceptance of the development.

   I would then be able to support and possibly help with any other equine related questions/developments to the plan. If the horse community were to be acknowledged as an integral part of the ranches success we could bring many voices together to create a solid working relationship. I look forward to receiving a response that addresses these concerns.

Response: The Proposed Project is described in detail in Chapter 2 of the Draft EIS. The existing uses on the Project Site are enumerated, and include the following (p. 2-1): "*an equestrian complex with facilities for paddock boarding; recreational trail riding; two dressage rings; stadium jumping course; practice polo fields; a large sand arena; and horse pasturing areas*." It is intended that some of the mauka areas would be available for trail riding. At this time, no specific trail routes have been identified, any future alignments would be determined by the

future equestrian manager and the Lot Owners Association, as this land would be owned in common. The botanist who prepared a Botanical Survey (Appendix C of the Draft EIS) has recommended that that trails not exceed the 800-foot contour as this land has a higher likelihood of containing native botanical species.

The Draft EIS states (p. 2-6) that the "*Proposed Project will continue these existing uses and add...uses which are consistent with current equestrian and agricultural activities on the Ranch".*

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Karin Noguchi <karinnoguchi@icloud.com>
Sent: Wednesday, February 21, 2018 6:49 PM
To: Yago, Joette P
Subject: Save mokuleia

Aloha,

I am writing in opposition to the project in Mokuleia.

I am in opposition due to the negative affects it will have on the land. Building in this area will destroy many cultural sites as well as endanger native Hawaiian species. The homes built here will also not be regulated and waste our agricultural land. The project will also build a sewage treatment plant over a water source which is never a good idea.

Please help save Mokuleia!

Mahalo,

Karin Noguchi

Sent from my iPhone

HHF PLANNERS
places for people

January 7, 2019

Ms. Karin Noguchi
karinnoguchi@icloud.com

Dear Ms. Noguchi:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am writing in opposition to the project in Mokulēʻia. I am in opposition due to the negative affects it will have on the land. Building in this area will destroy many cultural sites as well as endanger native Hawaiian species. The homes built here will also not be regulated and waste our agricultural land. The project will also build a sewage treatment plant over a water source which is never a good idea. Please help save Mokulēʻia!*

Response: Our responses to your comments are organized by subject area.

Cultural sites. Section 4.4 and Appendices E and J of the Draft present an analysis of archaeological sites identified within the Project Area. Section 4.5 and Appendix G present an analysis of the cultural impacts associated with the proposed action. All significant archaeological sites will be preserved and protected by an Archaeological Preservation Plan, which must be accepted by the State Historic Preservation Division.

Native Hawaiian Species. The portion of the Dillingham Ranch Property that includes the proposed agricultural subdivision and agricultural activities has been disturbed significantly over the last 150 years, being the site for cattle ranching, horse boarding, sand mining and sugar cane cultivation. As such, there is virtually no habitat remaining for native Hawaiian species. The botanical and biological resources found on the property are presented in Sections 3.6 and 3.7 and Appendices C and D of the EIS. Appendix D of the Final EIS will include the full Biological Report of Dr. Philip Bruner and a new Appendix will be added, a survey of Invertebrates found on the property prepared by Dr. Steven Montgomery (Appendix K).

It is interesting to note there are four endangered native Hawaiian water birds in the makai portion of the property, very close to Farrington Highway. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. It is ironic to point out they occupy habitat that is man-made (dating from sand mining activities on the property dating back to the 1970s and 1980s). This habitat is not part of the area where any construction

activities associated with the Proposed Project will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the Draft EIS.

Another species of consideration is the ʻōpeʻapeʻa (Hawaiian Hoary bat). There have been several biological surveys of the Project Area, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 3.7 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

<u>Proposed Land Use</u>. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department

of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

Wastewater Treatment. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: keala nunez <mr.ktm232@gmail.com>
Sent: Thursday, February 22, 2018 12:17 PM
To: Yago, Joette P
Subject: Development

Please don't develop the bay, Hawaii is becoming more and more saturated with tourism the the development necessary to accommodate the incoming crowds. Local wild life are becoming endangered and the presence of natural untouched land is becoming scarce. Aren't those the reasons why people fly around the world to visit Hawaii? Once the land is developed it is almost impossible to restore back to its original state. When is enough enough!?

HHF PLANNERS
places for people

January 7, 2019

Keala Nunez
mr.ktm232@gmail.com

Dear Keala Nunez:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Please don't develop the bay, Hawaiʻi is becoming more and more saturated with tourism the development necessary to accommodate the incoming crowds.*

Response: The proposed subdivision involves roughly 2,700 acres of agricultural land on the mauka side of Farrington Highway. It does not contain shoreline properties or involve any activities along the bay.

2. *Local wild life are becoming endangered and the presence of natural untouched land is becoming scarce. Aren't those the reasons why people fly around the world to visit Hawaiʻi? Once the land is developed it is almost impossible to restore back to its original state. When is enough enough!?*

Response: Responses to your comments are organized by subject area.

Wild life. Botanical and Biological resources are analyzed Sections 3.6 and 3.7 of the Draft EIS, respectively. The conclusions of the surveys prepared for this project do not indicate that any federally listed, threatened or endangered species would be affected by the proposed agricultural subdivision.

Untouched land. You characterize the Project Site as "untouched land." It should be pointed out that large tracts of Dillingham Ranch have been used continuously for cattle ranching, sugar cane cultivation, horse grazing, sand mining and a palm tree plantation since the late 1800s. As such the land is hardly "untouched." The mauka areas of the Ranch are the least disturbed sections of the property, and they will not be included as part of the lots created for the proposed agricultural subdivision, remaining in a "natural" condition.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: karen b. oury <ourygin@hawaiiantel.net>
Sent: Wednesday, February 21, 2018 7:21 PM
To: Yago, Joette P
Subject: Save Mokuleia
Attachments: IMG_20180221_192035.jpg

2/21/18

SAVE MOKULEIA

ENOUGH OF HAWAII'S LANDS ARE BEING SOLD OFF TO WEALTHY MAINLANDERS WITHOUT THOUGHT TO THE CHILDREN WHO, ALTHOUGH BORN HERE CANNOT AFFORD TO REMAIN HERE.

WILLIAM T. OURY
808 206 2092

Karen B. Oury
808 428 5914

66-119 NALIMU RD.
HALEIWA HI 96712

HHF PLANNERS
places for people

January 7, 2019

Ms. Karen B. Oury
ourygin@hawaiiantel.net

Dear Ms. Oury:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031,
033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 sent to Ms. Joette Yago providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses. We could not read the attachment included with your email, so we are unable to respond further.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Yago, Joette P

From: Wm Oury <papi96712@gmail.com>
Sent: Wednesday, February 21, 2018 7:21 PM
To: Yago, Joette P
Subject: save Mokuleia
Attachments: WP_20180221_19_18_54_Pro.jpg

Aloha, B.

2/21/18

SAVE MOKULEIA

ENOUGH OF HAWAII'S LANDS ARE BEING SOLD OFF TO WEALTHY MAINLANDERS WITHOUT THOUGHT TO THE CHILDREN WHO, ALTHOUGH BORN HERE CANNOT AFFORD TO REMAIN HERE.

WILLIAM T. OURY
808 206 2092

Karen B. Oury
808 428 5914

66-119 NALIMU RD.
HAUEWA HI 96712

HHF PLANNERS
places for people

January 7, 2019

William Oury
papi96712@gmail.com

Dear Wm. Oury:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031,
033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 sent to Ms. Joette Yago providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We could not read the attachment included with your email, so we are unable to respond further.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Monday 2/12/2018.

Attention: Joette Yago. & whome it may concern,

2018 FEB 16 PM 1:43
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Pertaining to Dillingham Ranch Land.
Agricultural land is much more important then one might think. Besides, private, gated communities are inspired by an evil, mainland mentality. It creates segregation between the people and it inspires a racist attitude, stating we here behind these electric gates are better then you out there outside of these gates. Private, gated communities should be illegal here in the Hawaiian Islands, because most of these so called communities are not communities at all... They become grounds for illegal, commercial activity such as illegal bed & breakfast homes where there are no real residents whatsoever. How can Hawai'i inspectors do there job on stopping & finning illegal vacation homes if they can't even get through the gate. Private, gated communities become enticing for investors to run illegal activities because no authority figures and inspectors can get into the gates to bust them. If you own reality in a gated community, you can run your illegal show & you can actually live above the law. No good whatsoever in my humble opinion.

These are NOT going to be viable, affordable homes. These homes will be empty for most of the year and no real residence or community will be established. The housing here will be most likely used for money making investments such as Illegal bed & breakfast joints. It's exactly these kind of dwellings that are ruining the whole of Hawai'i. When some filthy rich investor who builds his/her third or fourth home here in the islands, & he/she places this mansion next to the old time, local land owners little shack, those poor little, real residents that are the true establishment of real communities... their land taxes sky rocket to the point of unaffordability. Unlike the mainland, just as you said, Hawai'i is a finite piece of land. Hawai'i should have special laws that protect our aina. If you're an investor, especially a foreign or out of state investor, you should beat it & go pillage somewhere else.
New Zealand has just pathed the way for this very same idea. If you don't actually live there, you can't buy their land. You must now prove that you are really living there before you can buy aina. From what I understand, now property has become much more affordable in New Zealand for the real residence that create a real community. That's my thoughts on all this greedy BS.

Mahalo, Emilia perry

P.S. Once it's gone it's gone!
What are we gonna leave for the kids of Hawaii?

Emiliados@Aol.com.

HHF PLANNERS
places for people

January 7, 2019

Ms. Emilia Perry
emiliadas@aol.com

Dear Ms. Perry:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email received by the Department of Planning and Permitting on February 16, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Agricultural land is much more important than one might think. Besides, private gated communities are inspired by an evil, mainland mentality. It creates segregation between the people and it inspires a racist attitude, stating we here behind these electric gates are better than you out there outside of these gates. Private, gated communities should be illegal here in the Hawaiian Islands, because most of these so called communities are not communities at all. They become grounds for illegal, commercial activity such as illegal bed & breakfast homes where there are no real residents whatsoever. How can Hawaiʻi inspectors do their job on stopping & fining illegal vacation homes if they can't even get through the gate. Private, gated communities become enticing for investors to run illegal activities because no authority figures and inspectors can get into the gates to bust them. If you own realty in a gated community, you can run your illegal show & you can actually live above the law. No good whatsoever in my humble opinion.*

Response: Vacation rentals will be specifically prohibited in the documents governing the management of the future agricultural subdivision (Covenants Conditions and Restrictions).

2. *These are NOT going to be viable, affordable homes. These homes will be empty for most of the year and no real residence or community will be established. The housing here will be most likely used for money making investments such as Illegal bed & breakfast joints. It's exactly these kind of dwellings that are ruining the whole of Hawaiʻi. When some filthy rich investor who builds his/her third or fourth home here in the islands, & he/she places this mansion next to the old time, local land owners little shack, those poor little, real residents that are the true establishment of real communities ... their land taxes sky rocket to the point of unaffordability. Unlike the mainland, just as you said, Hawaiʻi is a finite piece of land. Hawaiʻi should have special laws that protect our ʻāina. If you're an investor, especially a foreign or out of state investor, you should beat it & go pillage somewhere else.*

Response: See response to Question #1, above. With respect to your comment on affordable housing, the Proposed Project is not designated for residential use by any State or County land use policy. Affordable housing options are being more aggressively pursued within the Primary Urban Center of Honolulu.

3. *New Zealand has just pathed the way for this very same idea. If you don't actually live there, you can't buy their land. You must now prove that you are really living there before you can buy ʻāina. From what I understand, now property has become much more affordable in New Zealand for the real residents that create a real community. That's my thoughts on all this greedy BS.*
   Once its gone its gone! What are we gonna leave for the kids of Hawaiʻi?

Response: Your concerns about housing affordability and the impact that out-of-state investors can have on the local real estate market are acknowledged. Policies to regulate land ownership such as you are suggesting require new laws at the State and/or county level.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Monday. 2/12/201

To whom it may concern,
Dear Joette Yago,

Pertaining to Dillingham Ranch Land.

2018 FEB 16 PM 4:42
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Agricultural land is much more important then one might think. Besides, private, gated communities are inspired by an evil, mainland, [illegible] segregation between the people and it inspires a racist attitude, stating we here behind these electric gates are better then you out there outside of these gates. Private, gated communities should be illegal here in the Hawaiian Islands, because most of these so called communities are not communities at all... They become grounds for illegal, commercial activity such as illegal bed & breakfast homes where there are no real residents whatsoever. How can Hawai'i inspectors do there job on stopping & finning illegal vacation homes if they can't even get through the gate. Private, gated communities become enticing for investors to run illegal activities because no authority figures and inspectors can get into the gates to bust them. If you own reality in a gated community, you can run your illegal show & you can actually live above the law. No good whatsoever in my humble opinion

These are NOT going to be viable, affordable homes. These homes will be empty for most of the year and no real residence or community will be established. The housing here will be most likely used for money making investments such as Illegal bed & breakfast joints. It's exactly these kind of dwellings that are ruining the whole of Hawai'i. When some filthy rich investor who builds his/her third or fourth home here in the islands, & he/she places this mansion next to the old time, local land owners little shack, those poor little, real residents that are the true establishment of real communities... their land taxes sky rocket to the point of unaffordability. Unlike the mainland, just as you said, Hawai'i is a finite piece of land. Hawai'i should have special laws that protect our aina. If you're an investor, especially a foreign or out of state investor, you should beat it & go pillage somewhere else.
New Zealand has just pathed the way for this very same idea. If you don't actually live there, you can't buy their land. You must now prove that you are really living there before you can buy aina. From what I understand, now property has become much more affordable in New Zealand for the real residence that create a real community. That's my thoughts on all this greedy BS.

Mahalo nui loa for listening to reason.
This is now your Kuleana. Please be good to the people of Hawaii & make the Pono decision.

Sincerely yours,

tamatoperry@aol.com Tamayo Perry (Tamayo Perry City & County of Honolulu Ocean Safety office

HHF PLANNERS
places for people

January 7, 2019

Tamayo Perry
tamatoperry@aol.com

Dear Tamayo:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email received by the Department of Planning and Permitting on February 16, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *Agricultural land is much more important than one might think. Besides, private gated communities are inspired by an evil, mainland mentality. It creates segregation between the people and it inspires a racist attitude, stating we here behind these electric gates are better then (sic) you out there outside of these gates. Private, gated communities should be illegal here in the Hawaiian Islands, because most of these so called communities are not communities at all. They become grounds for illegal, commercial activity such as illegal bed & breakfast homes where there are no real residents whatsoever. How can Hawaiʻi inspectors do there (sic) job on stopping & finning (sic) illegal vacation homes if they can't even get through the gate. Private, gated communities become enticing for investors to run illegal activities because no authority figures and inspectors can get into the gates to bust them. If you own reality (sic) in a gated community, you can run your illegal show & you can actually live above the law. No good whatsoever in my humble opinion.*

Response: Vacation rentals will be specifically prohibited in the documents governing the management of the future agricultural subdivision (Covenants Conditions and Restrictions).

2. *These are NOT going to be viable, affordable homes. These homes will be empty for most of the year and no real residence or community will be established. The housing here will be most likely used for money making investments such as Illegal bed & breakfast joints. It's exactly these kind of dwellings that are ruining the whole of Hawaiʻi. When some filthy rich investor who builds his/her third or fourth home here in the islands, & he/she places this mansion next to the old time, local land owners little shack, those poor little, real residents that are the true establishment of real communities ... their land taxes sky rocket to the point of unaffordability. Unlike the mainland, just as you said, Hawaiʻi is a finite piece of land. Hawaiʻi should have special laws that protect our ʻāina. If you're an investor, especially a foreign or out of state investor, you should beat it & go pillage somewhere else.*

Response: See response to Question #1, above. With respect to your comment on affordable housing, the Proposed Project is not designated for residential use by any State or County land use policy. Affordable housing options are being more aggressively pursued within the Primary Urban Center of Honolulu.

3. *New Zealand has just pathed the way for this very same idea. If you don't actually live there, you can't buy their land. You must now prove that you are really living there before you can buy ʻāina. From what I understand, now property has become much more affordable in New Zealand for the real residence (sic) that create a real community. That's my thoughts on all this greedy BS.*
   Mahalo nui loa for listening to reason. This is now your kuleana. Please be good to the people of Hawaiʻi & make the pono decision.

Response: Your concerns about housing affordability and the impact that out-of-state investors can have on the local real estate market is acknowledged. Policies to regulate land ownership such as you are suggesting require new laws at the State and/or county level.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Supd

Department of Plans and Permitting., 17 February 2018

2018 FEB 23 PM 4:31
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

I ,Shelby Rivera, am writing to you to share my history of my heritage with you about my home in Waialua, Hawaii. As the years go by one thing is inevitable change, whether its changes in the land, economy, development etc. things are constantly changing. Which is why I understand where you are coming from for this plan of development at beautiful Mokulē'ia. But, one thing I can tell you doesn't change, and its our love, respect and compassion for our 'aina and our home. Waialua to Kaena is the of the last bits of Oahu which many come to visit it for its open spaces and unique beauties which dance in the shadows of the Majestic Mt. Ka'ala.

I was born and raised here, a graduate of Waialua, along with my parents, and my grandparents as well. My family's roots, and many of others roots run strong through this baron land for generations, just as the rivers run though them one a rainy day.

Before much of this land was developed as it is today, this portion of the Kamananui Ahupua'a were known for its fertile soils, and the its pāwehe appearance, as the fields of kalo created a design similar to the woven pāwehe mat. Mt. Ka'ala was flowing with water sending multiple streams running Mauka to Makai to support the fields. Many of these natural rivers an streams and now been diverted or destroyed with development, but one a good rain you can sit at watch the land come alive once again.

In the 1800's King Liholiho wrote a chant which he spoke of Mokulē'ia and her beautiful as he passed through on his way to Kaua'i. During this time there were certain parts of the 'aina were kapu, or off limits, to bathe. And the area which Dillingham ranch sits, just so happens to be one of those areas, and this one in general was a bathe which because came to, to wash their sins away. You are able to see the ruminates of one of the old bathes, which was recently tried to be restored, behind the office of the ranch. Not only was it a kapu area, but King Liholiho speaks highly of its agricultural productivity, which we still are able to see today, and hopefully will still be able to see in the future.

This section of the island is not only rich in productivity but also has strong meaning to our people spiritually. Mokulē'ia is known to be where the graves of the chief's rest, and many pass through on their way to Ka'ena where souls are known to be able to leap into the new world.

Unreal right? Did you know that this area had so much history and was more than red dirt with a beautiful backdrop?

Dillingham has also been home for many within our equestrian community. I myself am a horse owner and have been riding at the ranch since I was keiki in the Crowbar Ranch days. I have walked and riding these lands from mauka to makai, I have seen it at its worse and I have seen it at its best. Over the last several years, I have watched the Ranch grow for boarders and with their ranching operation. I have seen the herd multiple and given time this ranch has the potential to be a fully operating cattle ranch, just as Kualua is, helping to support local home-grown beef companies. But, what gives us the better hand is the ranches capability to sustain a functioning boarding/riding facility for the community. Our paniolo and even our polo heritage is very strong in our islands and Dillingham is unique in the sense that you are able to ride at any discipline you want beneath this beautiful mountain range.

I see opportunity for the ranch in another way beside selling it, building houses and calling them farm lots. I see a chance for this ranch to generate steady income through maximizing its natural resources and what it already has.

For many, this if more than just a section of land, with a beautiful view and dollar signs, for many of us this is a place we call home. I appreciate that fact that you want to make "farm lots," makes it seem more agricultural efficient. But the size and value of a lot is far out of majority of u locals price range within the community. Which mean these lots will most likely be sold to outsiders like all of our other pieces of land here in the North Shore. Have you seen the other "farm lots" in the Mokulē'ia area? Well if you take a drive you will see that majority of these lots ended up being just very large houses with a big yard! So, given time i am sure that these Dillingham Farm lot will be not to far behind.

All I am asking is for respect, consideration and compassion for our 'Aina and the local community & for you to be able to cherish the beauty of Mokulē'ia for what she is, and as you see her through our eyes.

Sincerely,

Shelby Rivera

HHF PLANNERS
places for people

January 7, 2019

Shelby Rivera

Dear Shelby Rivera:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 17, 2019 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I, Shelby Rivera, am writing to you to share my history of my heritage with you about my home in Waialua, Hawaiʻi. As the years go by one thing is inevitable, change, whether its changes in the land, economy, development etc. things are constantly changing. Which is why I understand where you are coming from for this plan of development at beautiful Mokulēʻia. But, one thing I can tell you doesn't change, and it' our love, respect and compassion for our ʻāina and our home. Waialua to Kaʻena is the last bits of Oʻahu which many come to visit it for its open spaces and unique beauties which dance in the shadows of the Majestic Mt. Kaʻala.*

   I was born and raised here, a graduate of Waialua, along with my parents, and my grandparents as well. My family's roots, and many of others roots run strong through this baron land for generations, just as the rivers run though (sic) them one (sic) a rainy day.

   Before much of this land was developed as it is today, this portion of the Kamananui Ahupuaʻa were known for its fertile soils, and its) pāwehe appearance, as the fields of kalo created a design similar to the woven pāwehe mat. Mt. Kaʻala was flowing with water sending multiple streams running Mauka to Makai to support the fields. Many of these natural rivers and streams and now been diverted or destroyed with development, but one good rain you can sit and watch the land come alive once again.

   In the 1800's King Liholiho wrote a chant which he spoke of Mokulēʻia and her beautiful (sic) as he passed through on his way to Kauaʻi. During this time there were certain parts of the ʻāina were kapu, or off limits, to bathe. And the area which Dillingham ranch sits, just so happens to be one of those areas, and this one in general was a bathe which because (sic) came to, to wash their sins away. You are able to see the ruminates of one of the old bathes, which was recently tried to be restored, behind the office of the ranch. Not only was it a kapu area, but King Liholiho speaks highly of its agricultural productivity, which we still are able to see today, and hopefully will still be able to see in the future.

   This section of the island is not only rich in productivity but also has strong meaning to our people spiritually. Mokulēʻia is known to be where the graves of the chief's (sic) rest,

and many pass through on their way to Ka'ena where souls are known to be able to leap into the new world.

Unreal right? Did you know that this area had so much history and was more than red dirt with a beautiful backdrop?

Response: The chant you refer to attributed to King Liholiho is documented in the Cultural Impact Assessment (CIA) prepared for the Draft EIS (page 48, Appendix G). The CIA is a comprehensive compendium of the history and stories relating to the Waialua area in general and Mokulēiʻa and Kawaihapai in particular. Much of the information presented in the CIA was shared by Thomas Shirai, Jr with Cultural Surveys Hawaii (the authors of the CIA).

2. *Dillingham has also been home for many within our equestrian community. I myself am a horse owner and have been riding at the ranch since I was keiki in the Crowbar Ranch days. I have walked and riding (sic) these lands from mauka to makai, I have seen it at its worse and I have seen it at its best. Over the last several years, I have watched the Ranch grow for boarders and with their ranching operation. I have seen the herd multiply) and given time this ranch has the potential to be a fully operating cattle ranch, just as Kualua is, helping to support local home-grown beef companies. But, what gives us the better hand is the ranch's capability to sustain a functioning boarding/riding facility for the community. Our paniolo and even our polo heritage is very strong in our islands and Dillingham is unique in the sense that you are able to ride at any discipline you want beneath this beautiful mountain range.*

   I see opportunity for the ranch in another way beside selling it, building houses and calling them farm lots. I see a chance for this ranch to generate steady income through maximizing its natural resources and what it already has.

Response: Your equestrian heritage and love of the opportunities available for equestrian activities at the Ranch is acknowledged. The proposed agricultural subdivision will continue (and expand) the land area available for horse boarding, and thereby support polo activities. The landowner understands the rich history that Dillingham Ranch provides as a venue for equestrian activities and has made these activities an integral part of the property moving forward. Cattle grazing will also continue to among the agricultural activities at Dillingham Ranch.

3. *For many, this if more than just a section of land, with a beautiful view and dollar signs, for many of us this is a place we call home. I appreciate that fact that you want to make "farm lots," makes it seem more agricultural efficient. But the size and value of a lot is far out of majority of locals price range within the community. Which mean these lots will most likely be sold to outsiders like all of our other pieces of land here in the North Shore. Have you seen the other "farm lots" in the Mokulēʻia area? Well if you take a drive you will see that majority of these lots ended up being just very large houses with a big yard! So, given time I am sure that these Dillingham Farm lot(s) will be not to (sic) far behind.*

Response: Over the last several years, Dillingham Ranch Aina, LLC has carefully reviewed and considered various alternatives which would allow the Ranch to continue its historic uses with the least impact to the land and to the ambience of the region. As explained in the Draft EIS, the

Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

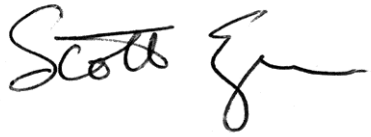
4. *All I am asking is for respect, consideration and compassion for our ʻāina and the local community & for you to be able to cherish the beauty of Mokulēʻia for what she is, and as you see her through our eyes.*

Response: Dillingham Ranch Aina LLC appreciates your feelings regarding the Dillingham Ranch property and larger region and certainly respects those feelings. The objective of the proposed agricultural subdivision is to protect the inherent beauty of the Dillingham Ranch property, and its history of agricultural uses and activities. This appreciation has contributed to the effort to maintain the long-term agricultural use and rural setting of the property.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: Brooke Roy <brookeroy10@gmail.com>
Sent: Thursday, February 22, 2018 2:03 PM
To: Yago, Joette P
Subject: REGARDING MOKULEIA

To whom this concerns,

Aloha, my name is Brooke Roy. I was born and raised in Hale'iwa and am currently a part of this community.

I am unaware of your stance on the development of Mokuleia but I'm sure know why our community does not approve of this project. From the native animals that live on this land, to the possible contamination of the water we drink and the lack of affordable housing it will provide.. it is very clear that this is not a win for our people.

I will not go on and on, for I'm sure you have heard both sides. What I ask of you is to consider our community and the generations of Keiki that are going to follow. Be a member of government who actually hears what the people want and takes a stand for us. I am 24 years old and I'm starting to believe that none of you care about us and that the only people you serve are the ones giving you money.

Please restore my faith in our government. Please care for our environment. Please take the side of our community.

Our future generations will thank you.

Sincerely,
Brooke Roy

Sent from my iPhone

HHF PLANNERS
places for people

January 7, 2019

Ms. Brooke Roy
brookeroy10@gmail.com

Dear Ms. Roy:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email to the Department of Planning and Permitting dated February 22, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) regarding the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I was born and raised in Haleʻiwa and am currently a part of this community. I am unaware of your stance on the development of Mokulēʻia but I sure know why our community does not approve of this project. From the native animals that live on this land, to the possible contamination of the water we drink and the lack of affordable housing it will provide. It is very clear that this is not a win for our people.*

Response: Native Animals. Biological Resources are discussed in Section 3.7 of the Draft EIS. During the most recent biological resources survey of the project site conducted in 2014, the endangered Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck and Black-necked stilt were all observed on the project site (p. 3-36).

With respect to the ʻōpeʻapeʻa (Hawaiian Hoary bat), it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation*

taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing." This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

Mitigation measures to ensure protection of these species included in the Draft EIS (p. 3-38) were formulated by the project biologists based on input received from the USFWS at a meeting in March 2017 to minimize potential impacts. The mitigation measures relate to all six species discussed at the above-referenced meeting, and include mitigation requirements during the pre-construction planning phase, the construction phase and the post-construction operational phase.

Further, the Draft EIS states that during the 2014 avifaunal and feral animal field survey, no native land birds were observed. With respect to the Short-eared Owl or *Pueo*, the Draft EIS states (p. 3-36) that owl "…*might forage in this area on occasion*". Dr. Bruner noted in 2014 that: *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawai'i on the island of O'ahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

He further elaborated that no native land birds, including the Pueo, were noted during his survey. He does not discount the possibility that they could be found on the property. There is no critical habitat identified by the U.S Fish and Wildlife Service within the Project Area.

<u>Potable Water.</u> You express concern that the proposed project may possibly contaminate drinking water. You do not specify any projected source of this contamination. In the absence of any such suggestion, this response will focus on wastewater. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the DEIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

Affordable Housing. Affordable housing is typically developed at a higher density, on land which has appropriate urban use designations, which would not be allowed given the property's current AG-2 Agricultural Zoning.

2. *I will not go on and on, for I'm sure you have heard both sides. What I ask of you is to consider our community and the generations of keiki that are going to follow. Be a member of government who actually hears what the people want and takes a stand for us. I am 24 years old and I'm starting to believe that none of you care about us and that the only people you serve are the ones giving you money.*

   Please restore my faith in government. Please care for our environment. Please take the side of our community. Our future generations will thank you.

Response Your comment on the Proposed Project is acknowledged. It is a direct request to the Department of Planning and Permitting to deny the proposed agricultural subdivision and should be directed to that agency.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

From: tahnei roy <tahneiroy@yahoo.com>
Sent: Thursday, February 22, 2018 3:55 PM
To: Yago, Joette P
Subject: Mokule'ia opposition letter

To whom I may concern,

My name is Tahnei Roy, I'm 24 years old and was born and raised on the North Shore of Oahu. After moving to California for college I have now returned to O'ahu and am a resident. I am writing this email because I have heard of a recent project that will be taking place at Mokule'ia.

Myself, along with my community does not want this Mokule'ia project for many reasons, a few being: It puts our native Hawaiian animals in danger, it puts our fresh water at great risk for contamination, and doesn't allow affordable housing.

I am a young adult, planning on spending the rest of my life here on the island of O'ahu, giving back to my community and supporting what I consider the best place on earth. I am saddened to feel a deep lack of faith in our government, I am starting to think that the only people our government cares about is the people that have money. Please do the right thing so the generations to follow will be able to enjoy this beautiful island like we were able to.

Thank you for your time,

Tahnei Roy
Tahneiroy.com
e: tahneiroy@yahoo.com
p: 808-375-5361

HHF PLANNERS
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January 7, 2019

Tahnei Roy
tahneiroy@yahoo.com

Dear Tahnei Roy:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments, and offer the following responses.

1. *I'm 24 years old and was born and raised on the North Shore of Oʻahu. After moving to California for college I have now returned to Oʻahu and am a resident. I am writing this email because I have heard of a recent project that will be taking place at Mokulēʻia. Myself, along with my community does not want this Mokulēʻia project for many reasons, a few being: It puts our native Hawaiian animals in danger, it puts our fresh water at great risk for contamination, and doesn't allow affordable housing.*

Response: Our responses to your comments are organized by subject area.

Impact to Native Hawaiian Species. The portion of the Dillingham Ranch Property that includes the proposed agricultural subdivision and agricultural activities has been disturbed significantly over the last 150 years, being the site for cattle ranching, horse boarding, sand mining and sugar cane cultivation. As such, there is virtually no habitat remaining for native Hawaiian species. The botanical and biological resources found on the property are presented in Sections 3.6 and 3.7 and Appendices C and D of the EIS. Appendix D of the Final EIS will include the full Biological Report of Dr. Philip Bruner and a new Appendix will be added, a survey of Invertebrates found on the property prepared by Dr. Steven Montgomery.

It is interesting to note there are four endangered native Hawaiian water birds in the makai portion of the property, very close to Farrington Highway. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. It is ironic to point out they occupy habitat that is man-made (dating from sand mining activities on the property dating back to the 1970s and 1980s). This habitat is not part of the area where any construction activities associated with the Proposed Project will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the Draft EIS.

Another species of consideration is the ʻōpeʻapeʻa (Hawaiian Hoary bat). There have been several biological surveys of the Project Area, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 3.7 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

<u>Potential Risk of Fresh Water Contamination.</u> Since you were not specific about the potential source of ground water contamination, this response will focus on wastewater. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

<u>Affordable Housing</u>. The proposed agricultural subdivision is on land designated for agricultural use at all levels of state and county land use policy. As such, it is not intended for dense residential development that could accommodate affordable housing. Such use of the property would be more environmentally injurious to the region than the proposed agricultural subdivision.

2. *I am a young adult, planning on spending the rest of my life here on the island of O'ahu, giving back to my community and supporting what I consider the best place on earth. I am saddened to feel a deep lack of faith in our government, I am starting to think that the only people our government cares about is the people that have money. Please do the right thing so the generations to follow will be able to enjoy this beautiful island like we were able to.*

Response: Your lack of faith in governmental decision-making is acknowledged, and your apparent request that the project not be approved, which should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

February 21, 2018

To Whom It May Concern:

I am a resident of North Shore and live in Mokuleia. I attended the hearing regarding the development of the Dillingham Ranch and am opposed to the development in the manner in which it is occurring. The developer continues to argue that it is developing the land for agricultural use but it is clear the developer is taking ten current lots and turning into 87 sub plots solely for high-end residential occupancy that will reduce water resources, contaminate the surrounding areas and beaches, create additional congestions worsening the air in the local area, threaten local flora and fauna and species and provide no substantive benefits to the community. In fact, the local community opposes such development. The development will take seven to ten years they say to build, blocking the roads, creating particulate matter pollution and other hazards. There will be no beneficial agricultural use for another 7-10 years, assuming the new residents actually plant the tress and farm them. There is no guarantee provided that the land will be put to agricultural use in the end and no penalties for the developer or residents if they fail to do so. This makes no sense and in no way benefits the local community. The land will already have been taken at the time the failure occurs. The following are my comments and concerns in no specific order.

1. Water Resources

In my subdivision, we already have serious water issues as we have no water pressure and leaking pipes that North Shore water refuses to fix the issues. Rather, I have had to install a water pump and repair the leaks as they occur. The lack of water and pressure with a 70-plus development and additional agricultural use will significantly impact my access to usable water. I note that the report states that potable water use will not affect "unallocated potable water " but does not explain how this will occur or how it will affect the currently allocated supply. The developer soes explain how water in the area cannot possibly not be affected when water runs down the mountain. Further, the developer has not addressed how replacing the wells currently in use with new wells will alleviate the current issues existing and not exacerbate them. If there is a water shortage in any given year, who will be given precedence to the water; the new residents who live higher on the hill, the agricultural land or the current residents some of whom have lived for generations?

2. Not a viable plan for agricultural use

The developer states that 1-3 acres of a plot will be required to be used for the farming of fruit trees. They state buyers will be compensated for having to purchase such trees but then do not follow up with how this will be enforced? They indicate the homeowners themselves will

enforce it but again no established plan and no penalties in the event they fail to do so. How many trees make it an agricultural use, do they need to sell the fruits local? How much water will this require? Where will the water come from? What studies show that there is sufficient water for everyone in the area? How will this not further affect the water pressure down below that is already affected and not being addressed by the same company developing this site?

One suggestion would be if the owner fails to farm the land productively within 7 years of acquiring they land, they will lose their rights to the acres set aside for agricultural use and given to the community outside of the development for community gardens. If this development proceeds, at a minimum a local board should be established that monitors whether development is complying with their promises. Money should also be set aside in escrow that will pay for any damages for failure to comply with any restrictions or promises made.

3. Climate

The report indicates that trees will be removed from this area. Oddly, it notes that only tress under 15 feet tall will be removed. It does not indicate what number of trees. The destruction of these trees will directly impact climate change as this will release GHG emissions but more importantly entire forests that have the capability of absorbing GHG emissions for another 100 years will be destroyed. Climate change is proven to be having a direct impact on our shoreline and beaches and affecting the local fishing and farming communities. There is nothing being proposed to offset these additional emissions (including those from the increased traffic in the area not only from the construction activities over the next ten years but emission from the cars of the homeowners) or offset the destruction of the existing forests resulting in the failure to absorb these emissions. We would like to be provided more information on the number of trees that will be destroyed and the plan for offsetting GHG emissions.

4. Archeological Ruins

Nobody is certain what exists on this land. The developer is relying upon a ten-year old study, not having conducted its own more recent study. It states that there are 16 known archeological sites with ruins but will develop a "Preservation Plan" for only eight of the sites. Why was a more recent study not conducted? Why is not every known site being preserved? This is sacred land to the locals. I m not Hawaiian but have lived in Hawaii on and off for the past thirty years and to destroy any such ruins is a sacrilege. What is this "Preservation Plan?" Who will be monitoring the compliance with such plans? Aside from the bad luck that ensues, what penalties will be imposed for failing to comply? It states the workers will be responsible for identifying ruins as they excavate the land? What experience do these construction workers

have in identifying ruins? What incentive do they have for reporting such ruins when this may cause them to lose days of work and limit what can be developed or how it is developed? This "Plan" seems to be contrary to the underlying heritage of this island that we need to preserve for generations to come.

5. Additional Environmental Impacts

The Report tries to minimize the additional environmental impacts that this development will create. For example, it states that less than 1% increase of storm water increase will occur form this area on a typical day. What happens when there is an atypical storm that occurs more frequently due to the impact of climate change. Where will the runoff go other than downhill into my community, with it any wastewater that overflows or cannot be contained, pesticides being used on the trees or simply the yards.

The wastewater treatment plant is being presented as a good thing for the development. But this treatment plant will only increase contaminants into the environment, particularly into the rivers that flow then into the ocean and along the shoreline. You can see these impacts all along the shore when the rivers are discharged during the rainy season. Even if complying with "alleged standards" such contaminants will increase in the area.

The report itself acknowledges that there will be additional air pollution, but states will be within the state standards. The increased congestion from such trucks will increase particulate matter, carbon monoxide emission, ozone, and GHG emission. Is there a plan to limit these emissions? Will they use natural gas trucks? This will not just last one year but ten years impacting every person living in this area over an extended period of time.

Cattle farming will be moved into the foothills closer to my community on including the smell from such operations, particulate matter from the dust and horse and runoff of contaminants from such operations. There is nothing in the report as to how these will be addressed.

I am opposed to the development of all of these reasons and many more. This development will not enrich the community or improve the quality of anyone' s life in any way and over the years will significantly impact our air quality, our water quality, the beaches, the shoreline and the overall nature of living out here in this community.

Sincerely,

Chandler Schultz
68-004 Laau Paiwa Pl
Waialua, HI 96791

HHF PLANNERS
places for people

January 7, 2019

Chandler Shultz
68-004 Laʻau Paina Place
Waialua, HI 96791

Dear Mr. Schultz:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 21, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am a resident of North Shore and live in Mokulēʻia. I attended the hearing regarding the development of the Dillingham Ranch and am opposed to the development in the manner in which it is occurring. The developer continues to argue that it is developing the land for agricultural use but it is clear the developer is taking ten current lots and turning into 87 sub plots solely for high-end residential occupancy that will reduce water resources, contaminate the surrounding areas and beaches, create additional congestions worsening the air in the local area, threaten local flora and fauna and species and provide no substantive benefits to the community. In fact, the local community opposes such development. The development will take seven to ten years they say to build, blocking the roads, creating particulate matter pollution and other hazards. There will be no beneficial agricultural use for another 7-10 years, assuming the new residents actually plant the tress and farm them. There is no guarantee provided that the land will be put to agricultural use in the end and no penalties for the developer or residents if they fail to do so. This makes no sense and in no way benefits the local community. The land will already have been taken at the time the failure occurs.*

Response: There are several elements to this question, addressed below.

<u>Reduce water resources</u>. The proposed agricultural subdivision will receive potable water from two existing wells on the property that have are already permitted by the Commission on Water Resource Management (CWRM). Irrigation water will be provided by a third well, also permitted by CWRM. CWRM approved permits for these wells with an understanding of the sustainable yield for the aquifer in the region. The volume of water to be provided by each of the wells will not exceed allowable volume. Water resources are discussed in Section 4.11.2 and Appendix A of the Draft EIS.

<u>Contaminate surrounding areas and beaches</u>. You suggest that runoff from water treatment and during the building process will result in pollution. It is assumed your reference is tied to the wastewater treatment plant (WWTP). With respect to the WWTP, the subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the DEIS. The Proposed Project will develop a

private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawai'i Administrative Rules (HAR) pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

Create additional congestion. Section 4.11.1, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "*…the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

Threaten local flora and fauna. You state that a number of endangered species will be affected by the Proposed Project. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the 'ōpe'ape'a (Hoary bat), also discussed in Section 3.7 of the Draft EIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the DEIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area*."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the Proposed Project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaiʻi on the island of Oʻahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaiʻi Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

No substantive benefit to community. As part of the agricultural plan for the project, the landowner has committed to contribute $50,000 a year for 10 years to the public school system to increase awareness and training for hydroponic farming.

No guarantee the land will remain in agricultural use. The landowner has made an effort to create an agricultural plan that will provide a sound basis for the expansion and continuation of agricultural activities at Dillingham Ranch. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "*…the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish. The Conditions Covenants and Restrictions (CC&Rs) governing the future subdivision will memorialize the continuation of agricultural use on the property and underscore each lot owner's responsibilities to do so.

2. *Water Resources. In my subdivision, we already have serious water issues as we have no water pressure and leaking pipes that North Shore water refuses to fix the issues. Rather, I have had to install a water pump and repair the leaks as they occur. The lack of water and pressure with a 70-plus development and additional agricultural use will significantly impact my access to usable water.*

Response: As you noted, the entity that owns the water system and provides water service to the Mokulēʻia community is owned and operated by North Shore Water Company, LLC (NSWC). The Hawaii Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (low water pressure, leaking pipes), and expenses related to any required improvements to address those items that currently serve the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation

measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

NSWC owns only one well and it is located within the Proposed Project. In connection with the development of the Proposed Project, DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35 million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure.

3. *I note that the report states that potable water use will not affect "unallocated potable water" but does not explain how this will occur or how it will affect the currently allocated supply. The developer does explain how water in the area cannot possibly not be affected when water runs down the mountain. Further, the developer has not addressed how replacing the wells currently in use with new wells will alleviate the current issues existing and not exacerbate them. If there is a water shortage in any given year, who will be given precedence to the water; the new residents who live higher on the hill, the agricultural land or the current residents some of whom have lived for generations?*

Response: All wells that are permitted by the State Commission on Water Resource Management (CWRM) are required to submit annual reports detailing usage, in order for CWRM to confirm that usage is within allowable limits. Groundwater availability is not necessarily a direct function of rain during any particular period of time, and unless there are severe depletions of the aquifer resulting from a prolonged drought, it is difficult to imagine sufficient source water would not be available. In that event, no users would be given priority over other customers within the service area of the utility.

4. *<u>Not a viable plan for agricultural use.</u> The developer states that 1-3 acres of a plot will be required to be used for the farming of fruit trees. They state buyers will be compensated for having to purchase such trees but then do not follow up with how this will be enforced? They indicate the homeowners themselves will enforce it but again no established plan and no penalties in the event they fail to do so.*

Response: The future lot owners will be required to become part of a Lot Owners Association. The association will be governed by Conditions Covenants and Restrictions (CC&Rs), which will include the Agricultural Plan prepared for the Draft EIS (Appendix H), detailing how agricultural activities for

the subdivision must be conducted. The City and County of Honolulu will be a party of the CC&Rs, and will be able to enforce their provisions.

5. *How many trees make it an agricultural use, do they need to sell the fruits local? How much water will this require? Where will the water come from? What studies show that there is sufficient water for everyone in the area? How will this not further affect the water pressure down below that is already affected and not being addressed by the same company developing this site?*

Response: The definition of "farm dwelling" included in the County zoning regulations (Land Use Ordinance) states: "*Farm dwelling means a dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.*"

Water for agricultural uses will come from three sources: (1) an existing on-site agricultural well; (2) recycled R-1 quality wastewater; and (3) two other wells locate on-site, also to be used for potable water. The Agricultural Plan (Appendix H of the Draft EIS) and the Preliminary Engineering Report (Appendix A of the Draft EIS) detail the anticipated water requirements for the proposed subdivision, including potable and irrigation water. With respect to water pressure, please see the response to question #2, above.

6. *One suggestion would be if the owner fails to farm the land productively within 7 years of acquiring they land, they will lose their rights to the acres set aside for agricultural use and given to the community outside of the development for community gardens. If this development proceeds, at a minimum a local board should be established that monitors whether development is complying with their promises. Money should also be set aside in escrow that will pay for any damages for failure to comply with any restrictions or promises made.*

Response: Your suggestions regarding monitoring agricultural use of the property are acknowledged. None of these mechanisms currently exist**.**

7. *<u>Climate.</u> The report indicates that trees will be removed from this area. Oddly, it notes that only trees under 15 feet tall will be removed. It does not indicate what number of trees. The destruction of these trees will directly impact climate change as this will release GHG emissions but more importantly entire forests that have the capability of absorbing GHG emissions for another 100 years will be destroyed. Climate change is proven to be having a direct impact on our shoreline and beaches and affecting the local fishing and farming communities. There is nothing being proposed to offset these additional emissions (including those from the increased traffic in the area not only from the construction activities over the next ten years but emission from the cars of the homeowners) or offset the destruction of the existing forests resulting in the failure to absorb these emissions. We would like to be provided more information on the number of trees that will be destroyed and the plan for offsetting GHG emissions.*

Response: Section 3.1, Climate, of the Draft EIS, determines that the Proposed Project will not "materially impact the global effects of climate change" (p. 3-3). The Proposed Project does not include construction of any structures in the low-lying areas of the Project Site with potential for

coastal inundation. No mitigation measures are, therefore, required. At this time, there is no specific information with respect to a tally of the number of trees that might be removed during construction activities. The loss of any these trees will be off-set by the number of new trees planted in the mango orchard and the agricultural lots within the proposed subdivision.

8. *Archeological Ruins. Nobody is certain what exists on this land. The developer is relying upon a ten-year old study, not having conducted its own more recent study. It states that there are 16 known archeological sites with ruins but will develop a "Preservation Plan" for only eight of the sites. Why was a more recent study not conducted?*

Response: Archaeological and Historic Resources are discussed in detail in Section 4.7 and Appendices E and J of the Draft EIS. It is noted that the Dillingham Ranch property has been the subject of several Archaeological Inventory Surveys (AIS), including an AIS for this Draft EIS (Appendix J) that covered property not previously surveyed, and a Summary AIS prepared for this Draft EIS (Appendix E) that provides information from all relevant AISs in one document.

9. *Why is not every known site being preserved? This is sacred land to the locals. I'm not Hawaiian but have lived in Hawai'i on and off for the past thirty years and to destroy any such ruins is a sacrilege.*

Response: All historic properties identified have been assessed for their significance and 12 of 16 archaeological sites located within the Project Area were evaluated as significant and are recommended for preservation. This assessment of the archaeological sites found with the Project Site have been reviewed and accepted by the State Historic Preservation Division.

10. *What is this "Preservation Plan?" Who will be monitoring the compliance with such plans? Aside from the bad luck that ensues, what penalties will be imposed for failing to comply? It states the workers will be responsible for identifying ruins as they excavate the land? What experience do these construction workers have in identifying ruins? What incentive do they have for reporting such ruins when this may cause them to lose days of work and limit what can be developed or how it is developed? This "Plan" seems to be contrary to the underlying heritage of this island that we need to preserve for generations to come.*

Response: A Preservation Plan will be prepared that includes all 12 sites recommended for preservation. This plan must be reviewed and accepted by the State Historic Preservation Division. In addition, a Monitoring Plan will be prepared by the project archaeologist that will outline what actions will necessary during construction activities in order to ensure that sites are not threatened. An archaeologist will be required to be on-site during construction activities. Similar to the Preservation Plan, the Monitoring Plan must be reviewed and accepted by the State Historic Preservation Division.

11. *Additional Environmental Impacts. The Report tries to minimize the additional environmental impacts that this development will create. For example, it states that less than 1% increase of storm water increase will occur from this area on a typical day. What happens when there is an atypical storm that occurs more frequently due to the impact of climate change. Where*

will the runoff go other than downhill into my community, with it any wastewater that overflows or cannot be contained, pesticides being used on the trees or simply the yards.

Response: With regard to runoff during construction activities, Section 4.11.4 of the Draft EIS contains a detailed discussion of drainage, and mitigation of impacts related to stormwater and possible sedimentation. A system bioswales, vegetated swales and bioretention basins will be constructed to intercept stormwater before leaving the property to allow for the settling of sediment and other pollutants. Roadways will be above 100-year flood elevations, except those in the lower reaches of the property near Farrington Highway, and roadway culverts will be provided throughout the Project Site to prevent flooding of roadways. You are directed to Section 4.11.14 of the Draft EIS (pages 4-51 through 4-56) and Appendix A for a thorough explanation of the approach to designing with regard to flood hazards and mitigating the impacts of stormwater.

12. *The wastewater treatment plant is being presented as a good thing for the development. But this treatment plant will only increase contaminants into the environment, particularly into the rivers that flow then into the ocean and along the shoreline. You can see these impacts all along the shore when the rivers are discharged during the rainy season. Even if complying with "alleged standards" such contaminants will increase in the area.*

Response: The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the C&C *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawai‘i Administrative Rules (HAR) pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

13. *The report itself acknowledges that there will be additional air pollution, but states will be within the state standards. The increased congestion from such trucks will increase particulate matter, carbon monoxide emission, ozone, and GHG emission. Is there a plan to limit these emissions? Will they use natural gas trucks? This will not just last one year but ten years impacting every person living in this area over an extended period of time.*

Response: Section 4.2, Air Quality, of the Draft EIS analyzes potential adverse air quality effects associated with the Proposed Project. As a result of identified short-term construction air quality impacts, Page 4-3 includes a mitigation measure to respect to fugitive dust that requires compliance with Chapter 11.60.1, HAR (*Pollution Control*) and Section 11.60.1-33, HAR (*Fugitive Dust*). The majority of construction activities will occur during the implementation of infrastructure improvements for the entire subdivision. Containment of fugitive dust will be a major consideration

of the design of Best Management Practices (BMPs) that will be put in place during this period. In addition to a grading permit from the City and County of Honolulu, the project will also require a National Pollution Discharge Elimination System Permit from the State Department of Health, which will also require BMPs to control air-borne dust particles.

14. *Cattle farming will be moved into the foothills closer to my community including the smell from such operations, particulate matter from the dust and horse and runoff of contaminants from such operations. There is nothing in the report as to how these will be addressed.*

Response: With regard to cattle grazing and equestrian activities, these uses have been a part of the Ranch operations for decades and will continue after the proposed subdivision is implemented. These uses are allowed under existing State and County land use regulations. The Draft EIS states (p. 2-6) that the "*Proposed Project will continue these existing uses and add...uses which are consistent with current equestrian and agricultural activities on the Ranch*".

15. *I am opposed to the development of all of these reasons and many more. This development will not enrich the community or improve the quality of anyone's life in any way and over the years will significantly impact our air quality, our water quality, the beaches, the shoreline and the overall nature of living out here in this community.*

Response: Your comment regarding the Proposed Project is acknowledged and should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Letter of Opposition

2018 FEB 23 PM 4: 19
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/20/18

To whom it may concern,

I am Morgan Stierman, a North Shore resident living in Waialua, HI. I am writing to oppose the subdivision of Dillingham Ranch proposed by Kennedy Wilson, for a variety of reasons. First, I believe that Kennedy Wilson's previous role in developing luxury properties at Pinetrees on Kaua'i, as well as their self-stated mission as a real estate investment firm, leads to incongruence in their claim that this subdivision will result in a utilization of agricultural land in the Mokulē'ia area. This alone calls for a critical examination of their intention(s) and methods in subdividing the land in question, but it is not my only point of opposition.

Additionally, there are a variety of flaws present in the Environmental Impact Statement (EIS) produced by Kennedy Wilson, leading me to believe that the possible ecological effects of the subdivision and subsequent development of Dillingham Ranch land have not been comprehensively considered. My first concern comes from their cursory examination of fire prevention for residents of Mokulē'ia. The document states that water pressure to the district's fire hydrant will remain unaffected, but neglects to discuss infrastructure and other efforts that will result in this continuation of the current pressure level. Furthermore, this EIS also includes a lack of comprehensive surveying for species of animal and plant that will be affected by this change. All surveys for the EIS were conducted during the day. However, many species endemic to the area, such as the endangered Hawaiian Tree Snail, are nocturnal, meaning that their presence will have been unaccounted for without the use of nighttime surveying. In addition to this, the most recent survey done was in 2014. Since then, albatross colonies in the Mokulē'ia area have proliferated, with many of the birds nesting on or near Dillingham Ranch lands.

While this critique of the EIS and motives of Kennedy Wilson is by no means complete, it stands as a fraction of the potential malproductive results of this subdivision and development. As we remain in this moment of ecological crisis, where land un-subjected to the tyranny of infrastructure becomes more and more scarce, I urge you to reconsider the continuation of this development.

Sincerely,

Morgan Stierman

HHF PLANNERS
places for people

January 7, 2019

Morgan Stierman

Dear Morgan Stierman:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 20, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments, and offer the following responses.

1. *I am Morgan Stierman, a North Shore resident living in Waialua, HI. I am writing to oppose the subdivision of Dillingham Ranch proposed by Kennedy Wilson, for a variety of reasons. First, I believe that Kennedy Wilson's previous role in developing luxury properties at Pinetrees on Kauaʻi, as well as their self-stated mission as a real estate investment firm, leads to incongruence in their claim that this subdivision will result in a utilization of agricultural land in the Mokulēʻia area. This alone calls for a critical examination of their intentions and methods in subdividing the land in question, but it is not my only point of opposition.*

Response: First, you refer to a project developed by Kennedy Wilson on the island of Kauaʻi (Pinetrees). The correct reference is to the Kohanaiki project on the island of Hawaiʻi. As part of this project, Kennedy Wilson set aside dozens of acres of ocean front land for public use, including parking and a restroom. The project is a high-end development; however the land use policy for the property is for resort use. Kennedy Wilson followed all laws, policies and procedures to obtain approvals for this project.

Similarly, Dillingham Ranch Aina, LLC (DRA or the Applicant) is following all laws, policies and procedures in order to obtain approval for the proposed agricultural subdivision. Included among these requirements was the preparation of an Agricultural Plan which must be reviewed and accepted by the State Department of Agriculture (DOA). This requirement was achieved, when the DOA accepted the landowner's Agricultural Plan, which is discussed in Section 4.7 and Appendix H of the Draft EIS. The proposed subdivision will continue cattle grazing, horse boarding and the palm tree plantation as agriculture uses. The existing mango orchard on the property will be expanded and hydroponic farming will be introduced.

2. *Additionally, there are a variety of flaws present in the Environmental Impact Statement (EIS) produced by Kennedy Wilson, leading me to believe that the possible ecological effects of the subdivision and subsequent development of Dillingham Ranch land have not been comprehensively considered. My first concern comes from their cursory examination of fire prevention for residents of Mokulēʻia. The*

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> *document states that water pressure to the district's fire hydrant will remain unaffected, but neglects to discuss infrastructure and other efforts that will result in this continuation of the current pressure level.*

Response: DRA is the developer of the Proposed Project. The water system that serves some residential customers in the Mokulēʻia community is owned by North Shore Water Company, LLC (NSWC). The Public Utilities Commission (PUC) granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012. The objective of the Proposed Project is not to address existing deficiencies with the NSWC water system.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (low water pressure, lack of fire hydrants), and expenses related to any required improvements that serve the Mokulēʻia community, are outside the scope of this EIS. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

Nevertheless, development of the Proposed Project will result in improvements to the NSWC system, including enhanced pressure. NSWC currently owns one well. It is located within the Project Site, but it is not owned or operated by the Applicant. The development of the Proposed Project will involve a substantial upgrade by the Applicant to the NSWC water system. As a part of the development of the Proposed Project, the Applicant will transfer two of its existing wells (Wells Nos. 3310-01 and 3310-02) to NSWC (subject to the approval of the PUC), both of which are located within the Project Site. The Applicant will uncap and outfit these two wells for use by the NSWC. In addition, the Applicant will construct two new water storage tanks, a high-level tank that will be approximately 500 feet above mean sea level, and a lower-level tank will be about 230 feet above mean sea level. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia, and those improvements will be transferred to NSWC. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure. The addition of two new wells will allow NSWC to terminate use of its sole existing well (Well No. 3410-01), which has been identified as being deficient with regard to storage capacity, performance and pressure.

The Applicant's proposed improvements related to on-site water service are discussed in Draft EIS Section and 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 of the Final EIS (enclosed).

3. *Furthermore, this EIS also includes a lack of comprehensive surveying for species of animal and plant that will be affected by this change. All surveys for the EIS were conducted during the day. However, many species endemic to the area, such as the endangered Hawaiian Tree Snail, are nocturnal, meaning that their presence will have been unaccounted for without the use of nighttime surveying. In addition to this, the most recent survey done was in 2014. Since then, albatross colonies in the Mokulēʻia area have proliferated, with many of the birds nesting on or near Dillingham Ranch lands.*

Response: You assert that a number of endangered species will be affected by proposed development. As discussed in Section 3.7 of the DEIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the EIS.

With respect to the ʻōpeʻapeʻa (Hoary bat), also discussed in Section 3.7 of the DEIS, it should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the DEIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The DEIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the DEIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The*

Proposed Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area."

There is some critical habitat located within the boundaries of the larger Ranch property on the far western end of the Ranch, also far removed from any development activities associated with the project. This area will not be impacted by the proposed project.

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawaii on the island of Oahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawaii Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

With regard to the Laysan Albatross and Wedge-tailed Shearwater, no individuals of these species have been observed on the property during previous surveys. It is possible that individuals have visited Dillingham Ranch. These species are not endangered. This is not correct. The Laysan Albatross is the most numerous of the three North Pacific albatrosses, and the second most numerous Hawaiian seabird. The Laysan Albatross breeds in large numbers across all of the Northwestern Hawaiian Islands, as well as small populations on Kaua'i and O'ahu . Its

population was estimated at 2.5 million individuals in 1990, with the largest breeding colony being on Midway Island, consisting of 400,000 breeding pairs. Populations of Laysan Albatross continue to increase due to protection at its primary breeding grounds in the Northwestern Hawaiian Islands (https://kauaiseabirdproject.org/laysan-albatross/).

4. *While this critique of the EIS and motives of Kennedy Wilson is by no means complete, it stands as a fraction of the potential malproductive results of this subdivision and development. As we remain in this moment of ecological crisis, where land unsubjected to the tyranny of infrastructure becomes more and more scarce, I urge you to reconsider the continuation of this development.*

   I am a young adult, planning on spending the rest of my life here on the island of O'ahu, giving back to my community and supporting what I consider the best place on earth. I am saddened to feel a deep lack of faith in our government, I am starting to think that the only people our government cares about is the people that have money. Please do the right thing so the generations to follow will be able to enjoy this beautiful island like we were able to.

Response: Your comment regarding the Proposed Project and your desire to have the project rejected is acknowledged. It should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. However, because you provided no means to transmit a response to your comments (email or house address), we are unable to send you a direct response. Regardless, your comments and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Scott Ezer

To: Scott Ezer
Subject: FW: FW: (jstroble) FW: Proposed Dillingham Ranch Development/ Light pollution

HHF Planners,
733 Bishop St,
Suite 2590
Honolulu, Hi 96813
info@hhf.com

To whom it may concern,

I am writing to you to express my concern over impacts the proposed development of Dillingham Ranch may have on educational opportunities on Oahu. I am a board member of the Hawaiian Astronomical Society (http://hawastsoc.org/), and a part of our public service are public star-gazing sessions once a month at the adjacent Dillingham Airfield. A major reason for this location is the necessity of dark skies for amateur astronomy, and this is about as far away as one can get from the light pollution of Honolulu. A residential development of the Ranch would negatively affect our ability to share the cosmos with the public. We have guests at our "star-parties" that range from families with small children, Scouts and other youth groups, college students, visitors from the mainland and abroad, to just interested folks.

Again, I would be opposed to the planned development going forward, especially without planned light pollution mitigation. The night sky is the birthright of all humans, we should be doing what we can to preserve what is left of it on Oahu.
Yours,
James (Andy) Stroble, PhD
2902-A Kalawao Place
Honolulu, 96822

HHF PLANNERS
places for people

January 7, 2019

Mr. James Stroble, PhD
2902-A Kalawao Place
Honolulu, HI 96822

Dear Dr. Stroble:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We offer the following responses to your comment.

1. *I am writing to you to express my concern over impacts the proposed development of Dillingham Ranch may have on educational opportunities on Oʻahu. I am a board member of the Hawaiian Astronomical Society (http://hawastsoc.org/), and a part of our public service are public star-gazing sessions once a month at the adjacent Dillingham Airfield. A major reason for this location is the necessity of dark skies for amateur astronomy, and this is about as far away as one can get from the light pollution of Honolulu. A residential development of the Ranch would negatively affect our ability to share the cosmos with the public. We have guests at our "star-parties" that range from families with small children, Scouts and other youth groups, college students, visitors from the mainland and abroad, to just interested folks.*

   Again, I would be opposed to the planned development going forward, especially without planned light pollution mitigation. The night sky is the birthright of all humans, we should be doing what we can to preserve what is left of it on Oʻahu.

Response: Under the Subdivision Rules and Regulations of the City & County of Honolulu, all agricultural subdivisions must include a system of internal roads equipped with street lights for reasons of safety. Dillingham Ranch Aina LLC, the landowner, is cognizant of the issue you raise related to night skies, which is also a consideration for the protection of migratory birds that have nocturnal foraging and other habits. For these reasons, and as discussed in the Draft EIS, exterior lighting within the Proposed Project will be shielded and directed downward to prevent light from being projected towards the night sky and to avoid light pollution.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

Yago, Joette P

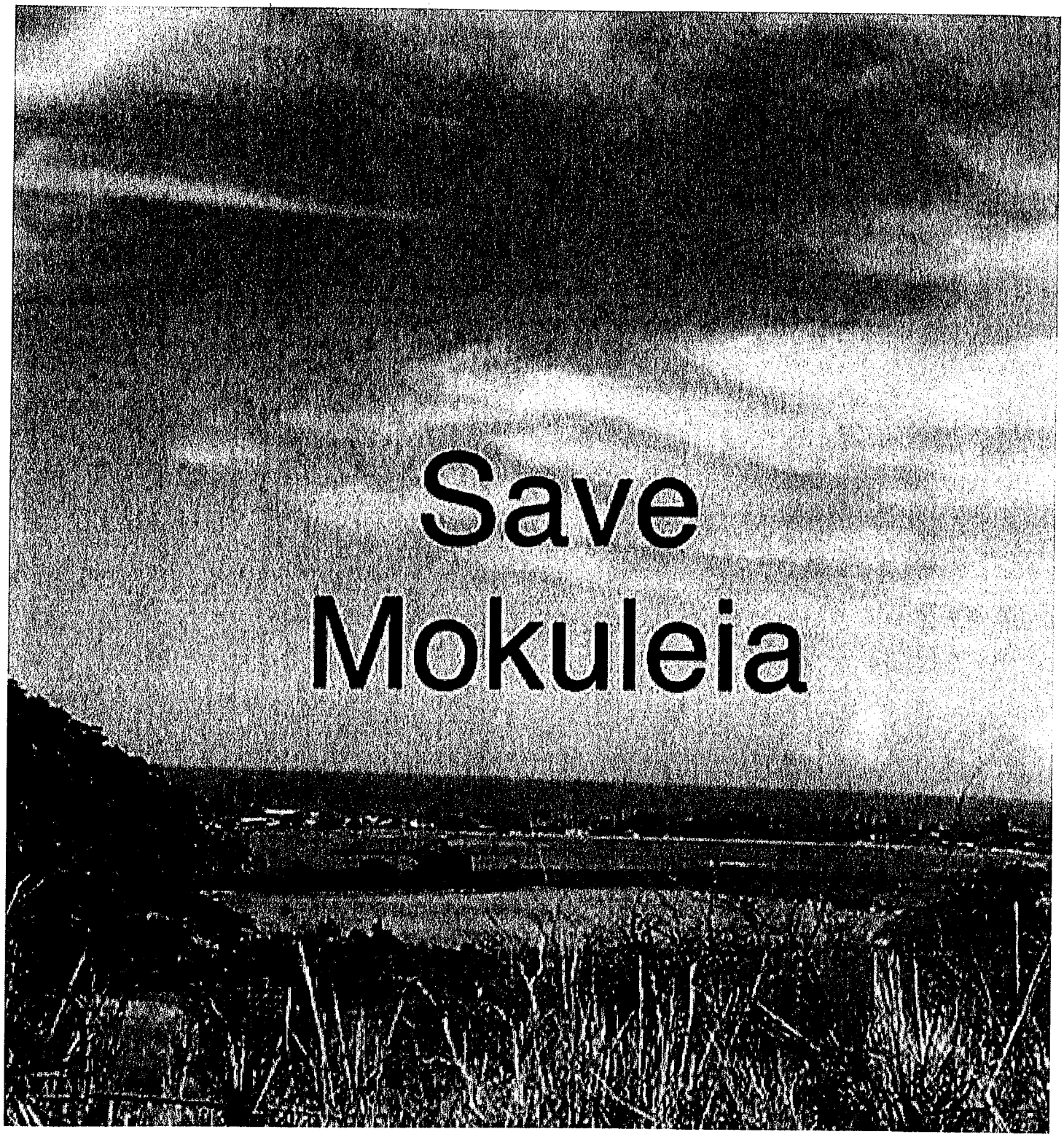
From: Thomas Tantog <rhcp218@yahoo.com>
Sent: Wednesday, February 21, 2018 9:58 PM
To: Yago, Joette P
Subject: Proposed development on N.S.

I am in opposition of the proposed development at Dillingham Ranch on the North Shore. Enough is enough w/ the overdevelopment on the north shore!!! Traffic is a nightmare almost everyday, we are bombarded w/ tourists, our roads are horribly maintained we are at its maximum capacity. No more development!! This will not benefit the local community it'll only fill the developers greedy wallets and put more of the community on the streets as rent and property taxes go up. I am absolutely against this development and this should be scrapped ASAP. My name is Tommy Tantog my phone number is (808) 492-9097 my address is PO BOX 456 Waialua 96791

Sent from my iPad

Yago, Joette P

From: Thomas Tantog <rhcp218@yahoo.com>
Sent: Wednesday, February 21, 2018 10:02 PM
To: Yago, Joette P
Subject: Stop the development on the North Shore



HHF PLANNERS
places for people

January 7, 2019

Mr. Thomas Tantog
P.O. Box 456
Waialua, HI 96791

Dear Mr. Tantog:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your email dated February 21, 2018 which we received during the public comment period providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments, and offer the following responses.

1. *I am in opposition of the proposed development at Dillingham Ranch on the North Shore. Enough is enough w/ the overdevelopment on the north shore!!! Traffic is a nightmare almost everyday, we are bombarded w/ tourists, our roads are horribly maintained we are at its maximum capacity. No more development!! This will not benefit the local community it'll only fill the developers greedy wallets and put more of the community on the streets as rent and property taxes go up. I am absolutely against this development and this should be scrapped ASAP.*

Response: Our responses to your comments are organized by subject area.

Traffic. Section 4.11.1 of the Draft EIS, Roadways and Traffic, includes an analysis (based on a traffic impact study included in Appendix J to the Draft EIS) that evaluated the potential impacts of the Proposed Project on future traffic conditions. Based on that analysis, the Draft EIS concludes that "…*the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than for short term construction-related traffic) are required*".

You suggest that roadways are not adequately maintained. The condition of roadways will not be significantly affected by the traffic generated as a result of the proposed agricultural subdivision. It is the responsibility of the City and County of Honolulu, and the State of Hawaiʻi to maintain roadways within their jurisdiction. In the case of Farrington Highway, in the vicinity of the Project Site, this responsibility falls to the State Department of Transportation, Highways Division. It is noted that the State of Hawaii Department of Transportation plans to resurface Farringdon Highway from the Makalena Bridge to Weed Circle beginning in August 2021.

Property Values and Housing Costs. Determination of property tax by the City and County of Honolulu is a complicated process and includes consideration of zoning, use of the property, age of structure and other improvements on the property. Since the land included in the proposed

subdivision will be devoted to agricultural use, it does not necessarily follow that rents and property taxes will be exacerbated.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

TRANSMITAL

Send : HHF PLANNERS **733 BISHOP ST. SUITE: 2590** **HONOLULU, HI 96813**	**From: ANITA VALENTINE** **47 415 LULANI ST** **KANEOHE, HAWAII 96744**
Attention: SCOTT EZER	Date:2-22-2018
Office Location:	Office Location: 808-239-2340
Number: 808-457-3158	Phone Number: 808-375-8424

Aloha Scott:

RE: Dillingham Ranch Agricultural Subdivision

STATEMENT: I am in favor of the subdivision. However, there is a key element missing from your environmental plan that would insure community support as well as making the subdivision more appealing for horse enthusiasts.
"Designated" horse/mulit use trail system connecting to forest reserve.
The horse community would actually volunteer to make it happen.
No out of pocket expense for the developer.
We just need trail areas designated on your plot plan.

PRO'S:

1. **Helping to grow the horse industry. Currently, on island there is only one real trail to ride . The largest growing segment of the population is 50 plus.**

   Trail riding can be enjoyed for many years pass 50. By adding trail systems to your development it would offer the horse community 100% riding options. Therefore, increasing ridership and income for the support industries as well as increased value for the Subdivision.

2. **Horses = Ag**

   Horses= ambiance which equals to more appealing land value as long as there are miles of trails to ride.

3. **Adding plenty of affordable lease able paddock space for horses & upgrading the arena would insure increase income and recognition in having the #1 horse community in Hawaii offering "all" disciplines of horsemanship.**

CON'S: None ☺

CONCLUSION:

My husband and I when we retire would very much like to have 5 ac. And ride horses on real trails.

QUESTION: Would your re-zoning for the 5 ac. tracks have to be planted in crops? Are horses considered Ag. as well?

Mahalo!
Anita Valentine

HHF PLANNERS
places for people

January 7, 2019

Ms. Anita Valentine
47-415 Lūlani Street
Kāneʻohe, HI 96744

Dear Ms. Valentine:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 22, 2018 providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *STATEMENT: I am in favor of the subdivision. However, there is a key element missing from your environmental plan that would insure community support as well as making the subdivision more appealing to horse enthusiasts. "Designated" horse/multi use trail system connecting to forest reserve. The horse community would actually volunteer to make it happen. No out of pocket expenses for the developer. We just need trail areas designated on your plot plan.*

   Helping to grow the horse industry. Currently, on island there is only one real trail to ride. The largest growing segment of the population is 50 plus. Trail riding can be enjoyed for many years pass (sic) 50. By adding trail systems to your development it would offer the horse community 100% riding options. Therefore, increasing ridership and income for the support industries as well as increased value for the Subdivision.

   Horses = Ag. Horses = ambiance which equals to more appealing land value as long as there are miles of trails to ride

   Adding plenty of affordable lease able paddock space for horses & upgrading the arena would insure increase income and recognition in having the #1 horse community in Hawaiʻi offering "all" disciplines of horsemanship.

RESPONSE: The Proposed Project is described in detail in Chapter 2 of the Draft EIS. The existing uses on the Project Site are enumerated, and include the following (p. 2-1): "*an equestrian complex with facilities for paddock boarding; recreational trail riding; two dressage rings; stadium jumping course; practice polo fields; a large sand arena; and horse pasturing areas*." It is intended that some of the mauka areas would be available for trail riding. At this time, no specific trail routes have been identified, any future alignments would be determined by the future equestrian manager and the Lot Owners Association, as this land would be in

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

owned in common. The botanist who prepared a Botanical Survey (Appendix C of the Draft EIS) has recommended that that trails not exceed the 800-foot contour as this land has a higher likelihood of containing native botanical species.

The Draft EIS states (p. 2-6) that the "*Proposed Project will continue these existing uses and add...uses which are consistent with current equestrian and agricultural activities on the Ranch".*

2. *CONCLUSION: My husband and I when we retire would very much love to have 5-ac. and ride horses on real trails. QUESTION: Would your re-zoning for the 5 ac. tracks have to be planted in crops? Are horses considered Ag. as well?*

RESPONSE: Raising horses on the future agricultural lots would be recognized as an agricultural use.

It is acknowledged that caring for and boarding of horses is an agricultural use. This is consistent with zoning rules governing county agricultural districts and recognized by the State Department of Agriculture in their review of the Agricultural Plan (Appendix H of the Draft EIS) prepared for the Proposed Project.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

2018/ELOG-336

Josette Yago
Dept of Planning and Permitting
City of Honolulu

2018 FEB 14 PM 12:54
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

February 13, 2018

Dear Joette Yago,

I am currently writing you to express my strong opposition for the permit application being submitted by Dillingham Ranch Aina L.L.C affiliates of Kennedy Wilson INC. who are attempting to develop Mokuleia/Dillingham Ranch agricultural land into a residential subdivision. This development is clearly inconsistent with what has previously been set forth within the North Shore Sustainable Communities Plan.

Although much of Oahu's agricultural land is not currently being used to its full potential as food prices double and triple as result of the current flawed and unsustainable system of our population being primarily dependent on ships to provide us food to survive, in the not too distant future agricultural lands will become that much more important for our sustainability. We are at a pivotal moment in history where to continue to destroy and pollute every viable resource that is vital to our future sustainability absolutely impacts every single demographic of our population. It is clear that this proposed subdivision of 70 new residences to be developed on historically agricultural land will permanently diminish the suitability of the site for actual agricultural use. To add more insult to injury these proposed residences that are labeled as "farm dwelling" Ag lots will clearly not be affordable to farmers. Once construction starts there is no reversing the devastating loss that this development will present to not only our North Shore rural communities but the island of Oahu as a whole.

This travesty of a project proposed on Ag land also represents destroying significant archaeological sites scattered throughout the property of Dillingham Ranch. This project also unjustly threatens to put the financial burden on the existing community of about 100 residential customers who currently rely on Dillingham for their water supply to pay for any upgrades needed to the water pipes that they rely on as a result of this project. **Kennedy Wilson also proposes to build a private waste water treatment plant which presents a huge environmental threat to the largest aquifer on our North Shore that runs under Dillingham Ranch all the way into Haleiwa's First Hawaiian Bank. If this becomes contaminated it will jeopardize all farmers and future generations to come. This development must not move forward!!**

There is absolutely no legal basis to allow this permit application to be granted. It is yet another illegal real estate development guising itself as being suitable for agricultural lands that threaten our future sustainability, has tremendous potential for environmental hazards and simply sends the message that our State will allow anyone to illegally development on land that has been legally allocated for agricultural use. This type of development represents all that is wrong with viewing Oahu as one big real estate development in the middle of the Pacific that clearly will have no viable solution when the ships don't come to feed us if you don't stop most of our valuable Ag lands from being covered in cement with mini mansions intended for the rich to be bulit on them.

We are nothing without a plan for a sustainable future, one that can easily be created as long as we have an abundance of unpolluted, undeveloped Ag lands to grow food for all in a climate that can easily be done year round. The Hawaiians didn't need ships to bring them food and ultimately we shouldn't either at least not for our basic survival.

I kindly beg of you to reject this illegal permit.

With much Aloha and care for our Aina.

Bellodgia Yamamoto
Farmer and advocate for common sense Island wide sustainability
59-606 Alapio Rd
Haleiwa, Hawaii 96712
808=358-3342

HHF PLANNERS
places for people

January 7, 2019

Bellodgia Yamamoto
59-606 Alapio Road
Haleʻiwa, HI 96712

Dear Bellodgia Yamamoto:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter dated February 13, 2018 which we received during the public comment period for the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments, and offer the following responses.

1. *I am currently writing you to express my strong opposition for the permit application being submitted by Dillingham Ranch Aina L.L.C affiliates of Kennedy Wilson INC. who are attempting to develop Mokulēʻia/Dillingham Ranch agricultural land into a residential subdivision. This development is clearly inconsistent with what has previously been set forth within the North Shore Sustainable Communities Plan.*

RESPONSE: Your comment regarding the permit application for the Proposed Project is acknowledged. With regard to issues on agricultural use of the property, please see the response to comment #2, below. Consistency with the *North Shore Sustainable Communities Plan* is discussed in Section 5.2.2 of the Draft EIS. This section contains a discussion of the relationship of the Proposed Project to the North Shore Sustainable Communities Plan (NSSCP). Pages 5-28 and 5-29 of that discussion includes an enumeration of several Policies for Agriculture and Guidelines for Agricultural Lands. A discussion of compliance with these policies and guidelines is provided, including clarification that the Covenants, Conditions and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed.

2. *Although much of Oʻahu's agricultural land is not currently being used to its full potential as food prices double and triple as result of the current flawed and unsustainable system of our population being primarily dependent on ships to provide us food to survive, in the not too distant future agricultural lands will become that much more important for our sustainability. We are at a pivotal moment in history where to continue to destroy and pollute every viable resource that is vital to our future sustainability absolutely impacts every single demographic of our population. It is clear that this proposed subdivision of 70 new residences to be developed on historically agricultural land will permanently diminish the suitability of the site for actual agricultural use. To add more insult to injury these proposed residences that are labeled as "farm dwelling" Ag lots will clearly not be affordable to farmers. Once construction starts there is no reversing the devastating loss*

that this development will present to not only our North Shore rural communities but the island of O'ahu as a whole.

RESPONSE: The project area encompasses about 2,721 acres, of which roughly 694 acres (25.5%) will be used for agriculture and roughly 43 acres (1.6%) will be used for non-agriculture improvements, while about 1,980 acres remaining (73%) will remain in non-agricultural open space. As explained in the Draft EIS, the Proposed Project will preserve and expand existing agricultural uses by: (1) improving and expanding existing equestrian activities and facilities; (2) continuing existing cattle grazing and palm tree plantation operations; (3) establishing a hydroponic farm-to-table crop cultivation area; (4) expanding an existing mango orchard; (5) dedicating an additional 100 acres for other orchards trees; and (6) creating 70 agricultural lots. The Agricultural Plan will provide for more food crops than have been grown on the Project Site in decades. Each of the agricultural lots will accommodate a single farm dwelling within a developable footprint no larger than 5,000 square feet. The Applicant is committed to limiting future development on any one agricultural lot to just one farm dwelling, which is a requirement to be incorporated into the Conditions, Covenants and Restrictions governing the use of the lots. The Agricultural Plan, was formulated in accordance with Section 1-115 of the Subdivision Rules and Regulations adopted by the City and County of Honolulu. As stated in the Draft EIS (p. 4-28): "…*the Proposed Project will significantly increase agricultural production on the Project Site, maintain existing agricultural activities, and retain the agricultural/rural/ranching ambience of the Project Area. No mitigation measures will be required to increase agricultural productivity*." Agriculture, as defined by Chapter 205, Hawaii Revised Statutes, includes a variety of different activities, many of which do not necessarily result in food products. Cattle grazing, horse grazing and boarding are recognized as legitimate agricultural. As required to receive final agricultural subdivision approval, the State Department of Agriculture (DOA) has accepted the Agricultural Plan for the Proposed Project (Appendix H of the Draft EIS), which outlines these agricultural activities, and which the Applicant of the Proposed Project is required to establish.

3. *This travesty of a project proposed on Ag land also represents destroying significant archaeological sites scattered throughout the property of Dillingham Ranch. This project also unjustly threatens to put the financial burden on the existing community of about 100 residential customers who currently rely on Dillingham for their water supply to pay for any upgrades needed to the water pipes that they rely on as a result of this project. Kennedy Wilson also proposes to build a private waste water treatment plant which presents a huge environmental threat to the largest aquifer on our North Shore that runs under Dillingham Ranch all the way into Hale'iwa's First Hawaiian Bank. If this becomes contaminated it will jeopardize all farmers and future generations to come. This development must not move forward!!*

RESPONSE: Responses to your comments are organized by subject area.

<u>Archaeological Sites</u>. Section 4.4 of the Draft EIS, Archaeological and Historic Resources, and Appendices E, F, and J, discuss the subjects of Archaeology and Historic Buildings, in detail. All three of these reports have been accepted by the State Historic Preservation Division (SHPD). An outcome of these reports has been the identification of 12 archaeological sites that will be preserved, and six buildings eligible for the national register will also be preserved. Each of these sites and buildings is described in the Draft EIS. The Preservation Plan for archaeological resources is required to be

reviewed and accepted by the State Historic Preservation Division. Compliance with the requirements specified in the mitigation measures is required.

Process. Refer to P. 4-18 through p. 4-22 of the Draft EIS which enumerates the preservation requirements and the monitoring requirements for mitigating potential archaeological impacts during construction. Those monitoring requirements include requirements for an archaeologist to be on site during construction to ensure compliance with the requirements of the Archaeological Monitoring Plan. Procedures for addressing inadvertent archaeological discoveries are also identified.

Refer to P. 4-18 through p. 4-22 of the Draft EIS which enumerates the preservation requirements (including buffer zone safeguards).

Monitoring. Refer to P. 4-18 through p. 4-22 of the Draft EIS which enumerates the preservation requirements and the monitoring requirements for mitigating potential archaeological impacts during construction. Those monitoring requirements include requirements for an archaeologist to be on site during construction to ensure compliance with the requirements of the Archaeological Monitoring Plan. Procedures for addressing inadvertent archaeological discoveries are also identified. The Monitoring Plan must be reviewed and accepted by the State Historic Preservation Division.

Water System. The Applicant (Dillingham Ranch Aina LLC) (DRA) is the developer of the Proposed Project. The water system that serves some residential customers in the Mokulēʻia community is owned and operated by the North Shore Water Company, LLC (NSWC). The PUC granted NSWC a Certificate of Public Convenience and Necessity to serve the public by Decision and Order dated June 27, 2012.

Concerns about the current water service provided by NSWC to the Mokulēʻia community (outdated pipes, low water pressure), and expenses related to any required improvements to address those deficiencies are outside the scope of this EIS. Those are matters are to be addressed by NSWC and the Public Utilities Commission. This EIS is being prepared in conformance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200 of the Hawaii Administrative Rules to assess the impacts of the Proposed Project, and considers mitigation measures to avoid, minimize, rectify or reduce the impacts of the Proposed Project. Therefore, existing concerns with NSWC are not issues related to the Proposed Project being analyzed in the EIS. As you noted, those concerns exist today, irrespective of the development of the Proposed Project. We further understand that the deficiencies within the NSWC system pre-date NSWC's ownership of the system.

NSWC owns only one well and it is located within the Project Site. DRA will make improvements to the existing NSWC system by transferring two of DRA's existing wells located within the Dillingham Ranch property to the NSWC (subject to approval from the PUC). DRA will uncap these wells, return them to service and construct storage tanks prior to transfer to NSWC. These new wells will allow NSWC to terminate use of its sole well (Well No. 3410-01), which has been identified as lacking reservoir storage, sufficient fire protection, and has limited pumping capacity. In addition, DRA will install a high level tank at about 500 feet above mean sea level with storage capacity of 0.3 million gallons, and a low level tank at about 230 feet above mean sea level with storage capacity of 0.35

million gallons. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing residential customers currently served by NSWC in Mokulēʻia. These improvements are designed to provide adequate pressure. If needed, the Applicant will add pressure reducing valves within the Proposed Project to reduce excessive pressure/flow into the existing NSWC infrastructure. The Applicant's transfer of two refurbished and modernized wells and related improvements to NSWC, and the addition of the Proposed Project to the service area of the utility company, is expected to have an economic impact on the operating and maintenance costs of the NSWC and potentially to rates charged to customers. However, the extent of those impacts and how they will be addressed is something to be determined by the PUC.

The Applicant's proposed improvements related to the Proposed Project are discussed in Draft EIS Section 4.11.2, and are discussed in greater detail in Sections 3.4.2 and 4.11.2 (enclosed). Although the existing concerns about the NSWC are not related to the Proposed Project or impacts from the Proposed Project, the development of the Proposed Project will entail improvements to the NSWC water system.

Wastewater System. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, HAR pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a much more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

4. *There is absolutely no legal basis to allow this permit application to be granted. It is yet another illegal real estate development guising itself as being suitable for agricultural lands that threaten our future sustainability, has tremendous potential for environmental hazards and simply sends the message that our State will allow anyone to illegally development on land that has been legally allocated for agricultural use. This type of development represents all that is wrong with viewing Oʻahu as one big real estate development in the middle of the Pacific that clearly will have no viable solution when the ships don't come to feed us if you don't stop most of our valuable Ag lands from being covered in cement with mini mansions intended for the rich to be built on them.*

   We are nothing without a plan for a sustainable future, one that can easily be created as long as we have an abundance of unpolluted, undeveloped Ag lands to grow food for all in a climate that can easily be done year round. The Hawaiians didn't need ships to bring them food and ultimately we shouldn't either at least not for our basic survival. I kindly beg of you to reject this illegal permit.

RESPONSE: The Applicant has followed all land use regulatory requirements during the process to obtain approvals for the Proposed Project. With respect to the agricultural aspects of the Proposed Project, please see the response to Question #2, above.

Thank you for your participation in this process. Your email and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

cc: Joette Yago, Department of Planning and Permitting

3.4.2 Potential Impacts

Increase in Groundwater Use. Two wells are currently in use on the Project Site, Well 3410-01 which is owned by the NSWC and supplies the NSWC, and Well 3410-03 which supplies non-potable uses within the Project Area. As shown in Table 3-2, the combined permitted total use for these two wells is 2.0 MGD and the combined use of these two wells has averaged 0.1386 MGD since January 2013.

Table 3-2: Comparison of Present and Projected Use of Wells on Dillingham Ranch

Dillingham Ranch Wells		*Present Permitted Use (MGD)*	*Present Actual Use (MGD)*	*Projected Future Use (MGD)*
State Well No.	*Well Name*			
3410-01	Crowbar Ranch	0.50	0.0856	0.00
3410-03	Shop (non-potable)	1.50	0.0530	0.704
3310-01	Mokulēiʻa 1	0.00	0.0000	0.2295
3310-02	Mokulēiʻa 2	0.85	0.0000	0.2295
Totals		2.85	0.1386	1.163

Notes:
1. Present use is calculated as the average of the reported use since January 2013
2. As the NSWC would be supplied by the Proposed Project's potable water system, use of Well 3410-01 would be terminated.
3. Future use of the Shop Well (3410-03) is calculated as the non-potable systems projected 0.562 MGD demand (Table 2) less the 0.038 MGD of R-1 quality treated wastewater.
4. Projected use of potable water is equally distributed on the system's two well sources, nos. 3310-01 and 3310-02.

Source: Tom Nance Water Resource Engineering (2016)

With full build-out of the Proposed Project, the following changes would occur:

- Use of Well 3410-01 (Crowbar Ranch) would be terminated.
- Use of Well 3410-03 (Shop) would be increased to serve non-potable needs within the Proposed Project.
- Well 3310-01 (Mokulēiʻa 1) and Well 3310-02 (Mokulēiʻa 2) would be put into use for the first time to provide water service to the customers of the NSWC, including those within the Proposed Project.
- Combined water use of the three wells that would supply the Proposed Project is projected to be 1.163 MGD, an increase of 0.1.02 MGD over the current use by wells on the Property (see Table 3-2).

The use of wells, groundwater, and WUPs could change in the following ways as a result of the Proposed Project:

- Wells 3310-01 and -02 (Mokulēiʻa 1 and 2) are the dual sources for the potable water system. The potable water system will continue to be owned and operated by the NSWC. However, the Applicant will upgrade these wells, construct accessory facilities (storage tanks, access roads, pumps, transmission lines), and transfer those improvements to the NSWC.

- WUP No. 777 which is held by the Applicant and which allows 0.85 MGD, only includes Well 3310-02, ~~and~~ will need to be amended to cover both wells. No additional water allocation will be sought in connection with the Proposed Project.
- When the new potable water system is operational, Well 3410-01 (Crowbar Ranch) will no longer be used. WUP 813, which allows 0.50 MGD will be relinquished and the well will be sealed in accordance with CWRM standards.
- Well 3310-03 (Mokulēiʻa 3), which is owned by the Applicant, will not be used and will be sealed in accordance with CWRM standards.
- Well 3410-03 (Shop Well) will be the primary source for the non-potable water system within the Proposed Project. The Applicant will review agricultural water use when all agricultural uses are established and mature, and will determine if the use might be reduced from the currently permitted 1.50 MGD to 1.0 MGD at that time.

If undertaken, the preceding revisions would increase the Mokulēiʻa Aquifer System's unallocated supply by as much as 1.00 MGD, a significant benefit other land owners and water users located within the aquifer system (TNWRE, March 2017).

Potential Change in Groundwater Quality. The Project Area is located on sedimentary material of poor permeability. In addition to controlling seawater incursion, this protective layer prevents contaminated sediment from entering the groundwater in the volcanic strata at depth. As a result, no adverse impacts to the groundwater quality of the volcanic strata is anticipated as a result of the Proposed Project.

A comparison of present and potential future conditions provides the best perspective of potential groundwater contamination by surface runoff. At present, there are on the order of 150 horses and approximately 200 cattle on the Project Site. After implementation of the Proposed Project, the number of horses is expected to increase to about 175 and the number of cattle will be approximately the same. As such, the volume of animal manure, hence the nutrient load and sediment carried away by surface runoff, will not significantly increase due to implementation of the Proposed Project.

Potential Change in Surface Water Quality/Runoff. There are three drainageways across Farrington Highway through which runoff from the Project Site could ultimately reach and discharge into the marine environment (see Figure 4 in Appendix I of the PER). A significant aspect of all three drainageways is the substantial, wave-built sand berms at the shoreline.

Each berm is on the order of 150 feet wide and has a crest elevation at or above the elevation of Farrington Highway. The backwater effect of the berms causes significant flooding of adjacent low-lying areas. As a result, during dry periods or modest rainfall events, no runoff is discharged from the Project Site into the marine environment. When shoreline discharge actually occurs, the nearshore waters are typically high energy, providing substantial mixing capacity.

4.11.2 Water System

4.11.2.1 Existing Conditions

The Honolulu Board of Water Supply (BWS), a semi-autonomous agency of the City and County, provides public water service to most of the North Shore. However, the BWS does not provide service to the Dillingham Ranch property. Water for the Dillingham Ranch and some residential lots (approximately 100 customers) in the Mokulēʻia area is provided by the North Shore Water Company (NSWC), a privately-owned water utility regulated by the State Public Utilities Commission(PUC) (DPP, April 2011).

There are ~~11~~ 10 wells located within Subject Property ~~Dillingham Ranch~~, only one of which is owned and controlled by the NSWC and used to service the customers of the NSWC. The other wells are owned by the Applicant and do not currently provide water to the public. Six of the ~~11~~ 10 wells located on ~~the~~ Subject Property lie in the lowlands, while the remainder are mauka of Cane Haul Road. Two of the Applicant's wells are currently used for potable water (Well 3410-01) and non-potable water (Well 3410-03), respectively, while the remaining wells are either sealed or not permitted for use (DRA, October 2014).

A report examining existing water system infrastructure in the Project Area and planned water system improvements for the Proposed Project was prepared by Tom Nance Water Resources Engineering (TNWRE). Their report, summarized here, is included as part of the Preliminary Engineering Report prepared by Sam O. Hirota, Inc. and attached as Appendix A (Preliminary Engineering Report [PER]).

Well 3410-01, owned by the NSWC, supplies potable water to Dillingham Ranch and approximately 100 residential customers in the Mokulēʻia community, makai of Farrington Highway, west of the Project Site. As noted in the PER, previous studies by Water Resource Associates (2003) and R.M. Towill (2008) have confirmed that this source has insufficient pressure and pumping capacity to provide minimum required fire flow for the existing condition.

Well 3410-03 functions as the Project Site's irrigation supply source and has a permit from the State Commission of Water Resource Management (CWRM) for pumping 1.5 million gallons per day (MGD). This agricultural well is privately owned and maintained by the Applicant, and is not part of the NSWC system.

4.11.2.2 Potential Impacts

The Proposed Project will upgrade the existing private water sources to be used by the NSWC, which will continue to be used to supply its approximately 100 existing customers in the Mokulēiʻa, in addition to the Proposed Project. The improvements will be developed ~~and develop a private water system~~ in compliance with Chapter 11-20, HAR (Rules Relating to Public Water Systems). ~~The~~ NSWC's potable water system will be improved and expanded to service ~~for~~ the Project Area. The NSWC system is a Public Water System as defined by Chapter 11-20, HAR since it ~~will~~ provides water for human consumption and has at least 15 service connections or regularly serves a minimum of 25 persons daily for at least 60 days annually. Public water systems are regulated by the DOH, Safe Drinking Water Branch.

The Proposed Project will generate demand for potable and non-potable water use. Potable water will be used to supply the domestic demand for 70 farm dwellings, employee housing, Dillingham Lodge, and lot irrigation, as well as the Dillingham Ranch office, equestrian facilities, and the 100 customers in the broader Mokulēiʻa community. Nearly half the demand of the lower potable water zone (see discussion

below) will be allocated for the existing and off-site needs of the NSWC system which serves the Mokulēiʻa community located to the west of the Dillingham Ranch.

Based upon calculations, the average daily potable water use for the Proposed Project is estimated to be 416,550 gallons a day (0.42 MGD). The average use (0.42 MGD) plus the 10 percent allowance for leakage and unmetered use (41,655 gpd) totals 458,205 gallons a day (0.46 MGD).

Potable Water System

Potable System Pressure Zones. The elevation of the Project Site ranges from 5 to 500 feet above mean sea level (amsl). To provide service over this range of elevation, the Project Site is divided into two pressure zones, correlating with high and low water storage systems divided by the 130-foot elevation contour. The service pressure zones were established by on-site storage reservoirs with spillway elevations of 230 and 500 feet amsl. See Figure 3-3 in the PER.

Potable System Source and Transmission. Potable water service from the BWS is not available for the Proposed Project. Therefore, domestic and some irrigation needs for the Proposed Project are planned to be provided by the NSWC. The Applicant will make improvements to the existing NSWC system by ~~contributing~~ transferring to the NSWC two existing wells that are owned by the Applicant, which will be unsealed, outfitted for use and provided appropriate accessory facilities (pumps, access roads, storage tanks, transmission lines) by the Applicant prior to transfer to the NSWC, thereby allowing NSWC to terminate use of its sole well (well No. 3410-01. The two wells that the Applicant proposes to ~~dedicate~~ transfer to the NSWC ~~a private potable system supplied by on-site groundwater wells will provide water for domestic and some irrigation requirements.~~ are Wells 3310-01 and 3310-02, which are currently not in use ~~and~~ but will be uncapped and upgraded to supply the NSWC water system. Each well will have the capacity to supply both service zones with the other well providing full back up capacity.

Potable System Storage. Water storage will be required for the low-and high-level pressure zones. The low-level tank will be located about 230 feet amsl and have a storage capacity of 350,000 gallons (0.35 MG). The high-level tank will be located about 500 feet amsl, on the north side of the Project Site, and have a storage capacity of 300,000 gallons (0.3 MG). See Figure 3-2 in the PER. Both tanks will be sized to meet the projected maximum daily demand for full build-out of the Proposed Project and the existing 100 residential customers currently served in Mokulēʻia.

Potable System Distribution. The reservoirs and distribution system are designed to provide at least 40 pounds per square inch (psi) of residual pressure at all home sites during peak hour (non-fire flow) demand conditions, and 20 psi of residual pressure at all fire hydrants under fire flow conditions. However, topographic conditions may require the installation of individual booster pumps for some farm dwellings. The high- and low-level potable water distribution systems (12- and 8-inch lines) will largely follow Project Site roadways to provide water to irrigate the agricultural lots, roadway landscaping, and other common areas (see Figure 3-2 in the PER).

Potable System Access. Access to the potable water storage tanks and well sites will be provided by roadways that branch off the DLNR Access Road which is partially located along the Project Site's eastern boundary.

Non-potable Water System

Non-potable System Pressure Zones. The non-potable water system will have only one pressure zone.

Non-potable System Sources. There are two sources of non-potable water: (1) the R-1 water recycled from the proposed wastewater treatment plant (see Section 4.11.3 for a detailed description of the treatment plant); and (2) Well 3410-03 located near the mauka/eastern corner of the intersection of Lodge Road and Cane Haul Road. The R-1 water will be pumped to an above ground steel reservoir and used for irrigation purposes. The non-potable system will not be ~~dedicated~~ transferred to the NSWC and will only supply water within the Proposed Project. This system will be turned over to the Lot Owners Association.

Non-potable System Storage. A 500,000 gallon (0.5 MG) non-potable water tank will be located at the 20-foot elevation next to agricultural Well 3410-03 (see Figure 3-4 in the PER).

Non-potable System Distribution. The on-site non-potable water distribution system will largely follow the Proposed Project's roadway system providing water to irrigate the hydroponic farm-to-table crop cultivation area, the palm tree plantation, Dillingham Lodge and roadway landscaping, paddocks, equestrian facilities, and practice polo fields (see Figure 3-4 in the PER). Pumps will provide the necessary pressure and flow for irrigation operations with main sizes ranging from 6- to 8-inches.

Non-potable System Access. Access to the non-potable water tank and well site will be provided by improved access roads that branch off Cane Haul Road in the area just north of Dillingham Lodge.

Cross-connection Control. Both potable and non-potable systems will be clearly labeled and physically separated to avoid contaminating the drinking water supply. Backflow devices will be tested periodically to assure proper operation. In addition, all non-potable spigots and irrigated areas will be clearly labeled with warning signs to prevent any inadvertent consumption of non-potable water in accordance with Chapter 11-21, HAR (*Cross-Connection and Backflow Control*).

The Applicant will be responsible for the construction of the Proposed Project's water systems. Water service laterals for potable and non-potable water will be provided for each agricultural lot. The NSWC will be responsible for the operation and maintenance of the Proposed Project's potable water system.

The water system for the Project Area will comply with all applicable provisions of Chapter 11-20, HAR (*Rules Relating to Drinking water Systems*); Chapter 11-21, HAR (*Cross-connection and Backflow Control*) and Chapter 11-25, HAR (*Rules Pertaining to Certification of Public Water System Operators*).

Prior to the start of construction, an application for the subdivision's potable water system will be prepared and submitted to the DOH, Safe Drinking Water Branch for their review and approval.

The proposed water system will be developed in compliance with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*). Water service laterals for potable and non-potable water will be provided for each agricultural lot. As the agricultural lots are developed, each lot owner will be responsible for tying in to the subdivision's potable and non-potable water systems by connecting to the service laterals on their lot. Lot owners will also be responsible for providing the City and County with plumbing fixture unit counts and fire flow calculations as part of the building permit application process for the agricultural lots. Individual lot owners may choose to utilize water conservation measures (e.g., automatic drip and sprinkler irrigation systems with time controls and rain sensors, drought-tolerant landscape plantings, and low-flow plumbing fixtures) when developing their lots in the future but the use of these systems will be strictly on a voluntary basis.

Based on projected groundwater use and modifications to the CWRM water use permits, the Mokulēiʻa Aquifer System's unallocated supply is expected to increase and would provide a significant benefit to

other land owners and water users of the aquifer system. Currently, the existing permits governing the water allocation for the Ranch allow ~~2.85~~ 2.35 MGD for use by the Dillingham Ranch and 0.5 MGD for NSWC, while the combined future water use is projected to be ~~0.94~~ 1.163 MGD~~, a decrease of 66 percent~~.

4.11.2.3 Mitigation Measures

The operation and management of the private water system shall comply with Chapter 11-20, HAR (*Rules Relating to Public Water Systems*).

The Proposed Project will not result in any adverse, long-term impacts to any public or private water systems. Therefore, no mitigation measures are required.

The Applicant's proposed improvements within the Project Site to the NSWC system to improve water service and availability to the Proposed Project (replacing NSWC's Well 3410-01 with two refurbished and modernized wells that are currently owned by the Applicant [3310-01 and 3310-02]) will address the current deficiencies in the NSWC supply (lack of storage reservoir, insufficient pressure, limited pumping capacity and emergency back-up). Any water system improvements needed outside of the Proposed Project remains the responsibility of the NSWC.

To Whom It May Concern:

Background: My name is Ivana Albert and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet per two acres. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. There will be no one to regulate these "farm homes" to be sure that there are no illegal vacation rentals and to be sure that these land owners are actually farming. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

As of 2/15/2018 There are over 6,000 online petition signatures against this project with more signatures each day. The petition can be found at the following link:

https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Ivana Albert 4679 Aukai ave Hon. HI 96816

Signature Address

To Whom It May Concern:

Background: My name Laden Albrecht and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Laden Albrecht

Signature

67-232 KAHAONE LP APT A

Address

To Whom It May Concern:

Background: My name Melody Allen and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

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Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

59-297 Pupukea Rd.

Address

To Whom It May Concern:

Background: My name is Varina Amantiad and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address 61-168 Punalau PL
Haleiwa, HI 96712

Yago, Joette P

From: Asia Anderson <asiabrynne@gmail.com>
Sent: Wednesday, February 21, 2018 9:42 PM
To: Yago, Joette P
Subject: Mokuleia Project

To Whom It May Concern:

My name is Asia Anderson and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.
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https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,
Asia Anderson

Sent from my iPhone

To Whom It May Concern:

Background: My name MAKUA PUNOA and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address 53-336 KAM HWY. HAUULA, HI. 96717

Background: My name Paul Baker and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo.

Signature

253 Wela Lp, Honolulu, Hi 96818
Address

Background: My name Stephanie Baker and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, four are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.

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http://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-developmen

Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

253 Wela Loop Honolulu HI 96818
Address

To Whom It May Concern:

Background: My name is Tara Bassett and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, four are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet per two acres. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. There will be no one to regulate these "farm homes" to be sure that there are no illegal vacation rentals and to be sure that these land owners are actually farming. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

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Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Tara Bassett — Signature

67-415 Kekauwa St. Waialua HI 96791 — Address

Background: My name Jeff Bautista and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

230 Kulamanu Place

Address

Background: My name John Bautista and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

230 Kulamanu Place Honolulu

Address

Background: My name Matt Barista and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

230 Kolamanu Place

Address

Background: My name Michael Bautista and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

230 Kulani ane place

Address

Background: My name is Gillian Beck van Heemstra and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

GBVH
Signature

1427 SE 45th Ave, Portland, OR 97215
Address

To Whom It May Concern:

Background: My name Brady Bell and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address: 338 Kaliuna St
Waialua HI
96791

To Whom It May Concern:

Background: My name PAYCE BERRIDGE and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

68-121 AU STREET

Address

To Whom It May Concern:

Background: My name Alex BOTTA and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

67-216 Kuhi St
WAIALUA

Address

Background: My name Blake Briddell and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59-240 Kupio Rd Haleiwa 96712
Address

Background: My name Janet Brighenti and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was <u>entirely</u> wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Janet Brighenti
Signature

67-348 Kupahu St
POB 688 Waialua HI 96791
Address

To Whom It May Concern:

Background: My name is OSVALDO BRIGHENTI and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Osvaldo Brighenti

Signature

PO Box 688, Waialua HI 96791
67-348 KUPAHU STREET

Address

To Whom It May Concern:

Background: My name is Jesse Brodkin and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Jesse Brodkin

Signature

804 Kumukahi Pl.

Address

To Whom It May Concern:

Background: My name is Chelsea Burris and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Chelsea Burris — 227 Koa st. Apt. 3301, Wahiawa, HI 96786.

Signature — Address

To Whom It May Concern:

Background: My name is Naithynn Camacho and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

189 hihi ct unit 104
Address
wahiawa, HI 96786

To Whom It May Concern:

Background: My name is Delores Campbell and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Delores Campbell — 59-495 Alapio Rd, Haleiwa Hi 96712

Signature — Address

To Whom It May Concern:

Background: My name Shamus Carney and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-051 Akule St Waialua 96791

Address

To Whom It May Concern:

Background: My name FACUNDO CARRANZA and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

66-926 HEAU PL, WAIALUA HI 96791

Address

To Whom It May Concern:

Background: My name Daniel Carroll and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 66-1474 Kaukonahua rd Waialua HI

To Whom It May Concern:

Background: My name is Jason K. Chang and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Jason K. Chang 67-480 Kukea Circle

Signature Address Waialua, Hi 96791

To Whom It May Concern:

Background: My name is Mina Cheng and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

M Cheng

Signature

124 Hee Nalu Court, Wahiawa, HI 96786

Address

To Whom It May Concern:

Background: My name is Blake Child and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

332 E 300 N Midway, UT 84049

Address

Former resident at Mokuleia

To Whom It May Concern:

Background: My name is India Clark and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

2/18/18

Signature Address

To Whom It May Concern:

Background: My name is Ashley Cole & Ken and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

61-683 Kam 96712

Address

To Whom It May Concern:

Background: My name Kimberly Collins and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

67-106 Kila Way Waialua

Address

To Whom It May Concern:

Background: My name is Charlotte Cortés and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

91 1245 Franklin D. Roosevelt, Kapolei, HI 96707

Address

To Whom It May Concern:

Background: My name Tonya Coutsoukis and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Tonya M Coutsoukis
Signature

66-852 Keakula St. Waialua 96791
Address

To Whom It May Concern:

Background: My name is Chasea Crawford and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Chasea Crawford — 227 Koa St. Apt 3-301, Wahiawa, HI 96786

Signature — Address

To Whom It May Concern:

Background: My name is Granville E. Crawford and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Granville E. Crawford 227 Koa St. Apt. 3-301, Wahiawa, HI 96786

Signature Address

To Whom It May Concern:

Background: My name (Ed Cua) and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

61-147 IKUNAI

Address

Haleiwa, HI 96712

To Whom It May Concern:

Background: My name is DOUGLAS WATSON and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

[illegible] TANTALUS DRIVE, HONOLULU

Address

To Whom It May Concern:

Background: My name is Leiha'aheo Dias and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

4016 A Hōkū Ave, Honolulu
HI 96816

Address

Background: My name Kelcie Dowis and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was <u>entirely</u> wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

66-336 Pikai St. Haleiwa

Address

To Whom It May Concern:

Background: My name Lyle Ducker and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

61-230 Kamehameha Hwy Haleiwa, HI

Address

Yago, Joette P

From: Shaina Ducosin <umiko5683@gmail.com>
Sent: Thursday, February 22, 2018 12:19 PM
To: Yago, Joette P
Subject: Save Mokuleia

To Whom It May Concern:
Background: My name is Shaina and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.
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Shaina Ducosin

To Whom It May Concern:

Background: My name is Gina Eaves and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address 68-700 Crozier Dr.
Waialua, HI 96791

Background: My name Jaimee Egbert and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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http:www.change.org/p/Lauren-Matsumoto-TO-save-Mokuleia-dillingham-ranch-from-development

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Jaimee Egbert
Signature

41-264 Kam Hwy
Haleiwa HI
Address

To Whom It May Concern:

Background: My name is Karen Eto and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Karen T. Eto

Signature

94-574 Palai St Waipahu HI 96797

Address

Background: My name PATRICK ELLINGTON and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59-058 KUPAOA PL HALEIWA 96712
Address

To Whom It May Concern:

Background: My name is Jonathan English and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Jonathan English

Signature

292 Lehua Street B. Wahiawa, HI 96786

Address

To Whom It May Concern:

Background: My name is Melissa Erickson and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Mel Erickson — PO Box 293 Haleiwa HI

Signature — Address

Yago, Joette P

From: heather Ettleman <heathere808@gmail.com>
Sent: Wednesday, February 21, 2018 9:40 AM
To: Yago, Joette P
Subject: Please stop what you are doing!

[redacted]

To Whom It May Concern

Background: My name Heather Ettleman and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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--
Heather Ettleman

To Whom It May Concern:

Background: My name is NATE FLETCHER and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Nathaniel Fletcher — Signature

59 336 Pupu Kea Rd. — Address

To Whom It May Concern:

Background: My name is Nicole Fletcher and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

59 336 Pupukea Rd.

Address

To Whom It May Concern:

Background: My name Denise Foley and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Denise R. Foley

Signature

48-425 Kam Hwy
Kaneohe, HI 96744

Address

To Whom It May Concern:

Background: My name is SIMONA FOSSATI and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

67-916 KUHI STR. WAIALUA

Address

To Whom It May Concern:

Background: My name is Bridgette R. Franklin and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68 13A 110th ST Ewa Beach, HI 96706

Address

To Whom It May Concern:

Background: My name Jasmine Franklin and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

94149 Lumiauau St

Address

To Whom It May Concern:

Background: My name Patricia and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Patricia Fuentes

Signature

[illegible] godale ave.

Address

Background: My name JULIETA GARNIL and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59-602 Kamehameha Hwy, Haleiwa 96712
Address

Background: My name Patti Golden and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Patti Golden
Signature

66-134 Waialua beach Rd
Address Haleiwa HI 96712

To Whom It May Concern:

Background: My name Yarden Gambosh and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Yarden
Signature

59-610 Kam Hwy Haleiwa HI 96712
Address

To Whom It May Concern:

Background: My name William Gonzalez and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

830 Kolokolo Place

Address

To Whom It May Concern:

Background: My name is Bryant Goodman and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

55-550 Naniloa Loop, Laie Hawaii 96762

Address

To Whom It May Concern:

Background: My name Kainoa Goodrich and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Goodrich

Signature

66013-E Whitlum Beach Rd.

Address

To Whom It May Concern:

Background: My name Michael Gray and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

68-314 Olohio St Waialua 96791

Address

To Whom It May Concern:

Background: My name is Doreen Kekuawela Hagines and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Doreen Kekuawela Hagines — Signature

94-207 Waipahu st #401 Waipahu 96797 — Address

To Whom It May Concern:

Background: My name Kayla Hallanan and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Kayla Hallanan

Signature

AU St
68-023 Waialua, 96791

Address

To Whom It May Concern:

Background: My name is Jamie Ha's and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 91-1020 Mikohu St. 21U
Ewa Beach HI 96706

To Whom It May Concern:

Background: My name is MIKE HARADA and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Michael Harada

Signature

PO BOX 1173 - HALE'IWA

Address

To Whom It May Concern:

Background: My name Melanie K S Hatchie and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Melanie K S Hatchie

Signature

61280 A Kamehameha Haleiwa, HI 96712

Address

To Whom It May Concern:

Background: My name is Jan Harney and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Jan J. Harney — Signature

56-221 Kam Hwy. — Address

To Whom It May Concern:

Background: My name is Charlene Harvest and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Charlene Harvest — 66-070 Haleiwa Road

Signature — Address

To Whom It May Concern:

Background: My name is Marshall Harvest and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

66-070 Haleiwa Road

Address

To Whom It May Concern:

Background: My name is Keola Hayes and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

804 Kumukahi pl.

Address

To Whom It May Concern:

Background: My name Alex Helner and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

1484 Keolu Drive, Kailua, HI 96734

Address

To Whom It May Concern:

Background: My name is Destinee Hildebrandt and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

4435 Anuloop Wahiawa HI, 96786

Address

To Whom It May Concern:

Background: My name is Alicia Hill and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Alicia Hill

Signature

68-017 Lana Paina Pl
Moku Waialua, Hi
96791

Address

To Whom It May Concern:

Background: My name is Lily Hill and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68017 Laau Paina Place

Address

To Whom It May Concern:

Background: My name is Charlene Holly and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Charlene Holly — Signature

146 Apuka ct #104 Wahiawa 96786 — Address

To Whom It May Concern:

Background: My name Charlotte Honan and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

788 Kamehameha Hwy, Halawa

Address

To Whom It May Concern:

Background: My name Hannah Hughes and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59-066 Puula Rd.
Haleiwa, HI 96712

Address

Background: My name Mike Jeffrey and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Mike J
Signature

PO BOX 1173 - HALEIWA
Address

To Whom It May Concern:

Background: My name Christopher and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Christopher Joaquin (Joaquin)
Signature

66-919 Oliana St. Waialua, HI 967
Address

To Whom It May Concern:

Background: My name RICHARD SCOTT JOHANN and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

66-429 WAIALUA BEACH RD
Address HALEIWA, HI 96712

To Whom It May Concern:

Background: My name is Holly Johnson and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Holly John

Signature

59-241 #A Ke Nui Rd Haleiwa HI 96712

Address

To Whom It May Concern:

Background: My name Maylene Kamakea and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Maylene Kamakea

Signature

67-242 Kukea Circle

Address

To Whom It May Concern:

Background: My name is Zoe Karadimov and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Zoe Karadimov
Signature

94-1020 ANANIA CIRCLE #79
MILILANI, HI 96789
Address

To Whom It May Concern:

Background: My name is Napu Kim and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

1716 piiialoha

Signature

1716 piiialoha pl.

Address

To Whom It May Concern:

Background: My name is Alia Kramer and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Alia Kramer — 59-414 Kam Hwy Haleiwa HI 96712

Signature — Address

To Whom It May Concern:

Background: My name Gail Lacar and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Gail Lacar
Signature

P.O BOX 805 waialua HI 96786
Address

(Rio Laigo)

To Whom It May Concern:

Background: My name is RIO K. CAIGO and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

84-155 JADE ST. WAIANAE HI 96792

Address

To Whom It May Concern:

Background: My name Aaron M. Lanet and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

67-087 Naukana St. Waialua, HI 96791

Address

To Whom It May Concern:

Background: My name Kaleimaile Latronic and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Kaleimaile Latronic

Signature

59-395 Makana Rd
Haleiwa, HI 96712

Address

To Whom It May Concern:

Background: My name is Wailoa Latronic and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Wailoa Latronic

Signature

59-395 Makana Road

Address Haleiwa HI 96712

To Whom It May Concern:

Background: My name is Charmaine Lee and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

306 Kukaniloko St Wahiawa HI 96786

Address

To Whom It May Concern:

Background: My name is Mikiʻala Leslie and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet per two acres. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. There will be no one to regulate these "farm homes" to be sure that there are no illegal vacation rentals and to be sure that these land owners are actually farming. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

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Mahalo,

M. Leslie

Signature

87-1256 Hakimo rd. Waianae, HI. 96792

Address

To Whom It May Concern:

Background: My name is Shelly Leslie and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Shelly Leslie

Signature

PO Box 860930 Waialua, HI 96786

Address

54-132 Puuowa Street
Hauula, HI 96717

To Whom It May Concern:

Background: My name is Bryce Lau and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

To Whom It May Concern:

Background: My name is TORI LOCK and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-151 AU ST. #212
WAIALUA

Address

To Whom It May Concern:

Background: My name is Raina Loder and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 39465 Otomo Lane, Wahiawa 96786

To Whom It May Concern:

Background: My name is Kristina Long and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 68-055 Akule St #104
Waialua, HI 96791

To Whom It May Concern:

Background: My name BRETT LUCKADOO and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.

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Mahalo,

Signature

66-852 KEAKULA ST. WAIALUA 96791

Address

Background: My name KURT LUM and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Kurt Lum

Signature

68-326 KIKOU ST. WAIALUA 96791

Address

Background: My name Nikolas Lum and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Nikolas Lum

Signature

68-326 Kikou St.

Address

→

Please be aware of how much sewage will be going into the ocean and/or aquifer and how many cars will be on the road. The current infrastructure is already failing.

Background: My name Sean Lum and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Sean Lum

Signature

68-326 Kikou St. Waialua, Hi

Address

Background: My name is Terry Lum, I am a Mokuleia resident and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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As of February 21,2018, there are over 6,500 online petition signatures against this project with more signatures each day. The petition can be found at the following link:

https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Terry Lum

68-326 Kikou St
Waialua, HI 96791

To Whom It May Concern:

Background: My name is Kristi Magarro and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

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Mahalo,

Kristi DU Magarro — 86-195 Moeha Street, Waianae, HI 96792

Signature — Address

To Whom It May Concern:

Background: My name Leila Mayberry and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Leila Mayberry

Signature

66-314 Waialua Beach Rd
Haleiwa, Hi. 96712

Address

To Whom It May Concern:

Background: My name Jessica Malcolm and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

JMalcolm

Signature

61-355 Pohakuloa

Address

To Whom It May Concern:

Background: My name LINDSEY MATHEWS and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-236 CROZIER LOOP, WAILUA

Address

To Whom It May Concern:

Background: My name is Sina Mauga and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 91-268 Makalauna Pl.
Ewa Beach, HI
96706

To Whom It May Concern:

Background: My name RONY MAYLOTT and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

66-1474 C KAUKONAHUA RD. WAIALUA, HI

Address

To Whom It May Concern:

Background: My name is Bailey McCarthy and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Bailey McCarthy — Signature

1534 Magazine St Honolulu, HI 96822 — Address

Background: My name Niki Macay and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Niki Macay

Signature

56-275 Kekauona St Kahuku HI 96731

Address

To Whom It May Concern:

Background: My name is James F. McKinney and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

James F. McKinney 58-343 Mamao Pl. Haleiwa, HI 96712

Signature Address

To Whom It May Concern:

Background: My name is Prudence McKinney and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Prudence McKinney — Signature

58-343 Mamao PL. Haleiwa, HI. 96712 — Address

To Whom It May Concern:

Background: My name is Sandra McManis and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address

66-435 Paalaa Rd
Haleiwa, HI 96712

To Whom It May Concern:

Background: My name Marni McMullen and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-355 Olohio St. 96791

Address

To Whom It May Concern:

Background: My name Connie McNamara and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Connie McNamara

Signature

59-464 Alapi Rd

Address

To Whom It May Concern:

Background: My name Dana Matcalf and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Haleʻiwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Dana Matcalf

Signature

48-425 Kam Hwy Kaneohe HI 96744

Address

Yago, Joette P

From: Madeleine Miller <kaimanahawaii@icloud.com>
Sent: Wednesday, February 21, 2018 11:47 AM
To: Yago, Joette P
Subject: PLEASE SAVE MOKULE'IA
Attachments: CommunityFinal.pdf

To Whom It May Concern:

Background: My name is Madeleine Miller and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 68-055 Akule st.
#107 Waialua Hi
96791

To Whom It May Concern:

Background: My name is Leilani Mitchell. I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59064 Kamehameha Hwy. Haleiwa HI

Address

To Whom It May Concern:

Background: My name Jane Ann Musselman and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

2/22/18

Signature

Jane Ann Musselman

Address

To Whom It May Concern:

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Mahalo,

India Myers

Signature

62-343 Auwai Lane
Haleiwa, HI
96712

Address

To Whom It May Concern:

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Mahalo,

Signature

1814 Kahanu St
Honolulu HI 96819

Address

To Whom It May Concern:

Background: My name is Stephen Witkowski and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

92-1037 Paleakilani St. Mililani

Address

Background: My name Walt Novak and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

637-9154

68-155 Au St. Waialua 96791

Address

To Whom It May Concern:

Background: My name is Keoni Nozaki and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address 59-009 HOALUA ST
Haleiwa HI 96712

To Whom It May Concern:

Background: My name is John Oroyan and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

John Oro — 66-933 Akena Loop

Signature — Address

To Whom It May Concern:

Background: My name is Jaden Pang. I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59-741 Amaumau Pl. Haleiwa Hi 96712

Address

To Whom It May Concern:

Background: My name Brianna Payet and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

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Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Brianna Payet
Signature

66-351 Haleiwa Rd - Haleiwa HI 96712
Address

To Whom It May Concern:

Background: My name Pedro M. S. and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-016 Au St #D

Address

To Whom It May Concern:

Background: My name is Dana Peluso and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Dana Peluso — Signature

1810 Quinue Ct unit 105 Waianae, HI 96786 — Address

To Whom It May Concern:

Background: My name is ERIK PEÑARANDA and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-416 KIKOU STREET, WAIALUA, HI 96791

Address

To Whom It May Concern:

Background: My name is Carol Philips and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Carol Philips

Signature

66-117 Awai Lane, Haleiwa, HI 96712

Address

To Whom It May Concern:

Background: My name is Keoni Samuel Picollo and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

67196 Kuhi St, Waialua, HI, 96791

Address

To Whom It May Concern:

Background: My name is Shannon Ponte and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

1214 Richard Lane Honolulu, HI 96819

Address

To Whom It May Concern:

Background: My name is Eryn Pope and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

272 Sperry Loop, Wahiawa 96786

Address

To Whom It May Concern:

Background: My name is Drew Pringle and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Drew A Pringle

Signature

59-225 Ke Nui road

Address Haleiwa HI 96712

To Whom It May Concern:

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Mahalo,

Signature

66893 Kamakahala St. Waialua HI 96791

Address

To Whom It May Concern:

Background: My name Sabrina Real and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 59-549 Keiki Rd.
Haleiwa 96712

To Whom It May Concern:

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Mahalo,

Signature

Address 95 1061 Meekowo St
Mililani Hi 96789

To Whom It May Concern:

Background: My name Haley Rizkallah and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Haley Rizkallah

Signature

67-216 Kuhi St.
Waialua, HI 96791

Address

To Whom It May Concern:

Background: My name Olga Rodriguez and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Olga A Rodriguez
Signature

6652 Kamehameha hwy
Address

mother owned that mountain side before the Gov. took it for the war

To Whom It May Concern:

Background: My name is Daniel Rodriguez and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 66-290 Haleiwa Rd
Haleiwa HI

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Mahalo,

Signature

122 A Manola Ave. Wahiawa 96786

Address

To Whom It May Concern:

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Mahalo,

Iwalani S.Y. Sanders

Signature

66-013# E Waialua
PO Box 176 Haleiwa
96712

Address

Background: My name Kawailehua Santiago and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

1872 Laniloa place Wahiawa, HI 96786
Address

To Whom It May Concern:

Background: My name is Marcos Santos and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address

To Whom It May Concern:

Background: My name Phillip Santos and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Phillip Santos

Signature

Iliana St 4021

Address

To Whom It May Concern:

Background: My name is KEVAN SCOTT and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Bx. 62, 96791

Address

To Whom It May Concern:

Background: My name DANIEL SMES and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

RUA AMMAS PLACE 352 - 320 PACIFIC BEACH

Address

To Whom It May Concern:

Background: My name Janine Sherry and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59-229A Kelani Rd. Haleiwa, HI 96712

Address

To Whom It May Concern:

Background: My name is Kara Shirreffs and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Kara Shirreffs

Signature

91-1161 Keoneula Blvd. Apt. Q6 Ewa Beach, HI 96706

Address

To Whom It May Concern:

Background: My name is David Shormann and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

61-679 Kam 96712

Address

To Whom It May Concern:

Background: My name is Ellie Shomaan and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address: 61-679 Kawi 96712

To Whom It May Concern:

Background: My name is Karen Shormann and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Karen Shormann

Address 61-679 Kam
96712

To Whom It May Concern:

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Mahalo,

1/17/18	68-700 CROZIER DR WAIALUA HI 96791
Signature	Address

To Whom It May Concern:

Background: My name is Ellyn Sellers and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Ellyn Sellers — Signature

59405 Pupukea Rd 96712 — Address

To Whom It May Concern:

Background: My name Melissa Spectre and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

Address 59-075 Puula Rd.,
Haleiwa, HI 96712

To Whom It May Concern:

Background: My name is ASHLEY STANULIS and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

59-111 PAUMALU PL
HALEIWA HI 96712

Address

To Whom It May Concern:

Background: My name Sheri Stewart and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

66-769 Haleiwa Rd Haleiwa

Address

96712

To Whom It May Concern:

Background: My name Jade Storms and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Jade Storms

Signature

68-314 Olohio St. Waialua

Address

To Whom It May Concern:

Background: My name Colin Strandberg and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Colin Strandberg

Signature

68-023 AU St. Waialua, HI 96791

Address

To Whom It May Concern:

Background: My name Gunnar K. Strandhagen and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 66-429 waialua beach Rd. 96712 Haleiwa HI

To Whom It May Concern:

Background: My name is Corey Sumile and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

92-1300 Punawainui St Kapolei, HI 96707

Address

To Whom It May Concern:

Background: My name Lynette Talbogs and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Lynette Talbogs

Signature

2-21-18

Address

To Whom It May Concern:

Background: My name is Tiffin Taylor and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

87-152 Kaleiwohi St. Waianae, Hi 96792

Address

Background: My name VICKI L. TAYLOR and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

67-432 Kioe Street
Address WAIAHUA

To Whom It May Concern:

Background: My name is Laura Teramoto and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

804 Kumukahi pl.

Address

Background: My name Zara Thigpen and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was <u>entirely</u> wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

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As of 2/15/2018 There are over 6,000 online petition signatures against this project with more signatures each day. The petition can be found at the following link:

[illegible]

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

RECEIVED FEB 23 2018

Zara Thigpen
Signature

58-301 Kaunala Pl #2 Haleiwa, HI 96712
Address

To Whom It May Concern:

Background: My name is Susie Thomas and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

68-434- Kuku St

Address

To Whom It May Concern:

Background: My name is MATT TOMKINS and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

66-683 HALEIWA RD, HALEIWA, HI 96712

Address

To Whom It May Concern:

Background: My name Cappy Tsou and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

59-608 Kawa Pl. Haleiwa HI 96712

Address

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Mahalo,

[illegible]

Signature

95-222 Kaedani Place Mililani, HI 96789

Address

To Whom It May Concern:

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Mahalo,

Signature

5531 Kamehameha Hwy

Address

To Whom It May Concern:

Background: My name is Bethaney Valverde. I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Bethaney Valverde — Signature

55-475 Palekana St. Laie, HI 96762 — Address

To Whom It May Concern:

Background: My name is Nel Venzon and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 91-1017 Kamaaha Avenue
Kapolei, HI 96707

Background: My name Kainoa Villareal and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-100 AU Street Waialua HI 96791

Address

To Whom It May Concern:

Background: My name Lindsay Vetter and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

Address 59-395 Makana Rd., Haleiwa, HI 96712

To Whom It May Concern:

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Mahalo,

Signature

54-652 Puuwaa Haleiwa

Address

HI 96712

To Whom It May Concern:

Background: My name is Tani Whitehead and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect the drinking water source to Waialua and the north shore?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly even chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet per two acres. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. There will be no one to regulate these "farm homes" to be sure that there are no illegal vacation rentals and to be sure that these land owners are actually farming. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

59-404 Kamehameha Hwy
Haleiwa, HI 96712
Address

To Whom It May Concern:

Background: My name is Tiana J. Whitehead and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Tiana J. Whitehead
Signature

292 Lehua Street B. Wahiawa, HI 96786
Address

To Whom It May Concern:

Background: My name is Brianne Williams and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Brianne Williams — 66-070 Haleiwa Road

Signature — Address

To Whom It May Concern:

Background: My name is LaShonda Williams and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

5458 Gallup St. Wahiawa, HI 96786

Address

To Whom It May Concern:

Background: My name is Sunshine M. Williams and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Signature

68-121 Waialua Beach Rd
Waialua HI 96791

Address

To Whom It May Concern:

Background: My name is Troy Williams and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Troy Williams

Signature

66-070 Haleiwa Road

Address

To Whom It May Concern:

Background: My name is Josiah Willis and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Josiah Willis

Signature

2121 Paukauwaho PL

Address

To Whom It May Concern:

Background: My name is Sharon Winton and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Mahalo,

Sharon Winton — 4679 Aukai ave. Hon. HI 96816

Signature — Address

To Whom It May Concern:

Background: My name Bailey Withrow and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Bailey Withrow — Signature

66-429 Waialua Beach — Address

To Whom It May Concern:

Background: My name Jeremy Withrow and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

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Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Jeremy Withrow

Signature

66-429 Waialua Bc

Address

HHF PLANNERS
places for people

January 7, 2019

Dear Participant:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokulēʻia to First Hawaiian Bank in Haleʻiwa. In the event of a power outage or natural disaster which often occurs in Mokulēʻia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleʻiwa and Waialua area. Once this happens, the effects can never be reversed.*

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

Response: The wastewater treatment will have emergency back-up power. The subject of wastewater is discussed in detail in Section 4.11.3 and Appendix A of the Draft EIS. The Proposed Project will develop a private wastewater collection and treatment system which will be designed, built, and operated in accordance with the City and County of Honolulu *Design Standards of the Department of Wastewater Management*, Volume 1 and 2 (1993) and Chapter 11-62, Hawaiʻi Administrative Rules (HAR) pertaining to *Wastewater Systems*. The wastewater treatment process will involve the following steps: 1) screening wastewater for debris; 2) conveying the wastewater through an equalization basin; 3) passing the wastewater through a membrane bioreactor; and 4) disinfecting the wastewater with ultraviolet light to produce recycled R-1 water. R-1 treatment is the highest level of wastewater treatment, and can be re-used for agricultural purposes without restriction, without impact to soil and groundwater resources. It should be pointed out that the wastewater treatment plant is a more environmentally sensitive approach to treatment than either cesspools or septic systems. A large percentage of dwellings on the North Shore are serviced by these latter two types of systems, which are more environmentally damaging than treatment to an R-1 level and recycling for agricultural purposes.

2. *The following native water birds were observed during a 2014 field study: Back crowned night heron, Hawaiian Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, four are endangered. In fact, the Native Hawaiian Duck population was <u>entirely</u> wiped out on Oʻahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this*

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>
> *Question 2: How will you ensure that the indigenous aid endangered species are not traumatized or reduced in population as a result of the project construction?*

Response: No listed, threatened or endangered species have been found on the Project Site during surveys conducted for the EIS. It is acknowledged that some species may use the Project Site, although they were not identified during the surveys. It is also acknowledged that there are four endangered species of water birds that inhabit a man-made pond near Farrington Highway, which was created during sand mining activities that were ongoing during the 1970s and 1980s. These include the: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is not near any of the construction activities proposed for the agricultural subdivision. Mitigation measures have been included in the EIS to ensure that these species and their habitat are not harmed.

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

With respect to the ʻōpeʻapeʻa (Hawaiian hoary bat), biological resources for the Proposed Project are discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the Project Site, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping*

season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."

The Draft EIS offers the following minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

3. *The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oʻahu or to the mainland. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?*

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

Response: Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaiʻi, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls, including Hawaiʻi Revised Statutes Chapter 226. The Conditions, Covenants and Restrictions (CC&Rs) will provide the mechanism to ensure that the design, development and land use standards of the Proposed Project are followed.

The landowner has committed to only allowing one farm dwelling on each parcel. This limitation will be memorialized in the CCRs governing the subdivision. There will also be a specific prohibition on the use of the property as vacation rentals**.**

4. *The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.*

Response: Traffic is discussed in detail in Section 4.11.1 and Appendix I of the Draft EIS. The Traffic Impact Analysis Report (TIAR) concluded that after completion of the Proposed Project, all external intersections are expected to operate at acceptable levels of service. Further, the Draft EIS concludes that *"…the Proposed Project will not result in any significant impacts to traffic and roadways in the vicinity of the Project Site, and no mitigation measures (other than*

for short term construction-related traffic) are required" TIARs provided within the EIS phase are generally required to identify a project's traffic-related impacts during full build-out. Construction-related traffic is generally assessed closer to the time of construction when a contractor, once selected, is able to identify planned staging areas, anticipated schedules and traffic demands, and proposed vehicle paths. The findings and recommendations are included within a Construction Management Plan (CMP) which is provided as a mitigation measure in the Draft EIS.

5. *As of 2/15/18 There are over 6,000 online petition signatures against this project with more signatures each day. The petition can be found at the following link: https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development*
   Please listen to the people, do NOT allow the development of Dillingham Ranch by Kennedy Wilson!

Response: Your reference to the petition is acknowledged.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.

Letter of Opposition

2018 FEB 16 PM 4:40

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2.14.18

To Whom it May Concern,
I am Dustin Anderson, a North Shore resident living at
66-125 Awai Lani Apt E Haleiwa HI 96712.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you

Respectfully, Dustin Anderson
Phone: 808-369-6042

Letter of Opposition

2018 FEB 20 PM 4:11
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 17 Feb. 2017

To Whom it May Concern,
I am Cynthia Archibald, a North Shore resident living at
68-116 Av St. Waialua, HI 96791.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Cynthia Archibald
Phone: 808-227-1101

Letter of Opposition

Date: Eb. 19. 2018

To Whom it May Concern,
I am Kimberly Angniano, a North Shore resident living at 67-2223 Kukea avde Haleiwa 96791.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Kimberly Angniano
Phone: 8186062642

Letter of Opposition

2018 FEB 23 PM 4:19
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/14/18

To Whom It May Concern,
I am Aiko Asano, a North Shore resident living at
66-290 Haleiwa Road.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2 We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001 The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property Once the project has started, there is no rewinding the process.

Thank you

Respectfully, Aiko Asano
Phone: 688-8754

Letter of Opposition

Date: FEB 16, 18

To Whom It May Concern,
I am KEITH K. OWAI, a North Shore resident living at
66-280 HALEIWA Rd. 96712

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully,
Phone: 808-637-5827

Letter of Opposition

Date: 2/17/18

To Whom it May Concern
I am Brian Clark, a North Shore resident living at
68-059 Waialua Beach Rd #B
Waialua, HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully,
Phone: 414 802 2337

Letter of Opposition

Date: 2-14-18

To Whom it May Concern,
I am Jonathan Breuer, a North Shore resident living at
59-420 Wilinau RD Haleiwa HI 96712.

Please stop the Kennedy Wilson development at Dillingham Ranch which will only lead to more and more "fake" farms that will overburden an already fragile and unsupported infrastructure of roads, water, schools and public services.

Why can't the State or county do a bond issue to raise funds to buy the Ranch, develop a coconut farm, which would generate jobs, income for the State and still preserve this pristine environment that hosts, endangered Coots, other birds, rare plants and wildlife? Part of this land could be made into a public park as well! There are historic Hawaiian cultural sites, including Heiaus sprinkled throughout the Ranch which also would be destroyed.

Lastly, these developments will mostly end up as large houses *pretending* to be farms (gentlemen farms and/or illegal vacation rentals)... Importantly, these developments will end up cheating the State out of much needed tax dollars because when falsely zoned Ag 2, owners will pay *amuch* lower tax rate.
Stop the Kennedy Wilson development of Dillingham Ranch! Please!

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Jon Breuer
Phone: 808-638-9583

Letter of Opposition

2018 FEB 20 PM 4:10
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/16/18

To Whom it May Concern,
I am RW Broadfoot, a North Shore resident living at
68-004 Laau Pohina Pl "B" Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, RW Broadfoot
Phone: 808-260 0138
RW Broadfoot

Letter of Opposition

Date: 2/14/18

To Whom it May Concern,
I am Gopal Butler, a North Shore resident living at
59-215 Ke Nui Rd. Haleiwa, HI 96712

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, Gopal Butler
Phone: 808-637-1243

Letter of Opposition

Date: 2/14/18

To Whom it May Concern,
I am Amber Clarke, a North Shore resident living at Haleiwa.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Amber Clarke
Phone: 321-720-2252

Letter of Opposition

RECEIVED
FEB 23 2018
DEPT. OF PLANNING AND PERMITTING

Date: 2/20/18

To Whom It May Concern,
I am Erin Clemons, a North Shore resident living at
59-555 Hoaliku Rd, Haleiwa, HI 96712.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Erin Clem
Phone: 217-433-3391

Letter of Opposition

Date: 2-16-2018

To Whom it May Concern,
I am Andrew Eck, a North Shore resident living at
67-395 Farrington Highway, Waialua.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Andrew Eck
Phone: 808-637-6488

Letter of Opposition

RECEIVED
FEB 23 2018
DEPT. OF PLANNING AND PERMITTING

Date: 2/20/18

To Whom it May Concern,
I am Mrs. Estrella, a North Shore resident living at Kahuku Area 56541 Kamehameha Hwy.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Mrs Estrella
Phone: 808 638 5859 mahalo.

Letter of Opposition

Date: _____

To Whom it May Concern,
I am Malia Evans, a North Shore resident living at Ka ahupua'a o Kamehanui o Ka moku o Wai'alua

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Malia Evans
Phone: 808-728-7674

Letter of Opposition

Date: 2/16/18

To Whom it May Concern:
I am Mahealani Farrell, a North Shore resident living at Haleiwa

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you

Respectfully, Mahealani Farrell
Phone: 8086738278

Letter of Opposition

2018 FEB 28 AM 8:09

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2-26-2018

To Whom it May Concern,
I am James Frisbie, a North Shore resident living at
67-209 Niumaloo Pl. Waialua, 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, James Frisbie
Phone: 285-9337

Let us protect our open spaces, view planes. We need to protect not develop. When we do "develop" we need to build affordable housing for the "common" people. Thank you

Letter of Opposition

2018 FEB 23 PM 1:18

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/20/18

To Whom it May Concern,
I am Kainoa Goodrich, a North Shore resident living at
66437 Kamehameha Hwy unit #176.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulela. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, K Goodrich
Phone: 808-741-5582

Letter of Opposition

2018 FEB 23 PM 4: 18

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2-17-2018

To Whom it May Concern,
I am TIMOTHY W. GOODRICH a North Shore resident living at
66-437 KAMEHAMEHA HWY #176.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, [signature]
Phone: 808 741-8806

Letter of Opposition

Date: 2/14/18

To Whom it May Concern,
I am HIROMI HASEGAWA-SMITH, a North Shore resident living at,
67-406 KIOE St. Waialua, HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, [signature]
Phone. _____

Letter of Opposition

Date: 2-15-18

To Whom it May Concern,
I am Betsy Hatter, a North Shore resident living at
59-511 Makana Rd Haleiwa

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Betsy L Hatter
Phone: 341-4029

Letter of Opposition

ENVELOPE:
66477 PAALAA RD
APT. 214
HALEIWA, HI
96712

Date: 2/14/18

To Whom it May Concern,
I am Kristin Hertzog, a North Shore resident living at
66-279 Haleiwa RD Haleiwa, HI.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulela. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, [signature]
Phone: 425-923-6878

Letter of Opposition

Date: 2/18/18

To Whom it May Concern,
I am Marie Hite, a North Shore resident living at
59-185 Kenui St. Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majonty of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Mhite
Phone: 358-5833

Letter of Opposition

Date: 2/14/2018

To Whom it May Concern,
I am Cherlette Honan, a North Shore resident living at Waimea Bay area.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18 000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws which remove vital farmlands that should instead be used for growing food rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully,
Phone: 808-457-6011.

Letter of Opposition

Date: 21 Feb 2018

To Whom it May Concern,
I am Chris Johnston, a North Shore resident living at
65-042 Hukilau Loop, Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, [signature]
Phone: 808-321-0969

Letter of Opposition

Date: 21 Feb 2018

To Whom it May Concern,
I am Shayna Johnston, a North Shore resident living at
65-042 Hukilau Loop, Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2 We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully,
Phone: 8083210859

To Whom It May Concern:

Background: My name Jordan Lawson and I am writing to you today because I strongly oppose the Dillingham Ranch development project. The proposed project will place a sewage treatment plant above an Aquifer that spreads from Mokuleia to First Hawaiian Bank in Hale'iwa. In the event of a power outage or natural disaster which often occurs in Mokuleia, this treatment facility can fail resulting in contaminating a large and vital water source for the entire Haleiwa and Waialua area. Once this happens, the effects can never be reversed.

Question 1: How will you assure that the loss of power to the sewage treatment plant does not affect this water source?

The following native water birds were observed during a 2014 field study: Black crowned night heron, Hawaiin Coot, Hawaiian common moorhen, Hawaiian Duck, and the Black-necked stilt. Out of these five species of birds, **four** are endangered. In fact, the Native Hawaiian Duck population was entirely wiped out on Oahu. The species had to be re-introduced from Kauai. Kennedy Wilson claims that they will not destroy the habitat of these animals. Even if this is true, all of the construction noise and traffic caused by this project will greatly disrupt these animals and possibly chase them out of the habitat they are currently thriving on. This project also endangers a variety of Native Hawaiian Wildlife that currently populate the ranch: Hawaiian Butterflies, native snails, the Hawaiian Hoary bat can all be found at Dillingham.

Question 2: How will you ensure that the indigenous and endangered species are not traumatized or reduced in population as a result of the project construction?

The 70 lots that are in the plan will sell for millions and are allowed one "farm residence" with a maximum size of 5,000 sq. feet. The average Hawaii home is 1,300 sq. feet. These are not homes for the people of the North shore, these are homes for the wealthy. The entire north shore community has been overrun by illegal vacation rentals, resulting in the rent skyrocketing, displacing many local families, forcing them to relocate to other parts of Oahu or to the mainland. We do not need any more vacation rentals on the north shore; we require actual farms on our ag land for a self-sustainable community. The EIS claims these home owners will regulate the property, but what about regulation from the state and city?

Question 3: How do you ensure that the 70 lots will be farms and not include structures that can be used as vacation rentals?

The proposed project will also increase traffic along Farrington Highway. Large trucks will need to turn into the ranch during the construction process, slowing down traffic on the old, two lane highway. The traffic will continue once the project is finished, as 70 new homes equal at-least 140 more cars on Farrington Highway! The north shore community deals with enough traffic and does not need anymore.

As of 2/15/2018 There are over 6,000 online petition signatures against this project with more signatures each day. The petition can be found at the following link:

https://www.change.org/p/lauren-matsumoto-to-save-mokuleia-dillingham-ranch-from-development

Please listen to the people, do **NOT** allow the development of Dillingham Ranch by Kennedy Wilson!

Mahalo,

Signature

PO Box 911278 Waialua Hi, 96791

Address

Letter of Opposition

RECEIVED
FEB 23 2018
DEPT. OF PLANNING AND PERMITTING

Date: Feb. 21, 2018

To Whom it May Concern,
I am Kaulamealani Diamond, I am not a North Shore resident but a North Shore resident living at am a Native Hawaiian who works on the North Shore for 10 yrs.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws which remove vital farmlands that should instead be used for growing food rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you.

Respectfully, Kaulamealani Diamond
Phone: 808-381-2763

We need to preserve what āina is left on the North Shore. The Dillingham Ranch area, faced with development w/no guarantee that it protect + preserve any culture site(s). Will the ranch lands be able to sustain the development? What about sewage + run-off? Mālama i ka āina!!!

Letter of Opposition

2018 FEB 20 PM 4: 11

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date 17-FEB-2018

To Whom it May Concern,
I am Seth Kirchbaum, a North Shore resident living at
68-116 Au Street, WAIALUA, HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these "developers". Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully,
Phone: 808 223 6316

Letter of Opposition

2018 FEB 20 AM 9:11

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 02/14/2018

To Whom it May Concern,
I am Leah M Koonce, a North Shore resident living at
62-204 Emerson Road B Haleiwa, Hawaii 96712.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Leah M Koonce
Phone (808) 541-9521

Letter of Opposition

Date: 2.15.18

To Whom it May Concern,
I am Krystal Kulberg, a North Shore resident living at
68-129 Waialua Beach RD Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, K Kulberg
Phone: (209) 456-0062

Letter of Opposition

Date: 2/14/18

To Whom it May Concern,
I am Laurina Lacar, a North Shore resident living at
67-157 Kuokoa St. Waialua, Hi 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch. AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, Laurina Lacar
Phone: 808 637-7187

Letter of Opposition

Date. Feb 14, 2018

To Whom it May Concern.
I am Renie Lindley, a North Shore resident living at
Haleiwa Hawaii

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully. [signature]
~~Phone~~. renieusong@yahoo.com

Letter of Opposition

2018 FEB 20 AM 9:08

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/14/2018

To Whom it May Concern,
I am PATRICIA MANALO, a North Shore resident living at
66-910 WANIANI ST WAIALUA HI 96791.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch .AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you.

Respectfully, Patricia Manalo
Phone: 808-352-7067

Letter of Opposition

2018 FEB 23 PM 4: 18

DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/15/2018

To Whom it May Concern,
I am ZACHARY S. MATHIAS, a North Shore resident living at 59-788 Kamehameha Hwy, Haleiwa, Hi 96712.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully: Zachary Mathias
Phone: 714-793-1084

Letter of Opposition

2018 FEB 23 PM 4: 17

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/21/2018

To Whom it May Concern,
I am Gloria Nakirnu, a North Shore resident living at
67-257 Farrington Hwy Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Gloria Nakirnu
Phone: 808 699-0708

Letter of Opposition

2018 FEB 16 PM 4:40

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/14/18

To Whom it May Concern,
I am Amandi Nedomansky a North Shore resident living at
58-125 Kuia Place Unit B Haleiwa, HI 96712

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you

Respectfully, Amandi Nedomansky
Phone: 808 333-0900

Letter of Opposition

Date: 02/19/18

To Whom it May Concern,
I am Eli Noyes, a North Shore resident living at
68-088 Akule St. Apt. E Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!"
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you Please Help sustain the last remaining bits of Oahu's agriculture. THE Beautiful sacred land. GOD BLESS.

Respectfully, Eli Noyes
Phone: 808-348-7742

Letter of Opposition

Date: 9/21/18

To Whom it May Concern,
I am Adan Nunez Sr., a North Shore resident living at
68-032 Laau Paina Pl, Waialua, HI 96791.

Please stop the Kennedy Wilson development at Dillingham Ranch which will only lead to more and more "fake" farms that will overburden an already fragile and unsupported infrastructure of roads, water, schools and public services.

Why can't the State or county do a bond issue to raise funds to buy the Ranch, develop a coconut farm, which would generate jobs, income for the State and still preserve this pristine environment that hosts, endangered Coots, other birds, rare plants and wildlife? Part of this land could be made into a public park as well! There are historic Hawaiian cultural sites, including Heiaus sprinkled throughout the Ranch which also would be destroyed.

Lastly, these developments will mostly end up as large houses *pretending* to be farms (gentlemen farms and/or illegal vacation rentals)... Importantly, these developments will end up cheating the State out of much needed tax dollars because when falsely zoned Ag 2, owners will pay *amuch* lower tax rate.
Stop the Kennedy Wilson development of Dillingham Ranch! Please!

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully Nunez
Phone: 808-853-7168

P.O. Box 174
Kahuku, HI 96731

Letter of Opposition

2018 FEB 20 AM 9:11

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/14/2018

To Whom it May Concern,
I am Emilia Perry, a North Shore resident living at Sunset Beach.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Emilia Perry
Phone: 808 387 7425

Letter of Opposition

Date: 2-14-18

To Whom it May Concern
I am Francisco P Peterson, a North Shore resident living at
66-477 Paalua Rd Haleiwa Hi 96712

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you.

Respectfully, [signature]
Phone: 808 699-7879

Letter of Opposition

RECEIVED
FEB 2[illegible] 2018
DEPT. OF PLANNING AND PERMITTING

Date: 2·20·18

To Whom it May Concern,
I am Mariah Piliqichaokalanimaulea, a North Shore resident living at Waialua.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws which remove vital farmlands that should instead be used for growing food rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, Mariah Piliqichaokalanimaulea Leslie
Phone. 808-540-3372

My family has resided in Waialua/Haleiwa for over 60 years, we have seen many developments and changes throughout the years. Enough is enough, malama aina and stop trying to develop every piece of land.

Letter of Opposition

2018 FEB 16 PM 4:49

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/14/2018

To Whom it May Concern
I am RAYMOND QUICK, a North Shore resident living at
66-409 PAALAA RD, HALEIWA HI 96712

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully,
Phone: 8083497324

Letter of Opposition

2018 FEB 16 PM 4:40

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date 2-14-2018

To Whom it May Concern,
I am THOMAS H QUECK, a North Shore resident living at
66-409 PAALAA RD Haleiwa.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, [signature]
Phone: 808-824-0642

Letter of Opposition

Date: 2/15/18

To Whom it May Concern,
I am Raymond Taylan, a North Shore resident living at

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Raymond Taylan
Phone: 258-2340

Letter of Opposition

Date: 2 | 17 | 18

To Whom it May Concern,
I am Angela Salisbury, a North Shore resident living at
67-234A Kahaone Loop, Waialua, HI 96791.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Angela Salisbury
Phone: 808-261-3913

Letter of Opposition

Date 2/16/18

To Whom it May Concern
I am Alais Samala, a North Shore resident living at
Waialua, HI 96791 Lani Bains Pl.

We strongly oppose the Kennedy Wilson proposal [illegible] of the Dillingham Ranch in Mokuleia [illegible] puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws which remove vital farmlands that should instead be used for growing food rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, [signature]
Phone: 808392-5161

Letter of Opposition

2018 FEB 23 PM 4: 18

DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/17/18

To Whom it May Concern,
I am Iwalani Sy Sanders, a North Shore resident living at
PO Box 176 Haleiwa 96712
66-013 # E Waialua Beach Rd. Haleiwa

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulela. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Iwalani Sy Sanders
Phone: 637.4080 741 8803

My family goes back to
1800 -
Aiau Kaiakawaha
from Kawaihaipai

Letter of Opposition

2018 FEB 23 PM 4: 18

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/20/18

To Whom it May Concern,
I am Kimo Sanders, a North Shore resident living at
66-437 Kamehameha #176
HALEIWA, Hi. 96712

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, [signature]
Phone: 637-4080

Letter of Opposition

Date: Feb. 21, 2018

To Whom it May Concern,
I am Lela Smith, a North Shore resident living at
67-120 Kuhi Street, Waialua, HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch .AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Lela Smith
Phone: 808-227-6356

Letter of Opposition

2018 FEB 16 PM 4:40

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/14/18

To Whom it May Concern,
I am Christopher Stacy, a North Shore resident living at
61-141 Ikuwai Pl. Haleiwa, HI 96712.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Christopher Stacy
Phone: 808-388-6164

Letter of Opposition

2018 FEB 23 PM 4:20
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: 2/20/18

To Whom it May Concern,
I am Daniel Stritt, a North Shore resident living at
68-128 Waialua Beach Road Waialua, HI 96791.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2 We are at great risk of continuing the abuse of Ag zoning laws which remove vital farmlands that should instead be used for growing food, rather than oversized houses We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully,
Phone: 859 240 5465

Letter of Opposition

2018 MAR -5 AM 8: 14

CITY

Date: 2/20/2018

To Whom it May Concern,
I am Crystina Suh, a North Shore resident living at
66-829 Waianai St.

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process

Thank you

Respectfully,
Phone: 808-426-8669

Letter of Opposition

Date: February 15, 2018

To Whom it May Concern,
I am Michelle Thompson & Larry Russo a North Shore resident living at
59-538 Makana Rd. Apt. A Haleiwa, HI 96712

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you.

Respectfully, Michelle Thompson & Larry Russo
Phone: _____

Letter of Opposition

Date: 2/14/2018

To Whom it May Concern:
I am Judge Thomson, Kawena Thomson, a North Shore resident living at
68-434 Kikoo St. Waialua HI 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers. Stop this development please"
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, Judge Thomson
Phone 808-288-9[illegible]

Letter of Opposition

2018 FEB 26 AM 9:38

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Date: feb 17, 2018

To Whom it May Concern,
I am Sarah Anne Thomson a North Shore resident living at
68-434 Kikou Street Waialua 96791

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you

Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.

Thank you

Respectfully, Sarah A Thomson
Phone: 801 815 6920

Please don't do this. This will ruin our community.

Letter of Opposition

RECEIVED
FEB 28 2018
DEPT. OF PLANNING AND PERMITTING

Date: 2/20/2018

To Whom it May Concern,
I am PAULINE GABRIEL, a North Shore resident living at
KAHUKU

We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokuleia. It puts at risk one of the last pristine areas on the North Shore. With over 18,000 acres currently for sale on the North Shore , most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses. We only have 6 days of food on O'ahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food, sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!
Thank you.

Please DO NOT allow this development on Dillingham Ranch ,AG2 zoned property Once the project has started, there is no rewinding the process.

Thank you.

Respectfully
Phone: 806 737-7272

HHF PLANNERS
places for people

January 7,2019

Dear Participant:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

Thank you for your letter providing comments on the Draft Environmental Impact Statement (Draft EIS) for the proposed agricultural subdivision at Dillingham Ranch (Proposed Project). We have reviewed your comments and offer the following responses.

1. *We strongly oppose the Kennedy Wilson proposed development of the Dillingham Ranch in Mokulēʻia. It puts at risk one of the last pristine areas on the North Shore.*

Response: Your comment on the Proposed Project is acknowledged.

2. *With over 18,000 acres currently for sale on the North Shore, most zoned Ag 2. We are at great risk of continuing the abuse of Ag zoning laws, which remove vital farmlands that should instead be used for growing food, rather than oversized houses.*

Response: It is noted that the Applicant has complied with all laws pertaining to the proposed agricultural subdivision and will continue to do so. As part of its review of the Draft EIS (including Appendix H, which contains the Agricultural Plan), the Department of Agriculture provided comments in a letter dated February 22, 2018. As stated in that letter, "…*the Department of Agriculture believes that agricultural activities will be established on the property in compliance with State and City laws, ordinances, and plans*."

Agricultural Plan includes a section on Agricultural Impacts and Benefits, including the number of agricultural jobs that will be generated by the Proposed Project. The Proposed Project has many beneficial aspects, including the retention of equestrian activities, the palm tree plantation, cattle grazing and the mango orchard. In addition, the Proposed Project will add a hydroponic farming activity to the property, increase the size of the mango orchard and add approximately 100 acres to orchard crops. Taken in whole, the Proposed Project will significantly expand the production of food crops, retain existing agricultural activities and provide employment in the agricultural sector, while maintaining the rural ambience of the property and the region.

3. *We only have 6 days of food on Oʻahu should anything happen to halt transportation to this Island as happened on 9/11/2001. The great majority of small farmers who currently lease farmland to grow food sustain themselves and provide food to restaurants and residents could never afford the hundreds of thousands of dollars it costs to buy a two acre Ag 2 plot sold by these developers! Stop this development please!!*

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Response: Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawai'i, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls.

Section 2.3.4 and 4.7, and Appendix H of the Draft EIS discuss in detail the agricultural activities that will be retained, enhanced and added to the property to increase agricultural activities. This includes retention and expansion of equestrian activities, retention of the coconut palm plantation, retention of cattle grazing, expansion of the existing mango orchard, the addition of hydroponic farming activities and the addition of at least 100 acres of orchard crops to the property. In total, this will result in a significant increase in agricultural activities at the Ranch.

In recognition of the efforts of the landowner to increase agricultural activities, the State Department of Agriculture endorsed the Applicant's Agricultural Plan for the project (Appendix H of the Draft EIS), which is a requirement before the City Department of Planning and Permitting can approve the proposed subdivision.

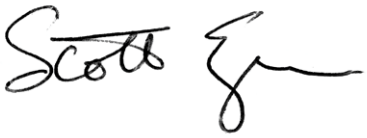
4. *Please DO NOT allow this development on Dillingham Ranch, AG2 zoned property. Once the project has started, there is no rewinding the process.*

Response: This comment should be directed to the Department of Planning and Permitting**.**

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners



Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

ROBERT LEBLOND
P.O. 761
WAIALUA, HI
96791

February 21, 2018

HHR Planners
733 Bishop Street
Suite 2590
Honolulu, HI 96813

To Whom It May Concern:

I must oppose the Kennedy Wilson planned development of Dillingham Ranch. There are many reasons this project is extremely ill advised. The loss of agricultural land cannot be supported. In addition, the possible contamination of our water supply, the overuse of our limited resources and the loss of habitat for endangered species make this proposal very inappropriate for this time and place.

There is so much to lose, now and forever. Save this agricultural zoned property for agricultural use. Please do not allow this development of Dillingham Ranch to go forward.

Sincerely,

ROBERT LEBLOND

February 21, 2018

HHR Planners
733 Bishop Street
Suite 2590
Honolulu, HI 96813

To Whom It May Concern:

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Sincerely, Matt Ruona

Matt Ruona
66-683 Haleiwa RD
Haleiwa HI 96712

February 21, 2018

HHR Planners
733 Bishop Street
Suite 2590
Honolulu, HI 96813

To Whom It May Concern:

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There is so much to lose, now and forever. Save this agricultural zoned property for agricultural use. Please do not allow this development of Dillingham Ranch to go forward.

Sincerely,

C. Titus 2/21/2018

Cyrus Yamanoha
PO Box 381
Waialua, HI 96791
February 21, 2018

HHR Planners
733 Bishop Street
Suite 2590
Honolulu, HI 96813

To Whom It May Concern:

I must oppose the Kennedy Wilson planned development of Dillingham Ranch. There are many reasons this project is extremely ill advised. The loss of agricultural land cannot be supported. In addition, the possible contamination of our water supply, the overuse of our limited resources and the loss of habitat for endangered species make this proposal very inappropriate for this time and place.

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Sincerely,

Cyrus Yamanoha

HHF PLANNERS
places for people

January 7, 2019

Dear Participant:

Dillingham Ranch Agricultural Subdivision
Draft Environmental Impact Statement
Mokulēʻia, Oʻahu, Hawaiʻi
Tax Map Key Parcels (1) 6-8-003:005, 006, 015, 019, 030, 031, 033, 035, 040 and (1) 6-8-002:006

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1. *I must oppose the Kennedy Wilson planned development of Dillingham Ranch. There are many reasons this project is extremely ill advised. The loss of agricultural land cannot be supported.*

Response: Section 2.3.4 and 4.7, and Appendix H of the Draft EIS discuss in detail the agricultural activities that will be retained, enhanced and added to the property to increase agricultural activities. This includes retention and expansion of equestrian activities, retention of the coconut palm plantation, retention of cattle grazing, expansion of the existing mango orchard, the addition of hydroponic farming activities and the addition of at least 100 acres of orchard crops to the property. In total, this will result in a significant increase in agricultural activities at the Ranch. In recognition of the efforts of the landowner to increase agricultural activities, the State Department of Agriculture endorsed the Applicant's Agricultural Plan for the project (Appendix H of the Draft EIS), which is a requirement before the City Department of Planning and Permitting can approve the proposed subdivision.

2. *In addition, the possible contamination of our water supply, …make this proposal very inappropriate for this time and place.*

Response: With respect to your general comment on possible water supply contamination, the Draft EIS discusses the safety of the aquifer which supplies drinking water in relation to the on-site private wastewater treatment plant to manage wastewater generated by the project. Section 4.11.3 and Appendix A of the Draft EIS describes the proposed wastewater treatment plant, including its design and maintenance. Wastewater will be treated to an R-1 (suitable for reuse as an irrigation source without restrictions), the highest level of treatment available for sewage effluent. Treated effluent will be pumped to an aboveground steel reservoir to be used for irrigation purposes. The design of the system must be in accordance with the City and County Design Standards of the Department of Wastewater Management Volumes 1 and 2, and Chapter 11-62 of the Hawaiʻi Administrative Rules pertaining to wastewater systems.

3. *… the overuse of our limited resources… makes this proposal very inappropriate for this time and place.*

Pacific Guardian Center | 733 Bishop Street, Suite 2590 | Honolulu, Hawaiʻi 96813
Telephone: 808.545.2055 | Facsimile: 808.545.2050 | www.hhf.com | email: info@hhf.com

Response: Chapter 5 of the Draft EIS discusses the relationship to land use plans, policies and controls of the State of Hawaiʻi, as well as the City and County of Honolulu. The Draft EIS concludes in Section 5 that the Proposed Project complies with each of these applicable plans, policies and controls.

4. *… and the loss of habitat for endangered species make this proposal very inappropriate for this time and place.*

Response: The Proposed Project is not expected to have a significant impact on endangered species. As discussed in Section 3.7 of the Draft EIS, four endangered water birds are known to inhabit a man-made pond near Farrington Highway that is a remnant of sand mining activities on the property dating to the 1970s and 1980s. These are: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt. This habitat is removed from the area where any construction activities will occur. There is currently vehicular traffic on the road adjacent to the pond (including Farrington Highway), and the birds are thriving in their current location. Mitigation measures for buffers and fencing in the vicinity of the pond to minimize impacts to these species are included in the Draft EIS at Section 3.7.3.

In addition to the endangered species identified on the Project Site, the Draft EIS discusses the below endangered species. A brief summary of the discussion for each species is below.

The ʻōpeʻapeʻa (Hoary bat), is also discussed in Section 3.7 of the Draft EIS. It should be noted that there have been several biological surveys of the property, including in 1992, 2008 and 2014. This species was not observed during any of these surveys, despite evening observance periods. However, the Draft EIS does provide a discussion of this species, as follows:

> *"…it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled."*

The Draft EIS offers the following recommendation to minimize impacts to the ʻōpeʻapeʻa in Section 7.3 of the Draft EIS: "*To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing."* This minimization effort is a standard measure endorsed by the U.S. Fish and Wildlife Service.

With respect to endangered plant species, the property has been surveyed numerous times (including most recently in 2017) in an effort to identify any endangered plants that might be affected by the proposed subdivision. The conclusion of the botanist was that "*The Proposed*

Project will not adversely affect any Federal or State-listed, proposed, and candidate endangered species, critical habitats, and species of special concern as none were identified within the Project Area."

With respect to the Pueo, it has not been observed during formal surveys. In his July 2014 report documenting a survey earlier that year, Dr. Philip Bruner reported:

> *"The only possible species that might on occasion forage in this area is the Short-eared Owl or Hawaiian Owl known as Pueo in Hawaiian (Asio flammeus sandwichensis). This species is listed as endangered by the State of Hawai'i on the island of O'ahu. They range over a wide variety of habitats including forest (both native and second growth) as well as agricultural/ranch lands. They nest on the ground in areas of tall grass (Pratt et al. 1987, Hawai'i Audubon Society 2005). The introduced Barn Owl (Tyto alba) is often mistakenly reported as a Pueo by those unfamiliar with the difference in appearance between these two species. Barn Owls forage at night whereas Pueo are active at dawn or dusk and occasionally at midday."*

In regard to native snails and butterflies (and other invertebrates), in response to many comments, an additional study was commissioned to investigate these species. Dr. Steven Montgomery conducted a study on the property between March and May 2018, and his findings have been added to the Final EIS in Section 3.7 and Appendix K. In summary, Dr. Montgomery did not identify any endangered invertebrate species on the property. The highest concentrations of native invertebrates are found at the higher elevations of property, at quite a distance from the property involved in the proposed subdivision. Dr. Montgomery concluded: "*No federally or state listed endangered species was found in this survey. No native species found in the lowland surveyed locations for the proposed project activity are known to be found only on this property."* Dr. Montgomery further explains*: "A special effort was made to find native snails, since West Oahu has many unique species mostly on the higher elevations. The snail fauna of Dillingham Ranch is now dominated by populations of adventive species, with only very small numbers of native Succinea and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees*." The Final EIS will be amended to include language describing this study and its results (language attached).

Approximately 53 acres in the western part of Dillingham Ranch was designated as critical habitat by the U.S. Fish and Wildlife Service. According to the Federal Register the area is occupied by four endangered plant species; *Bidens amplectens*, Hibiscus *brackenridgei*, *Nototrichium humile*, and *Schiedea kealiae*. Additionally, it has been designated as suitable habitat for species that do not currently reside in the area, including; Achyranthes splendens var. *rotundata*, *Bonamia menziesii*, *Chamaesyce celastroides* var. *kaenana*, *Euphobia haeleeleana*, *Gouania meyenii*, *G. vitifolia*, *Isodendrion pyrifolium*, *Melanthera tenuifolia*, *Neraudia* angulate, *Pleomele forbesii*, *Schiedea hookeri*, and *Spermolepis hawaiiensis*. This Critical Habitat on the far western side of the property, is about 1 mile removed from any development activity.

5. *There is so much to lose, now and forever. Save this agricultural zoned property for agricultural use. Please do not allow this development of Dillingham Ranch to go forward.*

Response: It is acknowledged you suggest that the proposed subdivision not be allowed to go forward. This comment should be directed to the Department of Planning and Permitting.

Thank you for your participation in this process. Your letter and this response will be included in the Final EIS. If you have any questions, please contact me by phone at 808-457-3158 or by email at sezer@hhf.com.

Sincerely,

HHF Planners

Scott Ezer, Principal

C: Joette Yago, Department of Planning and Permitting

were observed on the large pond. This endangered species was wiped out on Oʻahu and was subsequently reintroduced from Kauaʻi. Since its reintroduction to Oʻahu, feral Mallard Ducks (*Anas platyrhynchos*) have bred with *Koloa* so that most if not all present day *Koloa* are hybrids of these two species. A Northern Pintail Duck (*Anas acuta*) was recorded during a previous 1992 survey but not during the 2008 or 2014 surveys. This species breeds in Alaska and Canada and is a common winter migrant to Hawaiʻi. Domestic ducks of mixed parentage were common around both ponds.

Seabirds. No seabirds were observed during the 2014 survey. The Great Frigatebird or ʻIwa (*Fregata minor palmerstoni*) and White-tailed Tropicbird or Koaʻekea (*Phaethon lepturus dorotheae*) were recorded during the 2008 avifaunal survey. Wedge-tailed Shearwater (*Puffinus pacificus*) and Laysan Albatross (*Phoebastria immutabilis*) nest at the nearby Kaʻena Point Natural Area Reserve.

Migratory Shorebirds. No migratory shorebirds were recorded during the 2014 survey, due to the fact that they depart Hawaiʻi for their arctic/subarctic nesting grounds at the end of April and do not return until August/September. The 2008 avifaunal survey was conducted in January and recorded the three most common migratory shorebirds that come to Hawaiʻi: Pacific Golden-Plover or Kolea (*Pluvialis fulva*), Ruddy Turnstone or Akekeke (*Arenaria interpres*) and Wandering Tattler or Ulili (*Heteroscelus incanus*). All of these migratory shorebirds are protected by the Migratory Bird Treaty Act. They are not listed as threatened or endangered.

Alien (Introduced) Birds. A total of 22 alien species were recorded during the 2014 survey compared to 26 species in 2008 and 17 species in 1992. The names of these species and their occurrences during the 1992, 2008, and 2014 surveys are included in Appendix D. The array of alien birds is typical for this type of habitat in this part of Oʼahu.

Feral Mammals**.** The only feral mammals observed during the 2014 survey were pigs (*Sus scrofa*), cats (*Felis catus*), and Small Indian Mongoose (*Herpestes auropunctatus*). Roof Rat (*Rattus rattus*) and House Mouse (*Mus musculus*) likely occur in this area. The endangered Hawaiian Hoary Bat or Opeʻapeʻa (*Lasiurus cinereus semotus*) was not observed during the 2014 survey. This solitary species roosts in exotic and native woody vegetation and will leave their young unattended in "nursery" trees and shrubs when they forage. They are not restricted to native forests, but can be seen foraging for flying insects in urban and agricultural areas as well as over bays and ponds.

The findings of the 2014 avifaunal and feral mammal survey note that Dillingham Ranch has been altered from its natural state by years of agricultural and ranching activity. While no native land birds were observed during the field survey, four species of endangered native waterbirds were observed (Hawaiian Coot, Hawaiian Common Moorhen, Hawaiian Duck, and Black-necked Stilt). The endangered Hawaiian Owl was not seen during the survey but could occur in the area. The endangered Hawaiian Hoary Bat was not observed and is not frequently seen on Oʻahu. The most important habitat feature on Dillingham Ranch are the ponds. See Figure 12 (Wetland Areas at Dillingham Ranch). The four species of Hawaiian waterbirds are endangered due to the loss of wetlands throughout the State of Hawaiʼi. Even relatively small ponds such as those on the Subject Property are important to the continual existence of these species.

Invertebrates. Dr. Steven Montgomery conducted a survey of invertebrate resources within the Proposed Project. His findings are summarized below, and his full report is attached as Appendix K.

The invertebrate survey was conducted between March and May 2018. The primary purpose of the survey was to determine the presence or absence of any endemic or indigenous species within the

Proposed Project, especially any species with legal status under federal or state threatened or endangered species statutes. The survey yielded predominantly adventive invertebrate species and 31 native arthropods and four native mollusks. No threatened or endangered species were found. A special effort was made to find native snails, since west Oʻahu has many unique species, mostly at higher elevations. The snail fauna of the Project Site is now dominated by populations of adventive species, with only very small numbers of *Succinea* and patches of micro-snails grazing upon native ferns perched on very large boulders or in trees.

Survey methods included: (1) host plant searches; (2); sweep nets; (3) visual observations; and (4) light (night) sampling. Light sampling is vital to a complete survey record because many insects are only active at night. This type of collecting is most successful during the dark phases of the moon. Five (5) periods of light sampling took place for this survey over two months, and in various locations within the Project Site.

3.7.2 Potential Impacts

On March 3, 2017, planners and biologists representing the Applicant met with the USFWS to discuss the Proposed Project and potential impacts to avian and mammalian species. Wildlife that could be potentially affected by the Proposed Project were identified by the USFWS and include the following: (1) Hawaiian Duck; (2) Hawaiian Common Moorhen; (3) Hawaiian Coot; (4) Black-necked Stilt; (5) Oʻahu ʻElepaio (*Chasiempis ibidis*); and (6) Hawaiian hoary bat. The first four species are waterbirds and are usually associated with, and in close proximity to water features of one kind or another. Oʻahu ʻElepaio is a forest dwelling passerine, and the bat is a solitary tree roosting, over-dispersed bat species.

During previous avian surveys conducted at Dillingham Ranch, Bruner (2008, 2014) recorded the four preceding waterbird species, and documented nesting by coots and moorhen. No Oʻahu ʻElepaio were recorded during any of those surveys as this species is currently confined to higher elevations in the Waiʻanae and Koʻolau mountains with no known extant population found within or close to the Dillingham Ranch (VanderWerf et al., 2013). The Proposed Project is not expected to have an adverse impact upon this protected species or the unoccupied federally-designated Unit 1 Critical Habitat for the Oʻahu ʻElepaio which is located approximately 1,500 meters upslope from the Project Site.

No Hawaiian hoary bats were recorded by Bruner during his previous surveys in 2008 and 2014. However, it is likely that Hawaiian hoary bats overfly the Project Area on a seasonal basis. Vegetation clearing and grubbing during construction could potentially impact Hawaiian hoary bats within the Project Area. The removal of trees may temporarily displace individual bats that roost in trees. As these bats use multiple roosts within their home territories, the disturbance resulting from the removal of vegetation is likely to be minimal. However, during the pupping season, females carrying their pups may be less able to rapidly vacate a roosting site if the tree is felled. Adult female bats sometimes leave their pups in the roost tree while they forage. Very small pups may be unable to flee a tree that is being felled.

Invertebrates. No federal or state listed endangered species were found during the survey. No native species found within the Proposed Project area are known to be found only on this property.

3.7.3 Mitigation Measures

To minimize impacts to the Hawaiian hoary bat, woody vegetation taller than 4.6 meters (15-feet) will not be removed between June 1 and September 15, the period in which bats are potentially at risk from vegetation clearing.